

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 - JUNE 21, 2021

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

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

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, June 21, 2021 at 5:00 PM.
This meeting will take place remotely using Zoom.
Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.
Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

Or iPhone one-tap :

**US: +13017158592,,85621497951#,,,,*206775# or
+13126266799,,85621497951#,,,,*206775#**

Or Telephone:

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

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

Webinar ID: 856 2149 7951

Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/khadnBmg9>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the June 7, 2021 Draft City Council meeting minutes

PROCLAMATIONS:

Proc 17-20/21 Declaring June 21, 2021 Risbara's Greenhouse Day - Sponsored by Kate Snyder, Mayor

Proc 18-20/21 Recognizing the Contributions of Stephen Gove, Executive Director of the Maine Municipal Association - Sponsored by Kate Snyder, Mayor

CONSENT ITEMS:

Order 284-20/21 Declaring July 4, 2021 the July 4th Fireworks Festival - Sponsored by Jon P. Jennings, City Manager

The City of Portland plans to host a fireworks display on July 4, 2021. The display will be held on the Eastern Promenade with the fireworks set to go off at approximately 9:15 p.m. The rain date is scheduled for Monday July 5, 2021.

In an effort to not encourage a mass gathering, there will be no musical performance, VIP area, or ticketed element to this year's celebration. The City will not be providing or managing food vendors as it has in the past.

The festival will run from 6:00 a.m. to 11:00 p.m. Fireworks will be launched from the East End Trail. The trail will be closed from Cutter Street to the Water Treatment Plant from 6:00 a.m. until deemed safe by City staff (approximately 11:00 p.m.). In the event of rain, trail closings would be in effect until Monday July 5, 2021.

Order 285-20/21 Setting a Public Hearing on Citizen Initiative Amendment to Portland City Code Re: Emergency Shelters for 50 or Fewer Only - Sponsored by Katherine L. Jones, City Clerk

This order sets a public hearing for the Citizen Initiative Amendment to the Portland City Code Chapter 14 Section 6.5.6 Supplemental Use-specific conditional use Standards, 6.6.6. (B) Emergency Shelters on July 19, 2021 at 5:30 p.m.

This proposed amendment requires all new emergency shelters to be open 24 hours per day and, except for family and domestic violence shelters, provide shelter to no more than 50 individuals at a time. It also removes several requirements that are not suitable across all types of shelters.

**Order 286-20/21 Appointing Constables for Park, Recreation & Facilities -
Sponsored by Jon P. Jennings, City Manager**

This order appoints Kyle Jensen, Victoria Vouk, Michael Vincent, Matthew Erickson, and Matthew Hagopian, Park Rangers at the Parks, Recreation & Facilities Department, constables for the 2021 calendar year.

These constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

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

LICENSES:

Order 287-20/21 Granting Municipal Officers' Approval of Ganesha Ambrosia, dba Hi Bombay. Application for a Class I FSE at 1 Pleasant Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 5/18/2021. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 288-20/21 Granting Municipal Officers' Approval of Commercial Street Pub Inc., dba Commercial Street Pub. Application for a Class A Lounge at 129 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 5/24/2021. New City and State applications. Applicant currently holds a Class XI FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 289-20/21 Granting Municipal Officers' Approval of Portland House of Music and Events, LLC, dba Portland House of Music and Events. Application for a Combined Entertainment at 25 Temple Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 5/27/2021. New City and State applications. Applicant currently holds an Auditorium License with Combined Entertainment and Outdoor Dining on Public Property. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

Order 290-20/21 Granting Municipal Officers' Approval of El Luchador Holdings LLC, dba Terlingua. Application for Outdoor Entertainment at 40 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Application was filed on 6/1/2021. New City applications. Applicant currently holds a Class I FSE at this location.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 29-20/21 Communication re: the Portland Revaluation - Sponsored by Jon P. Jennings, City Manager

UNFINISHED BUSINESS:

Order 261A-20/21 Traffic Schedule Amendment Re: New 30-Minute Parking Spaces at 132 Marginal Way - Sponsored by Jon P. Jennings, City Manager

As part of improvements to 132 Marginal Way, a private developer is updating the upper floors of the current multi-use building to 1-and 2-bedroom units, and desires more turnover spaces on-street for first-floor commercial space. The requested Council action would allow the development to add seven (7) 30-minute parking spaces to an area that is currently an esplanade.

After a June 7, 2021 postponement, Forestry staff reviewed the plans' proposed removal of mature trees to facilitate the additional parking space. Staff recommend against the removal of these trees due to their size and age, as well as the impossibility of growing similarly-sized, replacement trees in a smaller grow-space.

