

AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2014

1. City Council Meeting Agenda October 6, 2014

Documents: [AGENDA ONLY 10-06-14.PDF](#)

2. City Council Meeting Agenda And Packet October 6, 2014

Documents: [AGENDA 2014-10-06.PDF](#)

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2014

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) September 15, 2014

PROCLAMATIONS:

Proc 7-14/15 Proclamation Honoring Paul “Chuck” Fagone, Planning & Urban
(Tab 2) Development Department, as Employee of the Month for September
2014.

APPOINTMENTS:

CONSENT ITEMS:

Order 61-14/15 Order Amending Traffic Schedule Re: Fore Street – Sponsored by the
(Tab 3) Transportation, Sustainability and Energy Committee, Councilor David
A. Marshall, Chair.

The management of the Hyatt Place Hotel, located at the corner of Fore and Union Streets are requesting that from 100 feet to 140 feet from Fore Street on the east side of Union Street be changed from two-hour metered parking to a commercial loading zone.

The Transportation, Sustainability and Energy Committee met and voted 4-0 to forward this item to the City Council for approval.

**Order 62-14/15
(Tab 4)**

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Residents and business owners of the East Bayside neighborhood are requesting to change the south side of Fox Street between the North Boyd Trail to Anderson Street from unrestricted to two-hour parking. The area in question begins at a utility pole approximately 85 feet east of the Boyd Street path and extends approximately 510 ft. to a utility pole 110 feet from the intersection of Fox Street and Anderson Street or just over 25 standard city parking spaces.

The unrestricted parking in the area described has hindered users of the Kennedy Park area from finding on-street parking, and many drivers have turned to private business lots along the north side of Fox Street, as well as other on-street areas in the neighborhood, as long haul trucks often park on this portion of Fox Street for long periods of time.

The Transportation, Sustainability and Energy Committee met on September 17th and voted 4-0 to forward this item to the City Council for approval.

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(Tab 5)**

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The management of Congress Square Apartments is requesting a 15-minute parking space be established on the west side of Forest Avenue, 230 feet from Congress Street running northerly to 250 feet from Congress Street.

Currently, 100 feet from 150 feet north of Congress to 250 feet is marked as a “No Parking/Bus Stop”. There is room to reduce this area to 80 feet and add a 15-minute parking space. There remains an additional 25 feet for a bus pullout area so METRO operations will remain intact.

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(Tab 6)**

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This order appoints her to the positions on boards and committees formerly held by Mark Rees. This order also appoints Acting Finance Director Suzanne Knight to the Board of EcoMaine.

**Order 65-14/15
(Tab 7)**

Order Setting Time for Opening of Polls for Election on November 4, 2014 – Sponsored by Katherine L. Jones, City Clerk.

Pursuant to 21-A M.R.S.A. §621, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 A.M. and close at 8:00 P.M.

**Order 66-14/15
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This order authorizes the City Council to approve the transfer of \$580.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Robert Burton, Sr. This money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. Money in that account is used primarily for drug investigations, training, and equipment.

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

LICENSES:

**Order 69-14/15
(Tab 11)**

Order Granting Municipal Officers' Approval of JMV Associates d/b/a Keeley's Banquet Center at 178 Warren Avenue. Application for a Class I FSE License with Entertainment with Dance – Sponsored by Katherine L. Jones, City Clerk.

Application filed 9/12/2014. New City and State Applications. Currently holds FSE with Preparation and Entertainment with Dance License.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 2-14/15
(Tab 12)**

Communication RE: Buffer Zone Alternatives – Sponsored by the Public Safety and Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.

The Public Safety, Health and Human Services Committee held its regularly scheduled meeting on Tuesday, September 9, 2014 at 5:30pm in Room 209 at City Hall. Buffer Zone Alternatives were listed as number two on the agenda with possible committee action.

The purpose of this communication is to let the full Council know the PSHHS Committee did not take action on this item. The Committee requested additional analysis and research of alternatives be completed by Corporation Counsel. The Committee will review the resulting material and intends to report back to the full Council by the end of October 2014.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 60-14/15
(Tab 13)**

Order Authorizing and Approving Wage Increase for City Clerk and Corporation Counsel) - Sponsored by Mayor Michael F. Brennan.

As specified in and authorized by the City Charter and City Non-Union Personnel Policy and after City Councilors reviewed the performance of two of their three direct appointees, Corporation Counsel Danielle West-Chuhta and the City Clerk Katherine Jones, the full city Council recommends a retroactive 4% pay increase for both. This includes a 1% cost of living increase and a 3% step increase for each appointee.

This item must be read on two separate days. It was given a first reading on September 15th. City staff recommends that this order be enacted as an emergency so that it will go into effect immediately. Seven affirmative votes are required for passage after public comment.

ORDERS:

Order 70-14/15 (Tab 14)

Order Approving Lease Agreement for Barge Landing by and between City of Portland and Diamond Cove Homeowners Association - Sponsored by Sheila Hill-Christian, Acting City Manager.

City staff has been working closely with representatives of Diamond Cove Homeowners Association to establish a 99-year lease of property owned by the Association for the purpose of a new barge landing. Funds are available for this project through the FY14 and 15 CIP.

The current landing site is comprised of stone and gravel. This surface makes it difficult to land equipment. The conditions also make landings impossible except at times very close to high tide. The barge landing site is used by City operations including the Department of Public Services and the Fire Department.

It is also used by residents of Great Diamond Island and by contractors doing work on the island. An improved landing will facilitate landing by all parties and allow landings at times beyond mean high tide.

Overall, building a barge landing will improve access to Great Diamond Island for residents, emergency responders and Department of Public Services operation staff.

Five affirmative votes are required for passage after public comment.

Order 71-14/15 (Tab 15)

Order Approving Annual Adjustments to the Community Development Block Grant (CDBG) Program & Process – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

This order approves several procedural changes to the CDBG allocation process. These changes are requested in an effort to improve the process and address issues raised through the FY 2014-2015 allocation process.

Each year, Housing and Community Development staff reviews the CDBG Program allocation process and if necessary, suggests changes to the CDBG allocation process which must be approved by the City Council. The staff review includes comments and suggestions of the CDBG Allocation Committee. Any changes or recommendations are presented to the Council's Housing and Community Development Committee for approval prior to submission to the City Council.

Based on the recommendation of the CDBG Allocation Committee, staff initially recommended to the Housing and Community Development Committee the elimination of all bonus points. However, the Housing and Community Development Committee voted 2-1 to amend the recommendation to allow bonus points for child care and subsequently voted 3-0 to forward the following amended recommendations to Council:

1. One CDBG specific meeting in a central location (with outreach to residents of all CDBG eligible neighborhoods) and the inclusion of a discussion of the CDBG program at the annual District 1, 2 and 3 meetings.
2. Eliminate the Basic Needs bonus points; retain the Child Care bonus points.
3. Preserve the set-aside for Community Policing and the Economic Development Program.
4. Direct potential businesses from applying for CDBG funds through the annual application process and instead channel them to apply through the already funded CDBG economic development programs.

The Housing and Community Development Committee met on September 24, 2014 and voted 3-0 to forward this item to the City Council with a recommendation for passage, as amended.

Five affirmative votes are required for passage after public comment.

**Order 72-14/15
(Tab 16)**

Order Designating Anne Freeman House at 147 Congress Street as a Landmark - Sponsored by the Historic Preservation Board, Rick Romano, Chair.

The Historic Preservation Board is recommending that the Ann Freeman House at 147 Congress Street be designated as an individual Landmark subject to the protections of the City's historic preservation ordinance (Article IX of the Land Use Code.) Current property owners Karen Rasmussen and Manuel Pena nominated their property for designation by written petition to the City's historic preservation office. (Under the provisions of Portland's ordinance, a landmark nomination may be initiated by the affected property owner.)

Circumstances require that Ms. Rasmussen and Mr. Pena move from Munjoy Hill and sell the circa 1857 brick residence they have restored; as they leave their property they are seeking a means to ensure its preservation into the future.

As noted above, the owners of the property nominated their own residence for landmark designation in order to provide for its long-term preservation. Designation under the provisions of Portland's historic preservation ordinance will protect the 1857 residential structure from demolition (unless future owners can meet the ordinance's economic hardship standards) and provide a review process to ensure that alterations and additions to the building are reviewed and approved according to the ordinance's review standards.

In reviewing the nomination, the Historic Preservation Board found that the Freeman House meets the ordinance's minimum criteria for designation (Sec. 14.610 (a) 1 & (a) 4 as an architecturally notable structure within the context of the Munjoy Hill neighborhood and one of a handful of buildings on the hill that survived the Great Fire of 1866. They also found that the Freeman House exhibits the required "integrity of location, design, condition, materials and workmanship" to make it worthy of preservation (Sec. 14-611). In recommending the landmark designation, the Historic Preservation Board also notes the building's location across the street from the Portland Observatory as well as its visual prominence on the Congress Street spine of Munjoy Hill. In forwarding this recommendation for designation, the Historic Preservation Board wishes to formally commend the owners of the Freeman House for their sense of stewardship and initiative to preserve an important historic resource on Munjoy Hill.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 73-14/15
(Tab 17)**

Amendment to Portland City Code Chapter 14. Land Use Re: New R-6A Zone – Sponsored by the Planning Board, Stuart O'Brien, Chair.

The Park Danforth submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue in order to support the applicant's plans to develop forty-six (46) new independent housing units for persons aged 55 and over. The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block (except for one lot, held under separate ownership) to the Residential R6 zone.

The Planning Board held two workshops on this item on July 22, 2014 and August 12, 2014. The public hearing was held on September 9, 2014. After considering the applicant's proposal at two workshops (July 22 and August 12), the Planning Board expressed interest in creating a new zone, Residential R-6A, with map and text amendments that would support housing on larger scaled parcels that are located off the peninsula and along major arterials.

At the September 9, 2014 public hearing, the Planning Board voted unanimously (7-0) to find the proposed R-6A text amendments with a maximum building height of 65 feet and the text amendments to Division 20, Off-Street Parking, for one space per unit in R-6 zones are consistent with the comprehensive plan and recommended adoption of the Text Amendments to the City Council. The Board voted unanimously (7-0) to find the proposed R-6A map amendments for the Deering Pavilion Site and the entire block for Park Danforth are consistent with the comprehensive plan and recommended adoption of the two map amendments to the City Council.

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

**Order 74-14/15
(Tab 18)**

Amendment to Zoning Map Re: Park Danforth (777 Stevens Avenue) and Deering Pavilion (880 Forest Avenue) – Sponsored by the Planning Board, Stuart O'Brien Chair

This order is a companion order to Order 73-14/15 above.

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LICENSE RENEWALS:

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LICENSE RENEWALS:

Tab 1 10/6/14

IN COUNCIL REGULAR MEETING SEPTEMBER 15, 2014 VOL. 130 PAGE 19

ROLL CALL: Mayor Brennan called the meeting to order at 7:15 P.M. (Councilor Leeman absent, Councilor Hinck arrived before the approval of the minutes).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Duson for approval of the September 3, 2014 City Council minutes. Passage 8-0.

PROCLAMATIONS:

Proc 6-14/15 Proclamation Honoring Officer Michael Bennis as Officer of the Month for July, 2014 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

CONSENT ITEMS:

Order 54-14/15 Order Declaring 23rd Annual Maine Marathon/Relay and Half Marathon – Sponsored by Sheila Hill-Christian, Acting City Manager.

Order 55-14/15 Order Declaring 2014 Veterans' Day Parade and Ceremony as a Festival – Sponsored by Sheila Hill-Christian, Acting City Manager.

Order 56-14/15 Order Granting Easement to Portland Water District – Sponsored by Danielle West-Chuhta, Corporation Counsel.

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

LICENSES:

Order 57-14/15 Order Granting Municipal Officers' Approval of Huong Thi Thu Le d/b/a Huong's Vietnamese Restaurant at 267 St. John St. Application for a Class III & IV (Wine and Beer) License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Duson and seconded by Councilor Suslovic for passage. Passage 8-0.

IN COUNCIL REGULAR MEETING SEPTEMBER 15, 2014 VOL. 130 PAGE 20

Order 58-14/15 **Order Granting Municipal Officers' Approval of Suzukiya LLC d/b/a Ramen Suzukiya at 229 Congress St. Application for a Class III & IV (Wine and Beer) License with Entertainment without Dance and Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Duson and seconded by Councilor Suslovic for passage. Passage 8-0 .