This item must be read on two separate days. It received its first reading on May 17, 2021. On June 7, 2021, the Council unanimously voted to postpone the Order to the June 21, 2021 meeting. Five affirmative votes are required for passage after public comment.

Written Public Comment(s) Received

Order 278-20/21 Approving and Authorizing Maine Department of Transportation and City of Portland Land Exchange Agreement Re: International Marine Terminal - Sponsored by Councilor Spencer Thibodeau, Chair, Housing & Economic Development Committee

This item would approve the Land Exchange Agreement between the Maine Department of Transportation (MaineDOT) and the City. On May 18, the Housing & Economic Development Committee voted (4-0) to recommend approval of this agreement to the City Council.

The City and MaineDOT properties are determined to be of equivalent value, so no money will change hands. This agreement provides for an exchange as follows:

City of Portland Properties to Exchange with MaineDOT

International Marine Terminal Property: Currently leased to the Maine Port Authority.

Cliff Island Wharf: The State owns all public wharfs in Casco Bay. Transferring this responsibility to the State relieves the City of all financial maintenance responsibility for this Wharf in the future.

MaineDOT Properties to Exchange with the City

Wye Property along County Way: This is a 10-acre site with known environmental issues, which City staff feel can be managed to support site development in the future. Land of this size on the Peninsula is scarce.

Park & Ride Lot (on Marginal Way, adjacent to Miss Portland Diner): The City's intended future use of this property is to support transportation activities.

Former Union Branch Rail Corridor (from Forest Avenue to Park Street, including the railroad bridge): City ownership and MaineDOT commitment to construct a multi-use trail will complete a major trail connection throughout the City.

The Maine Port Authority (MPA) and MaineDOT began leasing the International Marine Terminal (IMT) from the City in 2009. Since that time, the MPA and MaineDOT have dramatically expanded the footprint of the IMT by acquiring adjacent property and have constructed numerous improvements. In 2018, MaineDOT approached the City regarding this land exchange.

This item must be read on two separate days. It received its first reading on June 7, 2021. Five affirmative votes are required for passage after public comment.

Written Public Comment(s) Received

Order 279-20/21 Approving Modification Three to an Agreement between Portland and the Maine Department of Transportation re: Congress Street Traffic Signals - Sponsored by Jon P. Jennings, City Manager

This project is a Locally Administered Project (LAP) where the City administers the project and receives funding from the State. It will modernize the traffic control architecture to the newest standard available along Congress from Fore River Parkway to Stevens Avenue.

Due to the cost of the awarded bid, the Portland Area Comprehensive Transportation System (PACTS) is providing an additional \$127,800 toward the project and the City is providing an additional \$255,839.

This item must be read on two separate days. It received its first reading on June 7, 2021. Five affirmative votes are required for passage after public comment.

Order 282-20/21 Amendment To Zoning Map from B-1 to B-2b for Jeffrey Curran at 163 Washington Avenue - Sponsored by Brandon Mazer, Chair, Portland Planning Board

The applicant seeks a zoning map amendment for a property at 163 Washington Avenue. The property is currently zoned B-1 Neighborhood Business; the application seeks a zoning change to B-2b Community Business.

At their April 13 Public Hearing, the Planning Board voted unanimously to not recommend to the City Council adoption of the zoning map amendment for 163 Washington Avenue from B-1 Neighborhood Business to B-2b Community Business.

The applicant seeks this map amendment to allow for the conversion of the first floor in the existing building at 163 Washington Avenue into a brewery with a tasting area, which is not a permitted use in the B-1 zone.

The Planning Board determined that the proposed zoning map amendment was not consistent with the Comprehensive Plan for the City of Portland (0-7).

This item must be read on two separate days. It received its first reading on June 7, 2021. Five affirmative votes are required for passage after public comment.

Written Public Comment(s) Received

ORDERS:

Order 291-20/21 Appropriating \$400,000 in Home Investment Partnership Program Funds to Equinox Housing Partners LP RE: 73 Winter Street - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing and Economic Development Committee met on May 4, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) in partnership with Portland Housing Development Corporation is proposing to construct 43 rental units for family housing at 73 Winter Street and is requesting \$400,000 in HOME funding at 0% interest rate loan deferred for 30 years. The partnership would be called Equinox Housing Partners LP.

The project would include 6 efficiencies apartments, 15 one-bedroom, 13 two-bedroom, and 9 three-bedroom apartments. 26 units (or 60%) would be reserved for households earning at or below 50% of the area median income and 17 (or 40%) would be reserved for households earning at or below 60% of the area median income. Ten (10) units would be set aside for women and families working on all aspects of recovery through Northern Light Mercy Hospital's McAuley Residence program. The units would have affordability restrictions through the HOME program.