BUDGET ITEMS:

COMMUNICATIONS:

Com 1-14/15 **Communication Re: Appointment of Reed School Re-Use Task Force Sponsored by Mayor Michael F. Brennan and Council Kevin J. Donoghue.**

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 25-14/15 **Order Approving the Collective Bargaining Agreement with Police Superior Officers Benevolent Association (PSOBA) – Sponsored by Sheila Hill-Christian, Acting City Manager. This item was given first reading on July 21, 2014, postponed on August 4, 2014 to the September 15, 2014 City Council meeting.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 25 to the December 1, 2014 City Council meeting. Passage 8-0.

Order 46-14/15 **Order Authorizing General Obligation Bonds in an Amount not to Exceed \$700,000 Re: Somerset Street – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on September 3, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Marshall for passage. Passage 8-0.

Order 47-14/15 **Order Appropriating \$700,000 Bond Proceeds Re: Somerset Street – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on September 3, 2014.**

IN COUNCIL REGULAR MEETING SEPTEMBER 15, 2014 VOL. 130 PAGE 21

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic for passage. Passage 8-0.

Order 48-14/15 Order Approving and Authorizing the Acting City Manager to Sign the Second Amendment of the Purchase and Sale Agreement, The Guaranty and the Somerset Street Cost Share Agreement Re: The Federated Companies LLC – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was postponed on September 3, 2014.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 8-0.

Order 49-14/15 Order Approving and Authorizing the Acting City Manager to Amend the Bayside Housing and Urban Development 108/Brownfields Economic Development Initiative Grant Program RE: Somerset Street - Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was postponed on September 3, 2014.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

Order 50-14/15 Order Authorizing a Loan from Finance Authority of Maine in an Amount not to Exceed \$3,500,000 – Sponsored by the Portland Development Corporation Board President, Jack Lufkin. This item was postponed on September 3, 2014.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

Order 51-14/15 Order Approving the Collective Bargaining Agreement with Professional and Technical City Employees Association (PRO TECH) – Sponsored by Danielle West-Chuhta, Corporation Counsel. This item was given first reading on September 3, 2014.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

IN COUNCIL REGULAR MEETING SEPTEMBER 15, 2014 VOL. 130 PAGE 22

Order 52-14/15 **Amendment to Portland City Code Section 15-12 Re: Valet Parking Fees and Expiration Dates – Sponsored by Danielle West-Chuhta, Corporation Counsel. This item was given first reading on September 3, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

Order 53-14/15 **Amendment to Portland City Code Chapter 14. Land Use Re: Industrial I-M Zone – Sponsored by the Planning Board, Stuart O'Brien, Chair. This item was given first reading on September 3, 2014.**

Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage. Passage 8-0.

ORDERS:

Order 59-14/15 **Order Accepting and Adopting the 2014 Housing Trust Fund Annual Plan - Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.**

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

Order 60-14/15 **Order Authorizing and Approving Wage Increase for City Clerk and Corporation Counsel) - Sponsored by Mayor Michael F. Brennan.**

This is its first reading.

Motion was made by Councilor Coyne and seconded by Councilor Duson to adjourn. Passage 8-0 ,8:50 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Proc 11-14/15
Tab 2 10-6-14*

PROCLAMATION

**Paul "Chuck" Fagone
Employee of the Month**

September 2014

* * * * *

WHEREAS: Paul "Chuck" Fagone of the Planning & Urban Development Department has been named the City of Portland Employee of the Month by a committee of his peers and selected for this distinct honor from a workforce of 1,300; and

WHEREAS: This award is presented to **Chuck** in recognition of his duties as a Certified Code Enforcement Officer for the Inspections Division. **Chuck** is an outstanding example of customer service. Co-workers have noted his single-handed enforcement efforts that are truly changing the landscape. **Chuck** possesses the skills, understanding and intuition to deal with a very diverse population in the City; and

WHEREAS: **Chuck** performs most of the housing and complaint types of inspections and also deals with various public sidewalk issues, including street vendors and outdoor seating. **Chuck** interacts with some of our most challenging customers, and often witnesses very poor living conditions; and

WHEREAS: **Chuck** possesses a natural ability to calm down escalated situations. He applies creative assessment and problem solving in order to help rectify some harsh living conditions and situations. **Chuck** possesses very good judgment and decision making skills. He is a true team player. All departments appreciate his positive "can-do" attitude. **Chuck** is one of the first to ask, "Do you need me for something?" He has a true dedication to the City of Portland and clearly enjoys his work within the Inspections Division. Co-workers consider **Chuck** a "Guardian" of the City of Portland.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Paul "Chuck" Fagone** as **City Employee of the Month, September, 2014.**

Signed and Sealed this 6th day of October, 2014

**Michael F. Brennan, Mayor
City of Portland, Maine**

*Order 61-14/15
Tab 3 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

TRAFFIC SCHEDULE AMENDMENT

Ordered, that the City of Portland's Traffic Schedule be and is hereby amended
as follows:

By Deleting: Eastside from a Point 61 ft. northerly of Fore Street to a point 161 feet
southerly of Middle Street – Meter Zone 3 – 2 hour parking

By Adding: Eastside from a point 61 ft, northerly of Fore Street to a point 100 ft.
northerly from Fore Street – Meter Zone 3 – 2 hour parking
Schedule XVIII

By Adding: Eastside from a point 100 ft. northerly of Fore Street to a point 140 ft
Northerly from Fore Street - Commercial Loading Zone
Schedule XI

MEMORANDUM
Council Agenda Request

TO: Councilor David Marshall, District 2, Chair, Transportation Committee
Councilor John Hinck, At-Large, Transportation Committee
Councilor Kevin Donoghue, District 1, Transportation Committee
Councilor Cheryl Leeman, District 4, Transportation Committee

FROM: Michael Bobinsky, Director of Public Services

DATE: September 11, 2014

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order – Amendment to Traffic Schedule

SPONSOR: Department of Public Services, Parking Division

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action October 6, 2014

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

PRESENTATION: None

I. SUMMARY OF ISSUE

DPS and Parking Division are sponsoring a request from the management of the Hyatt Place Hotel located at the corner of Fore and Union Streets. They are asking that from 100 ft. to 140 ft. from Fore Street on the east side of Union Street be changed from two hour metered parking to a commercial loading zone. The Transportation, Sustainability and Energy Committee voted 4-0 to recommend this action to the full Council.

II. REASON FOR SUBMISSION

The request is the result of the establishment of the new Hyatt Place Hotel and parking and delivery needs for the hotel.

III. INTENDED RESULT

The conversion of approximately 40 linear feet on Union Street, will result in the loss of two metered parking spaces and income derived from these meters. However, additional parking has recently been provided nearby on Fore Street and Middle Street, more than offsetting this adjustment.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services.

V. FINANCIAL IMPACT

The cost of staff and equipment mobilization, plus signs and posts is estimated to be approximately \$400.00

VI. STAFF ANALYSIS & RECOMMENDATION

The Department of Public Services and Parking Division have reviewed this change, and recommend that future discussions take place about the changing parking demands in Union and Fore Street Areas

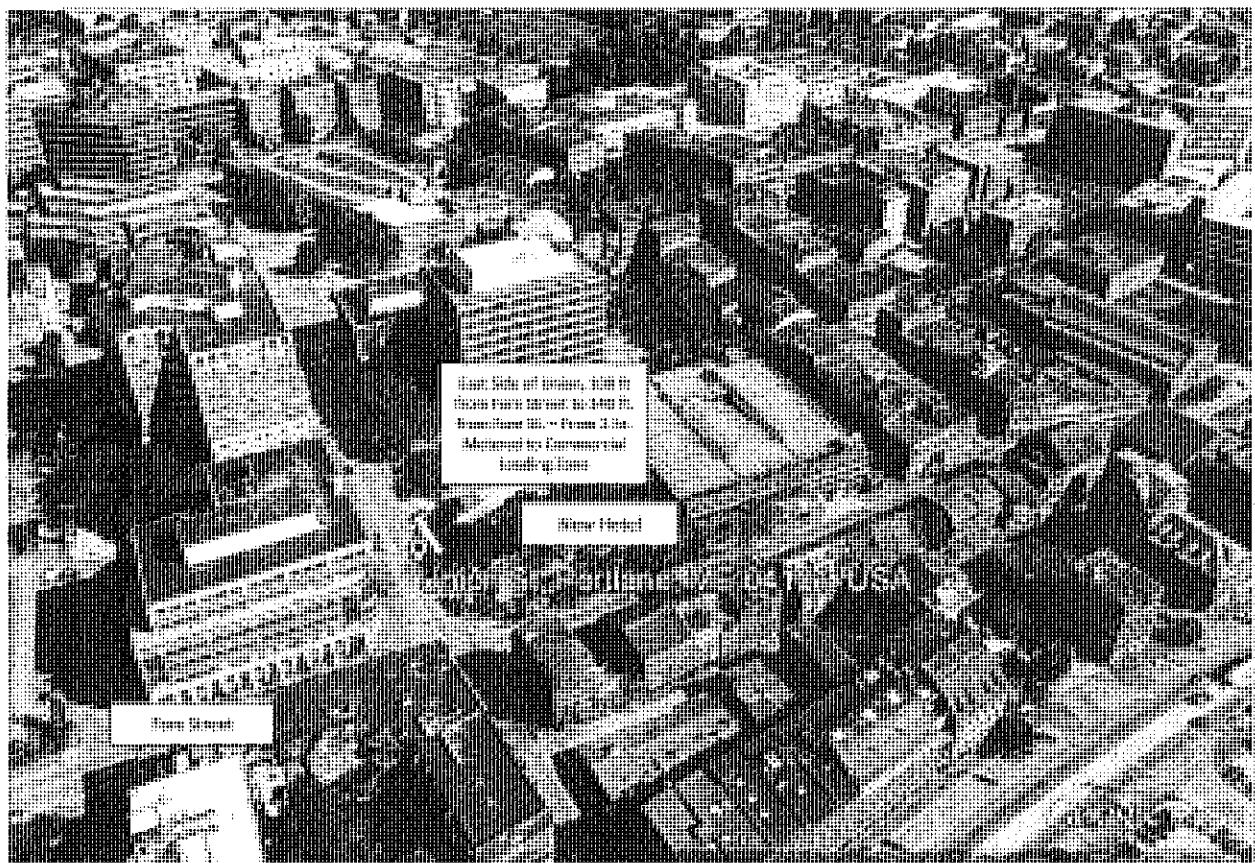
VII. LIST ATTACHMENTS

- Exhibit A: Council Order
- Exhibit B: Map

Prepared by:

Signature

Date



*Order 62-14/15
Feb 4 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

TRAFFIC SCHEDULE AMENDMENT

Ordered, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By adding under Fox Street:

South Side – from a point 85 feet easterly of North Boyd Street to a point
110 feet westerly of Anderson Street – Schedule XVIII – 2 Hour
Parking

MEMORANDUM
Council Agenda Request

TO: Councilor David Marshall, District 2, Chair, Transportation Committee
Councilor John Hinck, At-Large, Transportation Committee
Councilor Kevin Donoghue, District 1, Transportation Committee
Councilor Cheryl Leeman, District 4, Transportation Committee

FROM: Michael Bobinsky, Director of Public Services

DATE: September 11, 2014

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order – Amendment to Traffic Schedule

SPONSOR: District 1 Councilor Donoghue, East Bayside Residents and Business Owners

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action October 6, 2014

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

PRESENTATION: None

I. SUMMARY OF ISSUE

District 1 Councilor Donoghue is sponsoring a request from residents and business owners of the East Bayside neighborhood to change the south side of Fox Street between the North Boyd Trail to Anderson Street from unrestricted to two-hour parking. The area in question begins at a utility pole approximately 85 feet east of the Boyd Street path and extends approximately 510 feet to a utility pole 110 feet from the intersection of Fox Street and Anderson Street, or just over 25 standard City parking spaces.

II. REASON FOR SUBMISSION

The unrestricted parking in the area described has hindered users of the Kennedy Park area from finding on-street parking and many drivers have turned to the private business lots along the north side of Fox Street as well as other on-street areas in the

neighborhood, as long haul trucks often park on this portion of Fox Street for long periods of time.

The resulting constraint in supply due to lack of turnover has impacted business parking and on-street parking for residents in other parts of the neighborhood. Residents and businesses in the area actively support this change, and two petitions to DPS are enclosed providing more background on the situation and request.

III. INTENDED RESULT

It is the intent that the conversion of approximately 510 linear feet from North Boyd Street to approximately 110 feet westerly of Anderson Street will result in approximately 25 two-hour parking spaces and will encourage turnover for the businesses on Fox Street while allowing time for various activities on Fox Field.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services, as it will make this portion of the East Bayside neighborhood more responsive to growing needs and demands.

V. FINANCIAL IMPACT

The cost of staff and equipment mobilization, plus signs and posts is estimated to be approximately \$750.00.

VI. STAFF ANALYSIS & RECOMMENDATION

The Department of Public Services and Parking Division have reviewed this change, and recommend that future discussions take place about the changing parking demands in East Bayside.

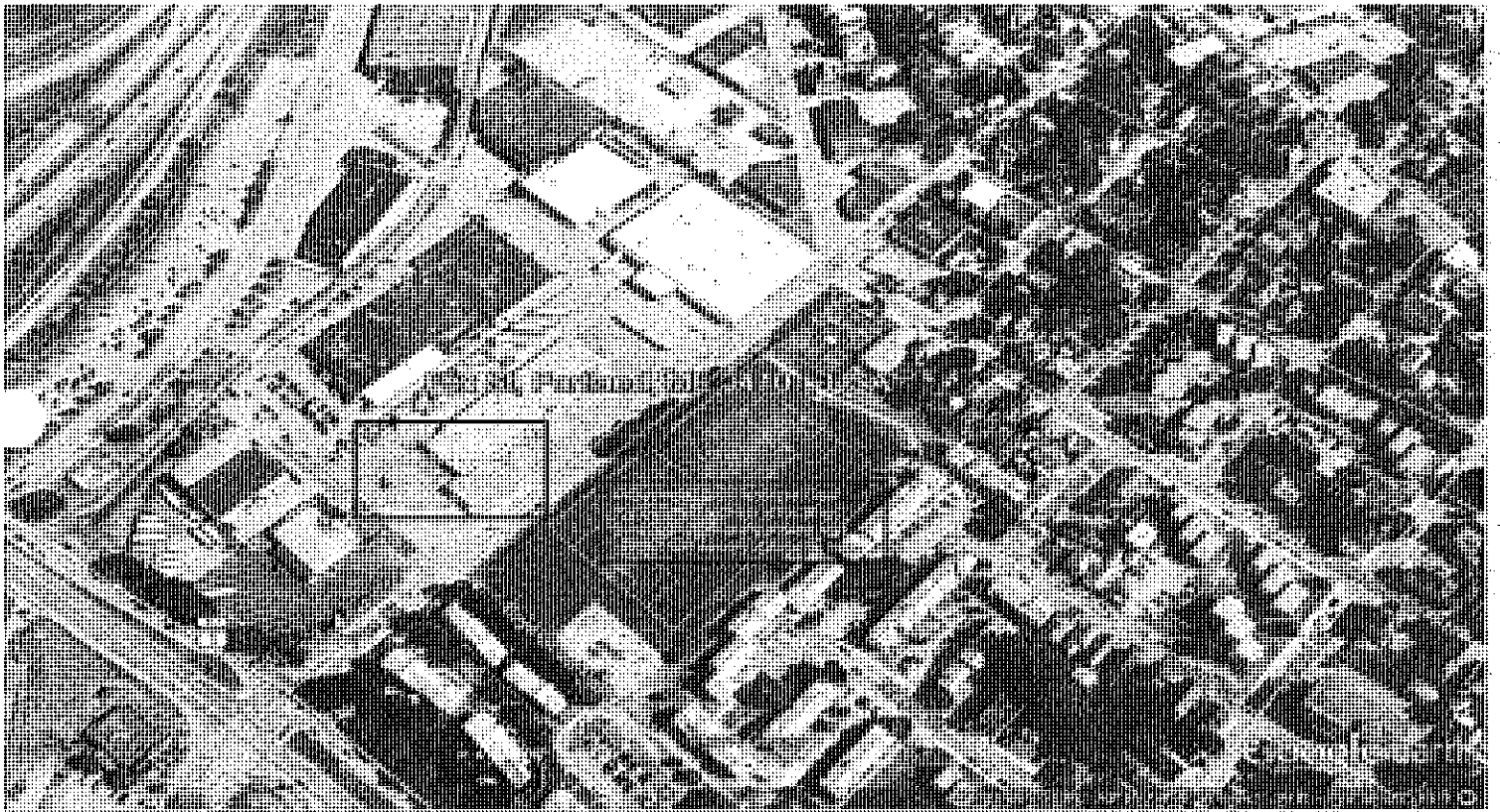
VII. LIST ATTACHMENTS

- Exhibit A: Council Order
- Exhibit B: Map
- Exhibit C: Community Petitions

Prepared by:

Signature

Date



Proposal Regarding Parking Along the South Side of Lower Fox Street

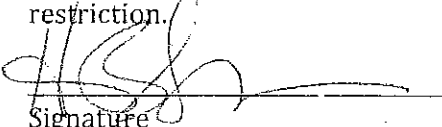
August 28, 2014

Dear Mr. Bartlett:

The undersigned businesses and property owners located on Fox Street support a proposal to post time-limited parking restrictions to the south side of Fox Street, from Franklin Street to Anderson Street.

These restrictions have been proposed in response to the frequent use of Fox Street, which abuts a heavily-used city park, for parking by long-haul truckers who are resting or storing their trucks between hauls. These trucks are not associated with deliveries to neighborhood businesses. They often occupy much of the available on-street parking. This, in turn, leads those who are participating in activities at Fox Field to park in our private lots, which are reserved for our customers. The large trucks also obscure visibility of the park from the street and make crossing the street more difficult, both of which pose safety concerns.

We support the posting of a 3-hour limit to discourage long-term truck parking along the park, while providing a sufficient time frame for parking by those utilizing Fox Field for athletics and other community activities. We support the ability of cars displaying a neighborhood resident sticker to park on the street without a time restriction.

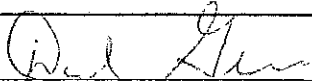

Signature

Heather Sanborn

Printed Name

Co-Owner Rising Tide Brewing Co.

Business & Title


Signature

Signature

David Coe

Printed Name

Manager OAK Hunt Dairy

Business & Title



Signature

Steven Konstantino

Printed Name

Maine Green Bldg Supply

Business & Title President



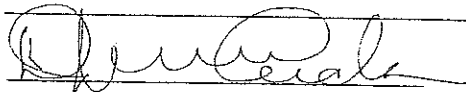
Signature

Sandrine Chabert

Printed Name

Portland's Greener Cleaner

Business & Title



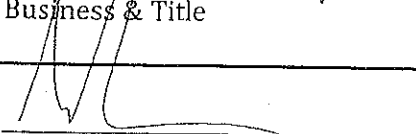
Signature

Douglas Cardente

Printed Name

Cardente Properties

Business & Title



Signature

N. Luke Davidson

Printed Name

Maine Craft Distilling

Business & Title

Proposal Regarding Parking Along the South Side of Lower Fox Street

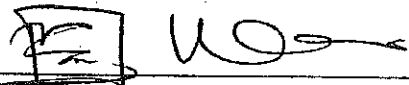
August 28, 2014

Dear Mr. Bartlett:

The undersigned businesses and property owners located on Fox Street and its adjoining sidestreets support a proposal to post time-limited parking restrictions to the south side of Fox Street, from Franklin Street to Anderson Street.

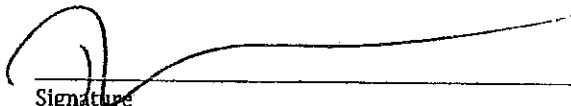
These restrictions have been proposed in response to the frequent use of Fox Street, which abuts a heavily-used city park, for parking by long-haul truckers who are resting or storing their trucks between hauls. These trucks are not associated with deliveries to neighborhood businesses. They often occupy much of the available on-street parking. This, in turn, leads those who are participating in activities at Fox Field to park in the private lots of area businesses, which should be reserved for customers. The large trucks obscure visibility of the sidewalk and Fox Field from the street and make crossing the street more difficult, both of which pose safety concerns.

We support the posting of a 3-hour limit to discourage long-term truck parking along Fox Field, while providing a sufficient time frame for parking by those utilizing Fox Field for athletics and other community activities. We support the ability of cars displaying a neighborhood resident sticker to park on the street without a time restriction.


Signature

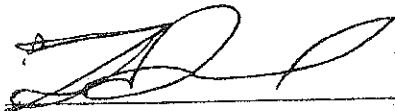
M. WENDY WEST
Printed Name

23 FOX ST. PORTLAND, ME 04101
Address


Signature

TOBY RZEPKA
Printed Name

13 FOX ST. PORTLAND, ME 04101
Address



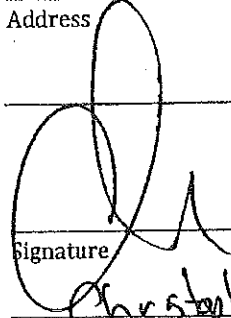
Signature

Travis Dobson

Printed Name

9 Fox ST Portland, ME 04101

Address



Signature

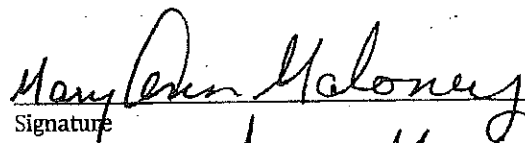
Christopher Brown

Printed Name

16 Fox Street (Business owner)

Address

Portland ME 04101



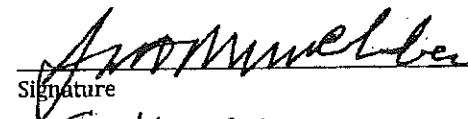
Signature

Mary Ann Maloney

Printed Name

6 Hammond St (corner) 6 Fox Portland ME

Address



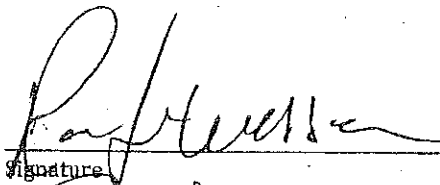
Signature

Scott Webber

Printed Name

18 Hammond St. Portland, ME 04101

Address



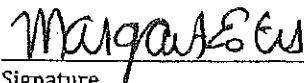
Signature

Rae Jean Webber

Printed Name

18 Hammond St. Portland ME 04101

Address



Signature

Margaret Estes

Printed Name

11 Hammond St Portland ME 04101

Address



Signature

Linda Estes

Printed Name

11 Hammond St Portland ME 04101

Address



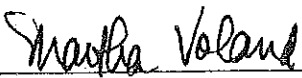
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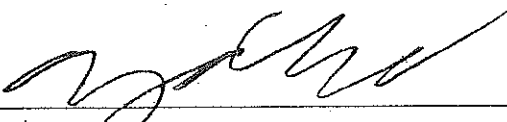
Edie Woodward

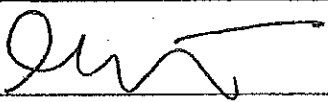
Printed Name

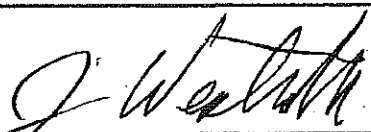
28 Hammond St. Portland ME 04101

Address


Signature
Martha Voland
Printed Name
28 Hammond St., Portland, ME 04101
Address


Signature
Greg DeVito
Printed Name
30 Hammond St., Portland ME
Address


Signature
Lindsay Matranga
Printed Name
30 Hammond St. Portland ME 04101
Address


Signature
Jason Wentworth
Printed Name
42 Hammond Street
Address
Portland Me 04102

S Chabert

Signature

Sandrine Chabert

Printed Name

42 Hammond St.

Address

Portland ME 04101

Hope Chauceau

Signature

Hope Chauceau

Printed Name

86 Anderson St

Address

Portland, ME 04101

Michele Castner

Signature

Michele Castner

Printed Name

86 Anderson St

Address

Portland, ME 04101

* My preference would be to
not allow tractor-trailer trucks
to park there for safety/visibility
reasons for crossing pedestrians.