The income limit for a one-person household at 50% AMI is \$35,000. The income limit for a one-person household at 60% AMI is \$42,000.

An Affordable Housing Tax Increment Financing request and a Credit Enhancement Agreement (CEA) are being considered in the items below.

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

Order 292-20/21 Designating the 73 Winter Street Affordable Housing Development District and Adopting the Municipal Development Program for the District- Sponsored by Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

During a meeting held on May 4, 2021, the Housing and Economic Development voted (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) in partnership with Portland Housing Development Corporation is proposing to construct 43 affordable apartments at 73 Winter Street and is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District (AHTIF) and Credit Enhancement Agreement (CEA) to assist with the cost of construction of the project. The partnership would be called Equinox Housing Partners LP.

CHOM has requested two forms of financial assistance: \$400,000 in Affordable Housing Development funding, and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value, currently estimated at a 30-year annual average of \$44,581, with an estimated total of \$1,337,426 in captured increased assessed value tax revenue returned to the project/developer to off-set project operating costs. The proposed project would be taxable with an estimated annual assessment of \$4,300,000 and estimated annual tax of \$71,000 at the current 21FY millage rate. The remaining increased taxable value, currently estimated at a 30-year annual average of \$44,581 with an estimated total of \$1,337,426, would be non-captured general fund revenue.

See previous order for additional information on project affordability.

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

Order 293-20/21 Approving the Credit Enhancement Agreement with Equinox Housing Partners LP - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

During a meeting held on May 4, 2021, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the orders above.

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

**Order 294-20/21 Appropriating \$200,000 in HOME Investment Partnership Program Funds and Housing Trust Funds to Winter Landing Housing Partners LP
RE: 91 Winter Street - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair**

The Housing and Economic Development Committee met on May 4, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) in partnership with Portland Housing Development Corporation, under the entity name Winter Landing Housing Partners LP, is proposing to construct 52 one-bedroom affordable rental units for adults aged 55 and over at 91 Winter Street. CHOM is requesting \$200,000 through the Affordable Housing Development Program, which includes Housing Trust Funds and HOME funding at 0% interest rate loan deferred for 30 years. The partnership would be called Winter Landing Housing Partners LP.

A separate Affordable Housing Tax Increment Financing request and a Credit Enhancement Agreement (CEA) are being considered in the following orders.

The project would be comprised of 52 one-bedroom apartments. Of those units, 32 (or 62%) would be reserved for households earning at or below 50% of the area median income and 20 (or 38%) would be reserved for households earning at or below 60% of the area median income. Fifteen (15) units would be set aside for homeless individuals referred by the City with a focus on those individuals that have been staying at the shelter for longer than 180 days. The units would have affordability restrictions through the HOME program.

The income limit for a one-person household at 50% AMI is \$35,000. The income limit for a one-person household at 60% AMI is \$42,000.

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

Order 295-20/21 Designating the 91 Winter Street Affordable Housing Development District and Adopting the Municipal Development Program for the District - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

During a meeting held on May 4, 2021, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) in partnership with Portland Housing Development Corporation, under the entity name Winter Landing Housing Partners LP, is proposing to construct 52 one-bedroom affordable rental units for adults aged 55 and over at 91 Winter Street and is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District (AHTIF) and Credit Enhancement Agreement (CEA) to assist with the cost of construction of the project. The partnership would be called Winter Landing Housing Partners LP.

CHOM has requested two forms of financial assistance: \$200,000 in Affordable Housing Development funding, and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value, currently estimated at a 30-year annual average of \$49,133, with an estimated total of \$1,473,978 in captured increased assessed value tax revenue returned to the project/developer to off-set project operating costs. The proposed project would be taxable with an estimated annual assessment of \$4,700,000 and estimated annual tax of \$78,000 at the current 21FY millage rate. The remaining increased taxable value, currently estimated at a 30-year annual average of \$49,133, with an estimated total of \$1,473,978 would be non-captured general fund revenue.

See the previous order for additional information on project affordability.

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

Order 296-20/21 Approving the Credit Enhancement Agreement with Winter Landing Housing Partners LP - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

During a meeting held on May 4, 2021, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order the order above.

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

Order 297-20/21 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 73 Winter Street and 91 Winter Street Affordable Housing Tax Increment Financing Districts - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing and Economic Development Committee met on May 4, 2021 and voted unanimously (4-0) to recommend to City Council approval of this item.

This item amends the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (TOD TIF) by removing 73 Winter Street and 91 Winter Street from the District. This allows those properties to be their own free-standing Affordable Housing TIF Districts to support the proposed affordable housing projects.

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

Order 298-20/21 Adopting Development Program for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Portland Downtown District (PDD) was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization is needed to establish the PDD special assessments and approve related documents.