Ellen F. Bailey

Signature

Ellen F. Bailey

Printed Name

17 Hammond St.

Address

Portland, ME 04101

Jim Int

Signature

Jessica Lockhart

Printed Name

29 Hammond St Portland, ME 04101

Address

George York

Signature

George York

Printed Name

146 Washington Ave

Address

Portland, Me 04101

Carolyn Treat

Signature

Carolyn Treat

Printed Name

4 Hammond St. Portland 04101

Address

Alex Lehnen

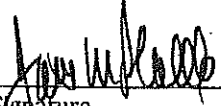
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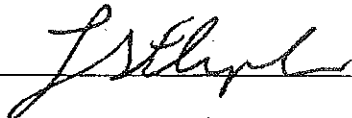
ALEX LEHNEN

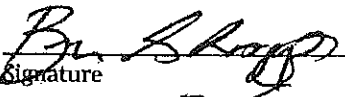
Printed Name

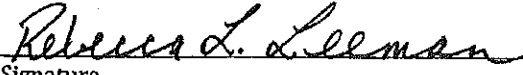
51 HAMMOND ST

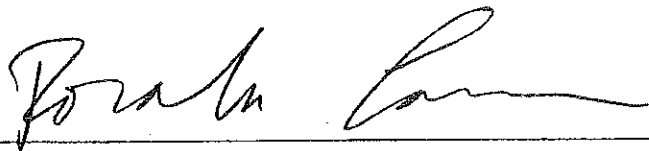
Address


Signature
James M Plunkett
Printed Name
56 Hammond Portland, 04101
Address


Signature
Louis B. Flanagan Jr
Printed Name
41 Hammond
Address
Portland


Signature
17 Fox St
Printed Name
Port ME
Address


Signature
REBECCA L. LEEMAN
Printed Name
23 Fox St
Address
PORTLAND, ME 04101



Signature

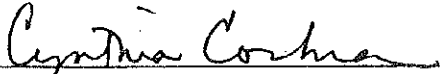
Rosalee Lamm

Printed Name

13 Fox St.

Address

Portland, ME 04101



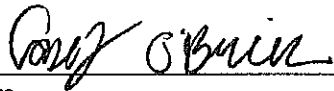
Signature

Cynthia Cochran

Printed Name

17 Hammond Street, Portland ME 04101

Address



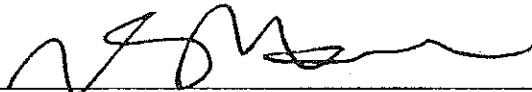
Signature

Casey O'Brien

Printed Name

Address

13 Hammond St. Apt #1 Portland, ME 04101



Signature

Nicholas Higgins

Printed Name

13 Hammond #2

Address

Portland, ME 04101

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Signature

Printed Name

Address

Order 63-14/15.
Tab 5 10-6-14

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

TRAFFIC SCHEDULE AMENDMENT

Ordered: That the City of Portland's Traffic Schedule be and hereby is amended as follows:

To Be added: West Side of Forest Ave. – From a point 230 feet north of Congress Street running northerly to a point 250 ft. north of Congress Street – 15 minute Parking

MEMORANDUM
Council Agenda Request

TO: Councilor David Marshall, District 2, Chair, Transportation Committee
Councilor John Hinck, At-Large, Transportation Committee
Councilor Kevin Donoghue, District 1, Transportation Committee
Councilor Cheryl Leeman, District 4, Transportation Committee

FROM: Michael Bobinsky, Director of Public Services

DATE: September 11, 2014

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order – Amendment to Traffic Schedule

SPONSOR: DPS, Parking Division, Acting City Manager's Office

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action October 6, 2014

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

PRESENTATION: None

I. SUMMARY OF ISSUE

DPS, Parking Division, and the Acting City Manager's Office are sponsoring a request from the management of Congress Square Apartments is requesting a 15 minute parking space be established on the West side of Forest Ave, 230 from Congress Street running northerly to 250 feet from Congress Street.

Currently, 100 ft. from 150 feet north of Congress to 250 feet is marked as a "No Parking/Bus Stop." There is room to reduce this area to 80 ft. and add a 15 minute parking space. There remains an additional 25 feet for a bus pullout area, so METRO operations will remain intact.

The Transportation, Sustainability and Energy Committee Voted 4-0 to recommend this action to the full Council.

II. REASON FOR SUBMISSION

The request is the result of a request from Congress Square Apartments for more on-street parking flexibility, to be coordinated with anticipated changes taking place in association with operations at the Westin Eastland hotel.

III. INTENDED RESULT

It is the intent that the conversion of approximately 20 linear feet on Forest Avenue running northerly from Congress Street from 230 ft. to 250 ft, will result in approximately 1 minute parking space and will encourage turnover for the businesses.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services.

V. FINANCIAL IMPACT

The cost of staff and equipment mobilization, plus signs and posts is estimated to be approximately \$400.00

VI. STAFF ANALYSIS & RECOMMENDATION

The Department of Public Services and Parking Division have reviewed this change, and recommend that future discussions take place about the changing parking demands in Forest Avenue and Congress Street Area.

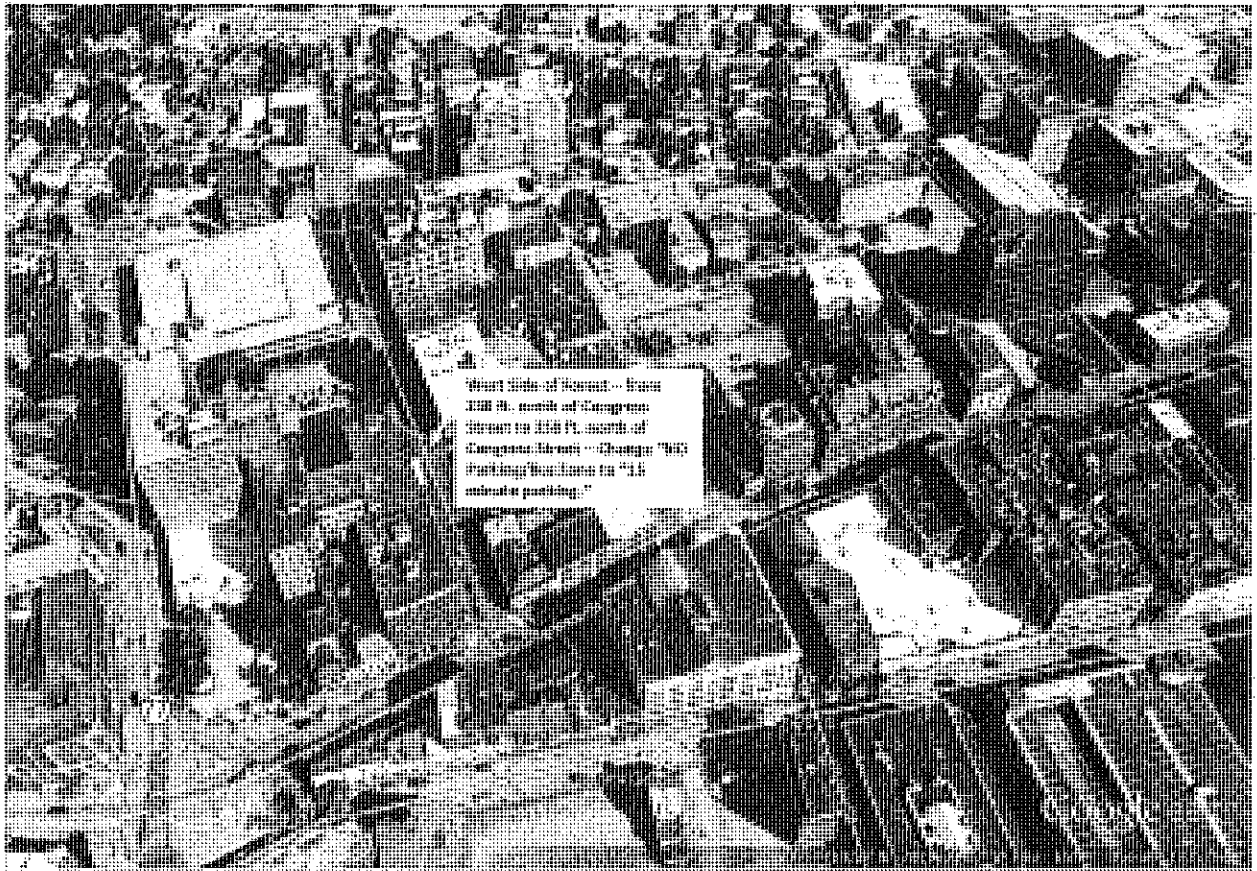
VII. LIST ATTACHMENTS

- Exhibit A: Council Order
- Exhibit B: Map
- Letter from Congress Square Apartments

Prepared by:

Signature

Date



CONGRESS SQUARE PLAZA APARTMENTS

www.harbormgmt.com

10 Congress Square Plaza • Portland, ME 04101
Tel: 207-775-2440 • TTY: 800-457-1220 • Fax: 207-772-4273 • congresssquare@harbormgmt.com

8/25/2014

City of Portland:

Congress Square Apartments is federally subsidized property for the elderly and people with disabilities. The entrance to the building along Forest Avenue is handicapped accessible and many of our residents use motorized wheelchairs and walkers. It would be beneficial to our residents if the curb space (cut out) outside of the entrance could be redesigned to accommodate wheelchairs.

We respectfully request that the parking division look at several spaces on Forest Avenue and remove **Meter #1-349, Meter 1-350 and Meter 1-351.**

We would like to have **Meter # 1-350 and Meter #1-351** replaced with a designated **15 minute drop off/pick up spot for residents living at Congress Square Plaza and for emergency vehicles.** Replacing **Meter # 1-349** and designating it a 30 minute commercial plate zone (load/unload) only, can only benefit the local businesses surrounding this block.

We are working along with Unified Parking Partners and Westin Hotel hoping a solution to the congestion on High Street with the Valet parking can be alleviated.

Several years ago, the spaces/meters listed above were designed this way. If the city would consider replacing the spaces as indicated above, we will be able to allow the hotel access to our private parking lot for the valet service that they provide for their patrons.

Thank you,

Kathleen Conway
Assistant Manager



*Order 64-14/15
Table 10-6.14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER AMENDING APPOINTMENTS TO
SPECIAL COUNCIL COMMITTEES FOR 2014**

ORDERED, that the individuals identified in Attachment A to this order are hereby appointed as members of the committees listed in the attachment for calendar year 2014.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor and Portland City Councilors

FROM: Danielle West-Chuhta, Corporation Counsel on behalf of Acting City
Manager Sheila Hill-Christian

DATE: 9/22/2014

- 1) Council meeting at which action is requested:

1st reading: Not Required
Final action: October 6, 2014

- 2) Can action be taken at a later date: X YES NO
If not, why not:

- 3) This item is sponsored by: Acting City Manager, Sheila Hill-
Christian

(If the item is sponsored by a Council Committee include the date the
committee met and the outcome of the vote.)

**If a memorandum addresses the following issues you may attach and reference the
memorandum but please highlight it so staff can easily answer I-V.**

I. SUMMARY OF ISSUE

With the resignation of Mark Rees and the appointment of Sheila Hill-Christian as
Acting City Manager, her position on the various special boards staffed by City
Councilors and City employees needs to be formalized. This order appoints her to the
positions on boards and committees formerly held by Mark Rees and, in addition,
appoints Acting Finance Director Suzanne Knight to the Board of EcoMaine

II. REASON FOR SUBMISSION (What issue/problem will this address?)

See above.

III. INTENDED RESULT (How does it resolve the issue/problem?)

See above.

IV. FINANCIAL IMPACT

There is no financial impact of these appointments

V. STAFF ANALYSIS & RECOMMENDATION

These appointments are recommended for passage by Corporation
Counsel.

Attachments:

Order

**ANNUAL APPOINTMENTS AND NOMINATIONS TO
BOARDS AND COMMISSIONS
2014
ATTACHMENT A**

Casco Bay Island Transit District
Councilor Kevin Donoghue

Council of Governments General Assembly

Mayor Michael Brennan
Councilor Ed Suslovic (Exec. Comm)
Councilor Jon Hinck
Councilor Cheryl Leeman
Councilor David Marshall

Alternates

Acting City Manager Sheila Hill-Christian (Exec Comm)

Cumberland County Budget Advisory Committee

Councilor Jill Duson
Councilor David Marshall

COMaine

Councilor Edward Suslovic
Acting Finance Director Suzanne Knight
Michael Bobinsky, Dir. DPS
Troy Moon, Env. Dept. Dir.

Fish Exchange

Councilor Nicholas Mavodones, Jr.

Fish Pier Authority

Councilor Nicholas Mavodones, Jr.
Sheila Hill-Christian, Acting City Manager

Greater Portland Transit District

Councilor David Marshall
Councilor Kevin Donoghue
Councilor Edward Suslovic
Paul Bradbury, Jetport Dir.
Jeff Levine, Director of Planning and Urban Development

Island Advisory Committee

Councilor Kevin Donoghue
Mike Murray

Port Noise Advisory Committee

Councilor Edward Suslovic

Land Bank Commission

Councilor Cheryl Leeman

Library Trustee

Councilor Edward Suslovic

Maine Municipal Association Legislative Policy Committee

Mayor Michael Brennan
Councilor Jill Duson
Councilor Ed Suslovic
Acting City Manager, Sheila Hill-Christian

Alternates

Councilor Jon Hinck
Councilor Nicholas Mavodones, Jr.

Metro Regional Coalition

Mayor Michael Brennan
Councilor Edward Suslovic
Acting City Manager, Sheila Hill-Christian

Portland Area Comprehensive Transportation System (PACTS)

Councilor David Marshall
Councilor Ed Suslovic
Councilor Kevin Donoghue
Michael Bobinsky, Public Services Director
Jeff Levine, Planning and Urban Development Director
Sheila Hill-Christian, Acting City Manager (Alternate)
Kathi Earley (Alternate), City Engineer

PACTS Technical Committee

Jeremiah Bartlett, Transportation Engineer

PACTS Planning Committee

Alex Jaegerman, Planning Director

PACTS Policy Committee

Councilor David Marshall
Kathi Earley, City Engineer
Michael Bobinsky, Public Services Director

Jeff Levine, Director of Planning and Urban Development

Maine Service Centers Coalition

Acting City Manager Sheila Hill-Christian

Parks Commission

Councilor John Coyne

Portland Regional Chamber, Portland Community and City Affairs Committee

Acting City Manager Sheila Hill-Christian, delegated to Greg Mitchell, Director of Economic Development

Portland Development Corporation

Sheila Hill-Christian, Acting City Manager
Mayor Michael Brennan

Portland Downtown District

Councilor David Marshall

Portland Public Arts Committee

Councilor David Marshall

Waterfront Alliance

Councilor Nicholas Mavodones

*Order 65-14/15
Tab 7 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER SETTING TIME FOR OPENING
OF POLLS FOR ELECTION ON NOVEMBER 4, 2014**

ORDERED, that pursuant to 21-A M.R.S., Sec. 626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, November 4, 2014.



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Brennan and Members of the
Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: September 23, 2014

RE: Setting the time for opening one poll on November 4, 2014

Pursuant to 21-A M.R.S.A. §621, the hour of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

*Order 66-14/15
Tab 8 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER RENAMING OXFORD STREET EXTENSION
TO EAST OXFORD STREET**

ORDERED, that pursuant to Portland City Code Chapter 25, Sec. 25-81, Oxford Street Extension is hereby renamed "East Oxford Street."

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Michael J. Bobinsky, Director of Public Services

DATE: September 24, 2014

DISTRIBUTION: (Acting City Manager, Mayor, Sonia Bean, Danielle West-Chuhta ,
Nancy English)

SUBJECT: Renaming Oxford Street Extension as East Oxford Street

SPONSOR:

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____

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

Needed for next election.

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

I. SUMMARY OF ISSUE (Agenda Description)

Oxford Street Extension needs to be renamed as East Oxford Street.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Oxford Street Extension is now physically connected with East Oxford Street, and Emergency Vehicles can now travel the street uninterrupted from Washington Avenue to Boyd Street. This is following E911 protocol and to lessen any confusion to Emergency Responders. This will allow emergency response directly from Washington Avenue.

Renaming Oxford Street Extension will also make the Election Data Base correct for Voting Districts and the House of Representative Districts. The concern about the current name of Oxford Street Extension was discovered during the recent election by the City Clerk's office.

Historical Background

1. During the Urban Renewal Project in the early 1960s Oxford Street was bisected by Franklin Street Arterial (now recognized as Franklin Street). Since Oxford Street was no longer

continuous the easterly portion was renamed to eliminate potential confusion to Emergency Responders.

2. The section of Oxford Street between the Franklin Street Arterial and Cleeves Street was renamed as East Oxford Street.

3. The Urban Renewal Project blocked to traffic the section of Oxford Street between Cleeves Street and Greenleaf Street.

4. As a result of the blockage, the section of Oxford Street between Greenleaf Street and Washington Avenue was renamed Oxford Street Extension to eliminate potential confusion to Emergency Responders.

III. INTENDED RESULT

Enhanced Emergency Response, along with election data base correction.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

None

VI. STAFF ANALYSIS

The Department of Public Services is responsible for maintaining accurate street naming protocols for E-911 purposes and the discovery of the problem by the City Clerk's office results in the proposed actions to be taken to ensure consistency with E-911 street naming standards and will correct confusion that exists in the election data bases for residents' proper polling locations.

VII. RECOMMENDATION

The Department of Public Services recommends approval of the name change of this street segment from Oxford Street Extension to East Oxford Street

VIII. LIST ATTACHMENTS

Street map showing East Oxford Street.

Prepared by:

William Clark, Senior Project Engineer
Department of Public Services

Signature

Date

Aerial View of Oxford Street Extension to be Renamed East Oxford Street



Oxford Street Discontinued from Wilmot Street to the Franklin Street Arterial (Franklin Street).
Path from former Franklin Street Arterial to Wilmot Street on Franklin Towers property.
9 24 2014

GIS view with sewer shown.



Street Status Map view by WBC



*Order 67-14/15
Feb 9 10-14-*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING TRANSFER OF FUNDS UNDER
15 M.R.S.A. §§ 5824(3) and 5826(6) – Robert Burton, Sr.**

ORDERED, that the City Council hereby accepts the amount of \$580.00 in forfeited assets in the case of State of Maine vs. Robert Burton, Sr. from the State of Maine to the City of Portland, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Department Heads/City Manager

DATE: September 29, 2014

DISTRIBUTION: Mark Rees, Mayor Brennan, Danielle West-Chuhta, Sonia Bean, Nancy English

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

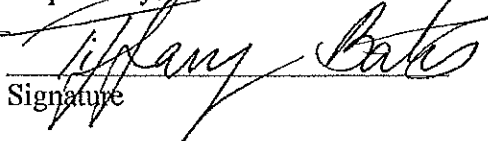
1st reading _____ next available _____ Final Action _____

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

PRESENTATION:

- I. SUMMARY OF ISSUE** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. REASON FOR SUBMISSION** 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.
- III. INTENDED RESULT** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- IV. COUNCIL GOAL ADDRESSED**
- 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**
- VII. RECOMMENDATION**
- VIII. LIST ATTACHMENTS**

Prepared by:


Signature

9-29-14
Date

STATE OF MAINE
Cumberland, SS

State of Maine

v.

Robert Burton, Sr.,
Defendant

AND
\$580.00 US CURRENCY
DEFENDANT IN REM

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-14-3377

}
}
} City/Town Of Portland
} Approval Of Transfer
} 15 M.R.S.A. §5824(3)
} and §5826(6)
}
}

NOW COMES the City/Town of Portland, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$580.00 US Currency, on grounds that the City/Town of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of Portland Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Portland, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)

*Order 68-14115
Tab 10 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING TRANSFER OF FUNDS UNDER
15 M.R.S.A. §§ 5824(3) and 5826(6) – Brittany Vezina**

ORDERED, that the City Council hereby accepts the amount of \$2,323.00 in forfeited assets in the case of State of Maine vs. Brittany Vezina from the State of Maine to the City of Portland, pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) and as provided in the attached "Approval of Transfer."

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Department Heads/City Manager

DATE: September 29, 2014

DISTRIBUTION: Mark Rees, Mayor Brennan, Danielle West-Chuhta, Sonia Bean, Nancy English

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading next available Final Action _____

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

PRESENTATION:

- I. SUMMARY OF ISSUE** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. REASON FOR SUBMISSION** 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.
- III. INTENDED RESULT** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- IV. COUNCIL GOAL ADDRESSED**
- 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**
- VII. RECOMMENDATION**
- VIII. LIST ATTACHMENTS**

Prepared by:


Signature

9-29-14
Date

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-13-4055

State of Maine

v.

Brittany Vezina,
Defendant

AND
\$2,323.00 US CURRENCY

DEFENDANT IN REM

}
}
}
}
}
}
}
}
}

City of Portland
Approval of Transfer
15 M.R.S.A. §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 Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$2,32300 US Currency, or any portion thereof, 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.A. §5824(3) and §5826(6).

Dated: _____

Mayor

(Impress Legislative Body Seal Here)

*Order 69-14/15
Tab 11 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**JMV Associates d/b/a Keeley's Banquet Center at 178 Warren Ave. Application for a Class
I FSE License with Entertainment with Dance.**

Dear Councilmen/Councilwomen of Portland,

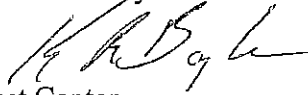
Please accept our application for a license to serve alcohol at our banquet facility.

It is our desire and intention to provide our business guests with bar services for banquets, wedding receptions and various parties.

Historically, Keeley's Banquet Center has been able to provide this service and we believe it to be necessary to compete in our market space.

Thank you in advance for your consideration.

Keith R Boyle



Keeley's Banquet Center

178 Warren Ave.

Portland, ME 04103

(207) 797-3550

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: Class I

Please check one: (Corporation/ LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)

Business Name (d/b/a): Keeler's Banquet Center Phone: 207 797 3550

Location Address: 178 Warren Ave Portland ZIP 04103

If new, what was formerly in this location: _____

Mailing Address: 55 Stradwater St. Westbrook ZIP 04092

Contact Person: Keith Boyle Phone: 207 329-7493

Manager of Establishment: Keith Boyle Home Phone # _____

Owner of Premises (landlord): Aquila Investment

Address of Premises Owner: 33 Allen Ave ZIP 04103

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
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? Yes ☒ No ☐ If yes, please list business name(s) and location(s):

Present - Keeler's Banquet Center

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? yes If yes, please explain: traffic

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): _____ DOB _____ Residence Address _____

Name of Owner(s): _____ DOB _____ Residence Address _____

Name of Owner(s): _____ DOB _____ Residence Address _____

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: JMY Associates

Corporation Mailing Address: 55 Stradwater St ZIP 04092

Contact Person: Keith Boyle Phone Number: _____

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name Keith Boyle Title President DOB 06/11/1961 Residence Address 154 Cottage Rd 04062

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

Name _____ Title _____ DOB _____ Residence Address _____

(Please see reverse side)

Type of Food Served: Current license # 5268

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☒

Percentage of sales - Generated from Food: 90% Generated from Alcohol: 10%

Hours and Days of operation: Sunday - Saturday 8-10 pm

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes ☒ No ☐

If no, please explain _____

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes ☐ No ☒ If yes, give the distance _____

Will you have entertainment on the premises? Yes ☒ No ☐ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes ☒ No ☐

Will you permit dancing after 1:00am? Yes ☐ No ☒

Will you have outside dining? Yes ☐ No ☒ If yes, please indicate location on diagram.

Also, will the outside dining be on PUBLIC ☐ or PRIVATE ☐ property?

Have you applied for an Outdoor Dining Permit? Yes ☐ No ☐

Will you have any amusement devices (pinball, video games, juke box)? Yes ☐ No ☒

If yes, please list, # of pinball: _____ # of amusements: _____ # of pool tables: _____

What is your targeted opening date?: _____

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

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

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

Signature K R Byrd Title President Date 8/22/14

Application attachment to other City license

\$485. With Dance
\$270. Without Dance
\$545. After Hours (1AM-3AM).
Total due: _____

Office of the City Clerk
389 Congress Street
Portland, ME 04101
207-874-8557

Supplemental Application for Dancing and Entertainment

Please attach a diagram of floor plan showing where in the facility the entertainment will be setup, the direction of any speakers and where dance floor, if any, will be located.