For FY2022, City Council authorization is needed for the continued operation of PDD. Relevant actions/documents include: (1) adopting the Development Program for the PDD; (2) assessing Maintenance and Implementation Assessments in the PDD; and, (3) authorizing the Agreement for work to be done by Portland Downtown and work to be done by the City.

The budget for PDD is funded largely from special assessments on all real estate in the current district to fund the PDD development program expenses for FY2022. The proposed mill rate to raise this assessment will be determined once the revaluation assessment values are in, some time during the first quarter of FY2022. It is noted that the PD Assessment mill rate for FY2021 was \$1.05 per \$1,000 of assessed valuation to raise the funds for PD's FY2021 budget of \$1,036,500; the budget will remain the same for FY2022.

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

Order 299-20/21 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is a companion order with the above.

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

Order 300-20/21 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is a companion order with the two previous orders.

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

Order 301-20/21 Approving the Second Letter Agreement with Developers Collaborative for the Homeless Service Center on Riverside Street - Sponsored by Jon P. Jennings, City Manager

On June 15, 2021, the Housing & Economic Development Committee voted 4-0 to recommend the approval of this agreement to the City Council.

This agreement will formalize the City and Developers Collaborative's (DC) partnership in the design process for the proposed Homeless Services Center (HSC), including seeking financing and land use approvals. DC shall arrange for and shall supervise the entire permitting, design and city development regulatory approval process for the HSC.

For DC's services for design, and obtaining financing and land use approvals, DC shall earn a development fee of \$250,000, which is significantly below market for projects of this scope. The Development Fee shall be paid at the time the ground lease and master leases are executed and the Project closes on its construction financing, anticipated by December 31, 2021 unless the Second Agreement is terminated.

In the event the Second Letter Agreement is terminated, DC and their independent contractors shall be reimbursed actual expenses to date, plus a percentage of the development fee per the Second Agreement. It is noted that prior to the developer entering into any contract or agreeing to any amount of work to be performed on the HSC, such contract and/or work shall be approved in writing by the City Manager.

On May 18, the Housing & Economic Development Committee selected Developers Collaborative to be the developer for the Riverside Street HSC. At the Committee's June 1, 2021, meeting, the First Letter Agreement was recommended to the City Council for approval; the Council granted the approval on June 7, 2021.

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

AMENDMENTS:

Order 302-20/21 Amendment to Zoning Map Re: R-2 Zone to R-3 Zone at 165 Lambert Street - Sponsored by the Planning Board, Brandon Mazer, Chair

On June 8, 2021, the Planning Board voted 4-0 (Dundon, Smith, and Chann absent) that proposed zoning text amendment (to permit food service as part of a neighborhood center) is consistent with the Comprehensive Plan for the City of Portland.

Maine Cooperative Development Partners is requesting the City Council rezone an approximately 13-acre parcel of land located at 165 Lambert Street from R-2 to R-3 Residential, and amend Articles 3, 6 and 7 of the Land Use Code with respect to uses permitted under 'place of assembly', as well as dimensional and site configuration requirements for a Planned Residential Unit Development (PRUD). These actions would facilitate the development of City-owned property in accordance with a Request for Proposals (RFP) released in June of 2020, soliciting proposals for an environmentally sensitive, age-inclusive and affordable housing proposal at this location. The map amendment is being requested to allow for higher density multi-family housing in the form of a PRUD, and associated text amendments are being requested to minimize the environmental impact of the development and permit ancillary food service as part of a neighborhood center use. As part of this application, the City of Portland is requesting that 22 additional properties located within a two-block area, bounded by Summit Street, Lambert Street, Auburn Street and the City of Portland Municipal Boundary, also be rezoned from R-2 to R-3 Residential.

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

Order 303-20/21 Amendment to Portland City Code Chapter 14 Re: Neighborhood Center Definition and PRUD Open Space and Dimensional Provisions - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On June 8, 2021, the Planning Board voted 4-0 (Dundon, Smith, and Chann absent) that proposed zoning text amendment (to permit vertical unit configurations in Planned Residential Unit Developments (PRUDs) within all zones where PRUDs are permitted) is consistent with the Comprehensive Plan for the City of Portland.

At a public hearing on June 8, 2021, the Planning Board voted 4-0 (Dundon, Smith, and Chann absent) that proposed zoning text amendment (to allow for different common open space forms and configurations within PRUDs) is consistent with the Comprehensive Plan for the City of Portland.

On June 8, 2021, the Planning Board voted 4-0 (Dundon, Smith, and Chann absent) that the proposed zoning text amendment (to change the Neighborhood Center definition to accommodate food service) is consistent with the Comprehensive Plan for the City of Portland.

This is a companion order to the above.

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

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