Business Name (d/b/a): Keeley's Banquet Center

Location Address: 178 Warren Ave ZIP 04103 Phone 207 797 3550

Will music be electric or acoustical or both? both

Will amplification used? Yes ☒ No ☐

If yes, where and at what level? _____

Will you permit dancing on the premises? Yes ☒ No ☐

Will you permit dancing or entertainment after 1:00AM? Yes ☐ No ☒

Will recorded music be played: Inside ☒ Outside ☐ Both ☐

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 mile

Please describe in detail the type and nature of the business and proposed entertainment: _____

Banquet / Reception Hall

If new applicant, what is your targeted opening date? : _____

Does the issuance of this license directly or indirectly benefit any City employee? Yes ☐ No ☒

If yes, list names of employee(s) and department(s). _____

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

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

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

Signature [Signature] Title President Date 9/12/14

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER: _____ **CLASS:** _____

DEPOSIT DATE _____

AMT. DEPOSITED: _____ **BY:** _____

CK/MO/CASH: _____

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☒ OTHER: Qualified Catering

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>IMV Associates</u> DOB: <u>11</u>		2. Business Name (D/B/A) <u>Keeley's Banquet Center</u>	
DOB: <u>11</u>		Location (Street Address) <u>178 Warren Ave</u>	
DOB: _____		City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04103</u>	
Address <u>55 Stroudwater St</u> <u>Westbrook</u>		Mailing Address <u>55 Stroudwater St</u>	
City/Town <u>Westbrook</u> State <u>ME</u> Zip Code <u>04092</u>	City/Town <u>Westbrook</u> State <u>ME</u> Zip Code <u>04092</u>		
Telephone Number <u>207 379 9493</u> Fax Number _____	Business Telephone Number <u>207 797 3550</u> Fax Number _____		
Federal I.D. # <u>46 209 2159</u>	Seller Certificate # <u>116 1907</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

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

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

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: March 2013

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 178 Warren Ave Portland, ME 04103

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

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Keith Boyle	06/16/1961	Amarillo, TX

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Wincham, ME, Corbett, OR, Gresham, OR

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

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

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

Aquila Investment Group - Portland, ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) See attached

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

YES ☒ NO ☐ Applied for: _____

19. 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? 1.5 miles Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Portland, ME on 6/30, 2014
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Keith R Boyle
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

JMV Associates LLC

2. Other business name for your entity (DBA), if any:

Keeley's Banquet Center

3. Date of filing with the Secretary of State: 03/13

4. State in which you are formed: ME

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Keith Boyle	154 Cottage Rd. Windham, ME	06/11/61	100
	117 Puritan Dr. Westbrook		

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

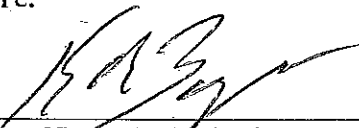
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

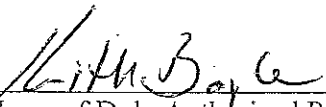
Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

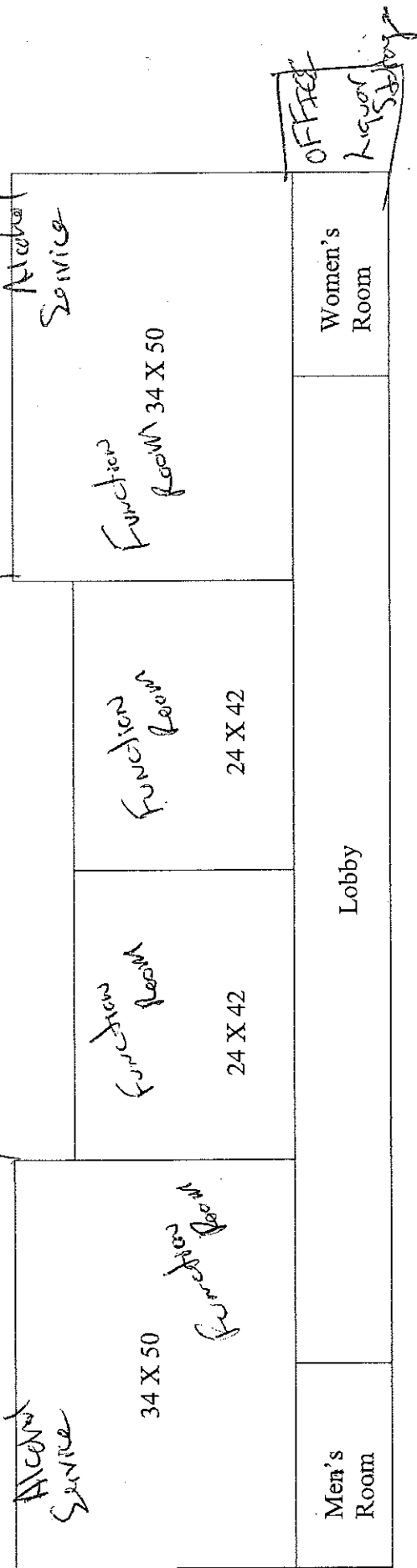


Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

Kitchen



Keeley's Banquet Center

178 Warren Ave. Portland, ME 04103

Keeley's Banquet Center

178 Warren Ave



Copyright 2011 Esri. All rights reserved. Fri Sep 19 2014 11:37:51 AM.





Keeley's Banquet Center

Dinner Entrees

Baked Stuffed Chicken	\$19.95
Chicken Cordon Bleu	\$20.95
Sliced Top Sirloin of Beef w/Mushroom Gravy	\$20.95
Chicken Florentine	\$19.95
Roast Pork Loin w/Gravy	\$19.95
Fresh Maine Seafood over Pastry Shell	\$21.95
Baked Stuffed Haddock w/Crabmeat Stuffing	\$22.95
Baked Virginia Ham w/Raisin Sauce	\$20.95
Pasta Primavera	\$18.95

Appetizer
(Choose One)

Fruit Cup
Soup du Jour
Clam Chowder
(add \$2.00 per person)

Salad
(Choose One)

Caesar Salad
Tossed Garden Salad
Mandarin Salad

Potato
(Choose One)

Baked Potato w/Sour Cream
Roasted Red Potato
Homemade Mashed Potato
Lyonnaise Potato
Rice Pilaf

Vegetable
(Choose One)

Baby Glazed Carrots
Green Beans Almondine
Broccoli w/Cheese Sauce

Dessert
(Choose One)

Chocolate or
Strawberry Sundae
Hot Bread Pudding
w/Whipped Cream
Ice Cream Puffs
w/Chocolate Sauce
Ice Cream Brownie Delight
Strawberry Shortcake
Warm Apple Crisp
Sweet Peach Cobbler

Deluxe Entrees

Entrees		Combinations	
Prime Rib au Jus (10oz. cut)	\$23.95	Surf & Turf	
New York Sirloin (12oz. cut)	\$24.95	a. Beef Tenderloin w/Two Baked Jumbo	\$26.95
Rock Cornish Game Hens w/Wild Rice	\$21.95	Shrimp	
Baked Scallops in Lemon Butter	\$21.95	b. 6oz. Sirloin/ Stuffed Jumbo Shrimp or	\$25.95
		Baked Scallops	

A Deluxe Dessert Cart may be added for \$3.95 per person.
Rolls, Butter, Coffee, Tea and Decaf are included with all menu selections. Full China and Linen service is provided.
Add \$4.00 per person for groups under 40

A 8% sales tax and 20% service charge will be added. Prices are subject to change.

A Banquet & Business Meeting Center
178 Warren Ave. Portland, ME 04103
(207) 797-3550



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C264666

Criminal History Record

Introduction

This rap sheet was produced in response to the following request
(Produced on 2014-09-15) :

Inquiries Name(s) KEITH BOYLE (1961-06-11)

The information in this rap sheet is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Assurance that the person sought are one and the same requires verification through fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing or credit, the person making the eligibility determination should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S.A. subsection 620. (CRSA; 2013-10-17)

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT:
2014-09-15 (CRSA)**

1. This record, effective September 1, 2000, contains information relating solely to persons either arrested as a fugitive from justice [15 M.R.S.A. 201.4 or arrested or charged with a State of Maine criminal offense. It does not include Class D or E crimes in Title 12 or Title 29-A, formerly Title 29, unless the crime is alcohol-related or drug-related [25 M.R.S.A. 1541.4-A.A], and certain former crimes no longer classified as criminal. 2. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. 3. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. 4. For information relating to excluded crimes in Title 29-A, formerly Title 29, contact the Secretary of State, Motor Vehicle Division. 5. A list of former crimes is available from this Bureau. (CRSA; 2013-10-23)

Identification

Subject Name(s)

BOYLE, KEITH R

Subject Description

FBI Number

State Id Number
MEK008896 (ME)

DOC Number
Unknown/NA

Social Security Number Driver's License Number

Unknown/NA

Unknown/NA

Miscellaneous Numbers

Unknown/NA

Sex
MALE

Race
White

Skin Tone
MEDIUM

Height
5'9" (1979-09-01)

Weight
160 Pounds (1979-09-01)

Date of Birth
1961-06-11

Hair Color	Eye Color	Fingerprint Pattern
Brown (1979-09-01)	Green (1979-09-01)	Unknown/NA

Scars, Marks, and Tattoos

Code	Description, Comments, and Images
Unknown Code	SC L WRIST NO DESCRIPTION SC L WRIST (ME0030700) Contact agency for image

Blood Type	Medical Condition
Unknown/NA	Unknown/NA

Place of Birth	Citizenship	Ethnicity
TX	US (1979-09-01)	Unknown/NA

Marital Status	Religion
Unknown/NA	Unknown/NA

Employment
Unknown/NA

Residence	
Residence as of	1979-09-01
Location Type	PHYSICAL
Mailing Address	117 PURITAN DR WESTBROOK, ME US
Telephone	

Fingerprint Images
Unknown/NA

Palmprint Images
Unknown/NA

Photo Images
Unknown/NA

DNA Data

Unknown/NA

Caution Information

Firearms Disqualified C - Cleared

Criminal History

Cycle 001

Tracking Number	612159A
Earliest Event Date	1979-09-01
Arrest	(Cycle 001)
Arrest Date	1979-09-01
Arresting Agency	ME0030700
Subject Name(s)	BOYLE, KEITH R
Arrest Type	Adult

Charge

Charge Number 612159A 001
Charge Tracking Number 612159A
Charge Case Number
Agency ME0030700
Offense Date 1979-09-01
Charge Description THEFT OF SERVICES (Misdemeanor Unknown
Class)
Statute MRSA 17-A SUBSECTION 357
State Offense Code 999993 (ME)
Severity Misdemeanor

Prosecutor Disposition	No data supplied
------------------------	------------------

Court Disposition	(Cycle 001)
Court Agency	ME003035J

Charge

Charge Number 612159A 001
Charge Tracking Number 612159A
Charge Case Number 7804-79-80

Agency ME003035J
 Offense Date 1979-09-01
 Charge Description THEFT OF SERVICES (Misdemeanor Unknown
 Class)
 Statute MRSA 17-A SUBSECTION 357
 State Offense Code 999993 (ME)
 Severity Misdemeanor
 Disposition GUILTY (1979-10-09; ME)

Sentencing (Cycle 001)
Sentencing Agency ME003035J
 Court Case Number 7804-79-80
 Charge Number 612159A 001
 Charge Tracking Number 612159A
 Sentence 1979-10-09: FINED \$10.00 PAID (1979-10-09)

Corrections No data supplied

Index of Agencies

Agency 9TH DISTRICT COURT PORTLAND; ME003035J
 Contact
 Agency Telephone 207-8224205
 Agency Facsimile
 Agency Email Address
 Mailing Address 205 NEWBURY ST
 PORTLAND, ME 04101

Agency SCARBOROUGH PD; ME0030700
 Contact
 Agency Telephone 207-8836361
 Agency Facsimile
 Agency Email Address
 Mailing Address 246 ROUTE 1
 SCARBOROUGH, ME 04074

Business Licensing - Re: Keeley's Banquet Center- 178 Warren Ave.

From: Gary Hutcheson
To: Business Licensing
Date: 9/15/2014 1:50 PM
Subject: Re: Keeley's Banquet Center- 178 Warren Ave.

I'm ok with this record.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

>>> Business Licensing 9/15/2014 12:24 PM >>>
Hi Gary,

We received the SBI back for the owner of Keeley's- it is attached. Appears to be minor, but wanted to provide it to you for your feedback.

Thank you!
~Melissa

Melissa LaChance
Business License Assistant
bl@portlandmaine.gov
P: 207.874.8557
F: 207.874.8612

>>> <cityclerk@portlandmaine.gov> 9/15/2014 12:15 PM >>>
This E-mail was sent from "RNP29447F" (Aficio MP 5001).

Scan Date: 09.15.2014 12:15:31 (-0400)
Queries to: cityclerk@portlandmaine.gov

Business Licensing - KEELEY'S BANQUET CENTER Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 9/17/2014 12:32 AM
Subject: KEELEY'S BANQUET CENTER Business License Approval

KEELEY'S BANQUET CENTER is Approved for their Business License Inspection by the Police Dept.

Date: 9/17/2014

Zone:

Comments: Liquor class 1 with entertainment and dance.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

**Office of the City Clerk**

Katherine L. Jones, CCM, City Clerk

September 19th, 2014

JMV Associates
Attn: Keith Boyle
55 Stroudwater St.
Westbrook, ME 04092

Re: JMV Associates d/b/a Keeley's Banquet Center at 178 Warren Ave. Application for a Class I FSE License with Entertainment with Dance.

Dear Mr. Boyle,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, October 6th at 7:00 p.m.** for the review of the application of JMV Associates d/b/a Keeley's Banquet Center at 178 Warren Ave. Application for a Class I FSE License with Entertainment with Dance. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Ad ID 5145573

Date 09/19/2014

Time 12:43 PM

PUBLIC NOTICE

**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on October 6th at 7:00 P.M. in City Council Chambers, 389 Congress St. on the application of JMV Associates d/b/a Keeley's Banquet Center, 178 Warren Ave. Application for a Class I FSE License with Entertainment with Dance. Sponsored by Katherine L. Jones, City Clerk.

#5145573

Com 2-14/15
Tab 12 10-6-14

Memorandum

To: City Council
CC: Corporation Counsel, City Manager's Office, Police Department
From: Public Safety, Health and Human Services Committee
Date: 9/30/2014
Re: Buffer Zone Alternatives

The Public Safety, Health and Human Services Committee held its regularly scheduled meeting on Tuesday, September 9, 2014 at 5:30pm in Room 209 at City Hall. Buffer Zone Alternatives were listed as number two on the agenda with possible committee action.

The purpose of this communication is to let the full Council know the PSHHS Committee did not take action on this item. The Committee requested additional analysis and research of alternatives be completed by Corporation Counsel. The Committee will review the resulting material and intends to report back to the full Council by the end of October 2014.

Order 60-14/15
~~Tab 19 9-15-14~~
Tab 13 10-6-14

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING AND APPROVING WAGE INCREASE
FOR CITY CLERK AND CORPORATION COUNSEL**

ORDERED, that a 4% wage increase is hereby approved for the City Clerk and Corporation Counsel.

Order 224-10/11
Postponed on 5-2-11
Passage: 9-0 5-16-11

NICHOLAS M. MAVODONES (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)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**ORDER AMENDING PERSONNEL POLICIES
RE: CITY COUNCIL APPOINTEES
(CITY MANAGER, CORPORATION COUNSEL, CITY CLERK)**

ORDERED, that Article II, General Provisions of the City's Personnel Policies and Procedures dated April 2009, is hereby amended by adding the following new paragraph:

II. GENERAL PROVISIONS

...

These policies shall apply to all employees of the City, except as follows:

- a. The City Council shall set the salary for its appointees, i.e. the City Manager, the Corporation Counsel and the City Clerk;
- b. The City Council shall set the salary for its appointees when in an acting capacity;
- c. The City Council shall approve annual performance evaluations for its appointees;
- d. Any adjustment in salary after appointment shall be made annually on the basis of the performance evaluations; and
- e. The grievance procedure in Article VII shall not be available to City Council appointees.

Where the approval or authorization of the City Manager or the Director of Human Resources is required hereunder, City Council approval or authorization shall be required as pertaining to its appointees. Nothing herein shall prevent the City Council from providing different or supplemental benefits for its appointees by Council order to the extent permitted by law. The City Manager, Corporation Counsel and the City Clerk serve at the pleasure of the City Council.

BE IT FURTHER ORDERED, that Appendix A, Non Union Classification Plan, of the City's Personnel Policies and Procedures dated April 2009, is hereby amended as follows:

Appendix A

NON-UNION CLASSIFICATION PLAN

<u>SALARY GRADE</u>	<u>POSITION TITLE</u>
---------------------	-----------------------

14	CORPORATION COUNSEL DIRECTOR OF HEALTH AND HUMAN SERVICES DIRECTOR OF PLANNING AND DEVELOPMENT FINANCE DIRECTOR FIRE CHIEF POLICE CHIEF PUBLIC SERVICES DIRECTOR
13	AIRPORT DIRECTOR ASSISTANT CITY MANAGER
	CITY CLERK DIRECTOR OF HUMAN RESOURCES TAX ASSESSOR

CITY OF PORTLAND MEMORANDUM

To: Gary Wood, Corporation Counsel
From: Elizabeth Boynton, Esq.
Date: April 12, 2011
Re: Amendments to Personnel Policy

* * *

As you requested, I have prepared amendments to the City's Personnel Policies and Procedures to clarify their application to the three Council appointees. While the overall intent of these Policies is to govern the non-union employees who are appointed by the City Manager, I have tried to clarify their application to Council appointees. Thus, I have specifically included the Council appointees in the Policies with certain exceptions:

- Salary and acting salary;
- Performance evaluations and annual pay adjustments;
- Exemption from use of the Grievance Procedure;
- Service is at the pleasure of the City Council;
- Ability of Council to provide different or additional benefits by Council order.

I have also clarified that when the Policies permit the City Manager or his/her designee (HR Director) to approve or authorize certain benefits or procedures, City Council approval or authorization will be needed for the Council appointees. Thus, for example, approval of non-disability leaves of absence or long-term disability leaves (other than FMLA leaves which are governed by state and federal laws) would have to be approved by the Council for its appointees.

The generally applicable benefits, e.g. health insurance, retirement, vacation and sick leave accrual, special leaves such as bereavement, jury and funeral leave and statutory protections for employees such as non-discrimination and workers compensation would all continue to apply to the Council appointees.

Finally, I have reviewed the Charter to be sure that these amendments are consistent with it. I believe that they are; see Article II, Sec. 5 (j) and (k); and Article VI, Secs. 2, 4 and 6.

Please let me know if you have any questions.

*Order 70-14/15
Feb 14 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING LEASE AGREEMENT FOR BARGE LANDING BY AND
BETWEEN CITY OF PORTLAND AND
DIAMOND COVE HOMEOWNERS ASSOCIATION**

ORDERED, that the Lease Agreement for a Barge Landing by and between City of Portland and Diamond Cove Homeowners Association is hereby approved in substantially the form attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to execute the Lease Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: September 19, 2014

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Senior Administrative Assistant
Nancy English, Executive Legal Assistant

SUBJECT: Great Diamond Island Barge Landing Lease

SPONSOR: Sheila Hill Christian, Acting City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ October 6 _____ Final Action _____

Can action be taken at a later date: _____ Yes _____ ☒ No

I. SUMMARY OF ISSUE

City staff has been working closely with representatives of Diamond Cove Homeowners Association to establish a 99-year lease of property owned by the Association for the purpose of a new barge landing. Funds are available for this project through the FY14 and 15 CIP. The current landing site is comprised of stone and gravel. This surface makes it difficult to land equipment. The conditions also make landings impossible except at times very close to high tide. The barge landing site is used by City operations including the Department of Public Services and the Fire Department. It is also use by residents of Great Diamond Island and by contractors doing work on the island. An improved landing will facilitate landing by all parties and allow landings at times beyond mean high tide.

II. REASON FOR SUBMISSION

Council approval is required to authorize the Acting City Manager to sign the lease.

III. INTENDED RESULT

Provide the City with legal right to establish the barge landing.

IV. COUNCIL GOAL ADDRESSED

Promote and maintain municipal services to the island, including those services provided by the Department of Public Services and the Fire Department.

V. FINANCIAL IMPACT

The Council has approved funding for constructing the landing in the FY 14 and 15 CIP.

VI. STAFF ANALYSIS

Building a barge landing will improve access to the Great Diamond Island for Island residents, emergency responders and DPS operational staff. Barges currently discharge vehicles onto a rocky beach which is only accessible close to high tide. This condition makes it difficult for access the island.

VII. RECOMMENDATION

Staff recommends that the City Manager be authorized to sign the agreement with DCHA to facilitate the construction of the barge landing.

VIII. LIST ATTACHMENTS

Copy of the draft agreement between the City of Portland and Diamond Cove Homeowners Association

Prepared by:

Troy Moon
Environmental Programs and Open Space Manager

**LEASE AGREEMENT
FOR BARGE LANDING
BY AND BETWEEN
CITY OF PORTLAND AND
DIAMOND COVE HOMEOWNERS ASSOCIATION**

THIS LEASE AGREEMENT (hereinafter this “**Agreement**”) is made as of this _____ day of August _____ 2014, by and between the **CITY OF PORTLAND**, a municipal corporation located in Cumberland County, State of Maine (hereinafter the “**CITY**”) and **DIAMOND COVE HOMEOWNERS ASSOCIATION**, a Maine not-for-profit corporation doing business on Great Diamond Island, Maine (hereinafter “**LESSOR**”).

W I T N E S S E T H:

That **LESSOR**, for and in consideration of the rent hereinafter to be paid by **CITY**, and other consideration, and the covenants and agreements hereinafter contained, to be kept and performed by **CITY**, does hereby demise, lease and let unto **CITY**, the property located at or near the existing barge landing on Great Diamond Island in Portland, Maine and more particularly described in Exhibit A (hereinafter the “**PREMISES**”), being a portion of the “Open Space Recreation Area” parcel owned by **LESSOR** and shown as Map 083E, Block/Lot A040 on the **CITY**’s Assessor’s maps (the “**Open Space Parcel**”), subject to the reserved rights of **LESSOR** set forth in Section 15 and elsewhere below, and to have and to hold unto said **CITY** on the following terms and conditions:

1. Term and Renewal; Commencement Date

A. The initial term of this Agreement shall begin on the Commencement Date (as hereinafter defined), and shall continue until midnight on the last day of the calendar month containing the ninety-ninth (99th) anniversary of the Commencement Date, unless sooner terminated by either party as provided herein. However, if the **CITY** fails to substantially complete the construction of a barge landing facility on the **PREMISES** in accordance with the

Final Site Plan and the Final Construction Plans, each as hereinafter defined, by September 1, 2015, ~~CONFIRM?~~; this Agreement shall then be automatically and immediately terminated as of that date.

B. As used herein, the "**Commencement Date**" shall mean the date on which the last of the following events shall have occurred: (i) the date on which **CITY** shall obtain site plan approval by the Portland Planning Board of the Final Site Plan (the "**Planning Board Approval**"); (ii) the date on which **CITY** shall obtain from the Maine Department of Environmental Protection ("**DEP**") a modification to the existing Site Location Orders for Diamond Cove,¹ expressly permitting the improvements and uses contemplated by this Agreement (the "**DEP Modification Order**"); and (iii) the date on which **CITY** shall obtain a submerged lands lease or easement from the State of Maine Bureau of Parks and Lands, if required for the improvements and uses contemplated by this Agreement (a "**Submerged Lands Lease**"). In the event the Commencement Date shall not occur by June 1, 2015, ~~CONFIRM?~~; this Agreement shall then be automatically and immediately terminated as of that date.

2. Rent

From and after the Commencement Date, **CITY** agrees to pay to **LESSOR** as rent for such use and occupancy of the **PREMISES** the sum of One Dollar (\$1.00) per year, payable in advance. This is a 'net lease', that is, the costs of constructing, operating, maintaining, repairing and replacing the barge landing facility shall be borne solely by **CITY**. **CITY** will pay any fees related to the improvements which are the barge landing facility, including but not limited to permit fees. **CITY** will not pay any real estate taxes on the **PREMISES**, but shall be responsible for any taxes or assessments on the barge landing facility as improved and maintained by **CITY** at the **PREMISES**.

3. Purposes

(A) **CITY** shall use the **PREMISES** solely for the development, construction, operation, maintenance, repair and replacement of a barge landing facility to provide for the landing of barges, transporting vehicles and the like. **CITY** will not be permitted to build any improvements on the **PREMISES** other than those shown on the Final Site Plan and Final Construction Plans for this barge landing facility.

(B) There shall be no parking on the **PREMISES**. There shall be no standing/waiting vehicles on the **PREMISES** unless related or incident to the transporting of vehicles, and then only very short term and in strict accordance with the Rules attached hereto as Exhibit C.

(C) Subject to (i) the construction of the barge landing facility in accordance with the Final Site Plan and the Final Construction Plans and the conduct of the operation of said barge landing facility in accordance with this Agreement, and (ii) **CITY**'s obtaining of the DEP Modification Order, **LESSOR** represents to **CITY** that such purposes are permitted under the private regulation of the **PREMISES** set forth in the Amended and Restated General Declaration

¹ DEP Site Location Order for Phase I (#L-013160-87/03-A-N, dated Dec. 10, 1986), and DEP Site Location Order for Phase II (#L-013160-L3-G-N, dated June 25, 1991).

of Covenants and Restrictions dated December 17, 1993 and recorded at the Cumberland County Registry of Deeds in Book 11277, Page 322; as modified and amended (hereinafter the "**DCHA Declaration**").

4. **Access to Lower Gate, and Temporary Access to Open Space Parcel**

Appurtenant to the **CITY**'s leasehold of the **PREMISES**, **CITY** shall have a nonexclusive right to access the **PREMISES** from the "Lower Gate", over that portion of the existing roadway known as West Shore Drive located between the **PREMISES** and the Lower Gate (said portion of roadway hereinafter referred to as the "**Access Road**"), subject to the Rules attached hereto as Exhibit C. **CITY** will repair any damage it causes to the Access Road; and in addition, will provide limited annual general maintenance to the Access Road, such by as spreading several loads of gravel, reclaim, or other appropriate material on said Access Road, annually.

Also appurtenant to the **CITY**'s leasehold of the **PREMISES**, **CITY** shall have a nonexclusive right to temporarily use portions of the Open Space Parcel adjacent to the Premises (a) as is reasonably necessary for the construction, repair or replacement of the barge landing facility on the **PREMISES**, and (b) to install landscaping as shown on the Preliminary Site Plan (as hereinafter described). In connection with any such use, **CITY** shall use reasonable efforts to minimize the area used, and shall restore the areas used to substantially the same condition existing prior to such work, and repair any damage caused by such work. **CITY** will not be permitted to build any improvements on the Open Space Parcel.

The appurtenant nonexclusive rights described above are subject to existing easement rights of others identified in the DCHA Declaration and on plans recorded at the Cumberland County Registry of Deeds.

5. **Site Plan and Barge Landing Facility Operation**

CITY covenants and agrees:

A. that a preliminary, not-yet approved by the Portland Planning Board or Planning Board staff, site plan of the barge landing facility at the **PREMISES** is attached to this Agreement as Exhibit B (hereinafter collectively, the "**Preliminary Site Plan**");

B. that the barge landing facility will be constructed in a good and workmanlike manner in accord with the Final Site Plan and the Final Construction Plans;

C. that in the event the **CITY** proposes to revise the Preliminary Site Plan, the **CITY** will provide **LESSOR** with a preliminary draft of the proposed revision; and in the event the proposed revision is material (as determined by City Corporation Counsel in its reasonable discretion), the **CITY** will incorporate any suggestions received by the **CITY** from **LESSOR** that are determined by **LESSOR** to be necessary for its representation in Section 3.C above and are received by **CITY** within 30 days of mailing such revision to **LESSOR**, provided that in the event such suggested changes cannot be made by the **CITY** reasonably cost effectively, or are in

conflict with any requirements for the Planning Board Approval, the DEP Modification Order or other required approvals for the barge landing facility, the parties will work in good faith to revise the Preliminary Site Plan to meet both of their respective needs; the Preliminary Site Plan (with any modifications not deemed material as determined by City Corporation Counsel in its reasonable discretion) or a revised version of it that is approved by the parties pursuant to this Section shall constitute the **"Final Site Plan"**, and the Final Site Plan is hereby incorporated by reference herein and Exhibit B shall be deemed revised accordingly;

D. that **CITY** will prepare and submit to **LESSOR** proposed construction plans (including a construction schedule) for the barge landing facility and **CITY** will incorporate any suggestions made by **LESSOR** that are determined by **LESSOR** to be necessary for its representation in Section 3.C above and are received by **CITY** within 30 days of mailing of said proposed construction plans to **LESSOR**, provided that in the event such suggested changes cannot be made by **CITY** reasonably cost effectively, or are in conflict with any requirements for the Planning Board Approval, the DEP Modification Order or other required approvals for the barge landing facility, the parties will work in good faith to revise such proposed construction plans to meet both of their respective needs; the proposed construction plans or a revised version of them that are approved by the parties pursuant to this Section shall constitute the **"Final Construction Plans"**; and the Final Construction Plans are hereby incorporated by reference herein.

E. that the barge landing facility will be operated in accord with any operational elements of the Final Site Plan; and

F. that the **CITY** and its employees, contractors and agents will operate and maintain the barge landing facility in accord with the Rules attached hereto as Exhibit C, and also with any conditions required by the DCHA Declaration (including, without limitation, DCHA Declaration Section 4.20), the Planning Board Approval, the DEP Modification Order, the Submerged Lands Lease (if any), and any other required approvals for the barge landing facility.

6. Costs of Development and Maintenance of the Premises

The **CITY** shall provide all grading and construction of the barge landing facility and other development set forth in the Final Site Plan and Final Construction Plans, and otherwise all as deemed necessary by the **CITY** for its proposed use. The **CITY** shall provide all services deemed necessary to maintain the **PREMISES** in a safe condition all as deemed necessary by **CITY**.

7. Compliance and Use

A The barge landing facility and all site improvements and/or changes in the **PREMISES** shall be located or done and maintained by **CITY** in accordance with the laws, rules and regulations of all applicable federal, state and local jurisdictions.

B. Work done on the **PREMISES** will either be conducted by a Contractor or by the **CITY**'s Department of Public Services. If the work is performed by a Contractor, the Contractor shall provide a performance bond for work performed on the **PREMISES**. **LESSOR** shall be named as co-obligee on the bond. The Contractor performing the work for **CITY** shall also procure general liability insurance in the minimum amounts of \$1,000,000 for each occurrence, and \$2,000,000 in the 'general aggregate' for bodily injury, death and property damage, naming **CITY** and **LESSOR** as additional insureds thereon.

C. So long as **CITY** shall not be in default of its obligations hereunder, the residents of Great Diamond Island and Little Diamond Island and their contractors or agents shall be allowed to have access to the barge landing facility without fees or charges being imposed by either the **LESSOR** or **CITY**, but subject to the Rules in Exhibit C hereto; provided, however, that:

- (i) any such public user shall only be permitted to travel across the Access Road, and shall not have access to any other private property or roadway at Diamond Cove (provided that nothing contained herein shall be deemed to affect any existing easement rights of any third-party user to enter upon other portions of Diamond Cove);
- (ii) **LESSOR** reserves the right to impose rules regarding the use of the Access Road and access through the Lower Gate (including, without limitation, speed limits, use limitations during mud season, and notification requirements for making arrangements to have the Lower Gate opened);
- (iii) **LESSOR** reserves the right to impose a fee upon such public users for arranging to open the Lower Gate in connection with each use of the barge landing;
- (iv) **LESSOR** may require such public users to sign a written release of claims / assumption of risk / indemnification agreement in connection with such use of the barge landing and Access Road; and
- (v) **LESSOR** may terminate the permission to use the Access Road and be let through the Lower Gate hereby granted to any such public user that does not follow the foregoing rules.

8. **Maintenance and Repairs, and Surrender Upon Termination**

CITY represents that it has inspected and examined the **PREMISES** and accepts them in their present condition, and agrees that **LESSOR** shall not be required to make any improvements or repairs or provide any services whatsoever in or upon the **PREMISES** or any part thereof; **CITY** agrees to generally maintain, repair and (if necessary) replace the barge landing facility in accordance with the Final Site Plan and keep the **PREMISES** safe and in good order and condition at all times during the term hereof, and upon expiration of this Agreement or any sooner termination thereof, the **CITY** will quit and surrender the possession of the **PREMISES** quietly and peaceably and leave it in good order and condition. Upon written

request by either party from time to time during the term of this Agreement, the parties agree that a representative for the **CITY** shall meet with a representative for **LESSOR** at the **PREMISES** to inspect the barge landing facility and discuss any necessary maintenance or repairs. The timing of any maintenance, repairs or replacements to the barge landing facility conducted by the **CITY** shall be coordinated in advance with **LESSOR**.

9. Various City Commitments

CITY covenants and agrees to observe the conditions imposed by its proposed settlement in the litigation involving **LESSOR** and the Diamond Cove barge landing facility, including the conditions listed on the attached Exhibit C; in addition, **CITY** covenants and agrees not to park any vehicles overnight on the Diamond Cove ('Fort') one-half of Great Diamond Island, except in emergency circumstances. **CITY** further covenants and agrees to observe any conditions imposed by the DEP with respect to use of the Diamond Cove barge landing facility and adjacent roadways.

10. Liability; Waiver of Claims

The **PREMISES** and appurtenant Access Road are being leased and accepted by **CITY** in their AS IS condition, without representation or warranty by **LESSOR**, and **LESSOR** shall have no obligation to furnish or supply any services or materials to make the **PREMISES** or the Access Road safe or suitable for any particular use. **CITY** agrees to use the **PREMISES** and the Access Road at **CITY**'s own risk. **CITY** hereby agrees, for itself and on behalf of its employees, contractors, agents, and any other person or entity exercising rights through or under **CITY** pursuant to this Agreement, that neither **LESSOR**, nor any director, officer, employee or agent of **LESSOR**, shall be liable to **CITY** for any loss, injury or damage to **CITY** or to any other person, or to its or their property, irrespective of the cause of such injury, damage or loss, unless caused by or resulting from the sole negligent acts of **LESSOR**, without contributory negligence on the part of **CITY** or any of its employees, contractors or agents, or any other person. Without limiting the generality of the foregoing, **LESSOR** shall not be liable to **CITY**, its employees, contractors, agents, or any other person or entity exercising rights through or under the **CITY** pursuant to this Agreement, for any damage, injury, loss, or claim based on, arising out of or resulting from any cause whatsoever, including (without limitation) accident, theft or any other crime or casualty, or the actions of any members of **LESSOR** or any other person, unless due to the sole negligent acts of **LESSOR**, without contributory negligence on the part of **CITY**, any of its employees, contractors or agents, or any other person.

11. Default

In the event that **CITY** shall be in default in the performance of any of the terms, covenants, agreements or conditions herein agreed to be kept and performed by **CITY**, then in that event, **LESSOR** may, at its election, either (a) terminate this Agreement as provided in Section 18 of this Agreement, or (b) if such default shall continue for a period of sixty (60) days after written notice from **LESSOR** to **CITY** (or in case of a default which cannot with due diligence be cured within said sixty (60) day period, **CITY** fails to proceed within said sixty (60) day period to commence to cure the same and thereafter to prosecute the curing of such default

with due diligence and within a period of time which under all prevailing circumstances shall be reasonable), then **LESSOR** may bring an action against the **CITY** to enforce the performance of or obtain damages caused by a such default, including injunctive relief, specific performance or other remedy available at law or equity.

12. Hold Over

In the event that **CITY** shall hold over and remain in possession of the **PREMISES** with the consent of **LESSOR**, such holding over shall be deemed to be from month to month only, and upon all the same rents, terms, covenants and conditions as contained herein.

13. Notices

Any notices which are required hereunder, or which either **CITY** or **LESSOR** may desire to serve upon the other shall be in writing and shall be deemed served when delivered personally, or when deposited in the United States mail, postage pre-paid, return receipt requested, addressed to **LESSOR**, Diamond Cove Homeowners Association, c/o Phoenix Management, P.O. Box 759, Saco, ME 04072 and **LESSOR**, Diamond Cove Homeowners Association Board, Great Diamond Island, Portland, ME; or addressed to **CITY**, City Manager, 389 Congress Street, Portland, ME 04101; or to such other address as **LESSOR** or **CITY** may designate to each other from time to time by written notice.

14. Subletting or Assignment

The **CITY** shall not sublet the **PREMISES** or assign its rights hereunder without the express written consent of **LESSOR**.

15. Lessor's Access and Use

LESSOR reserves unlimited rights to access and use the **PREMISES** and the barge landing facility (as improved and maintained by **CITY**) at any and all times during the term of this Agreement. Without limiting the generality of the foregoing, (a) the rights of the members of **LESSOR** to use the barge landing facility shall not be affected by this Agreement, and (b) **LESSOR** reserves the right (but shall have no obligation) to install signs and/or security cameras at the **PREMISES**, to install screening within or along the **PREMISES**, and to maintain or improve the barge landing facility (in addition to, and not in lieu of, what maintenance and improvements **CITY** is obligated to perform pursuant to this Agreement). During the term hereof, **CITY** shall not unreasonably interfere with **LESSOR**'s access and use of the **PREMISES**, and **LESSOR** shall not unreasonably interfere with **CITY**'s rights and obligations set forth in this Agreement.

16. Sale of the Premises

LESSOR agrees that if, during the term of this Agreement and extension, it sells the **PREMISES**, it shall assign its obligations under this Agreement to the buyer of the **PREMISES**.

17. Recordation in Registry of Deeds

The parties agree to execute and record in the Cumberland County Registry of Deeds a Memorandum of Lease outlining the principal terms of this Agreement.

18. Termination

A. **CITY** may terminate this Agreement upon one (1) year written notice to **LESSOR**.

B. **LESSOR** may terminate this Agreement upon a one (1) year written notice for failure of the **CITY** to observe and perform any of its terms, covenants, agreements or conditions hereunder, and such failure shall not have been cured within any time period specified herein or within 90 days of written notice to do so.

19. Waiver

Waiver by either party of any default in performance by the other of any of the terms, covenants, agreements or conditions contained herein, shall not be deemed a continuing waiver of the same or any subsequent default herein.

IN WITNESS WHEREOF, the said CITY OF PORTLAND has caused this Lease Agreement to be signed in its corporate name and sealed with its corporate seal by Mark H. Rees, its City Manager, thereunto duly authorized, and DIAMOND COVE HOMEOWNERS ASSOCIATION has caused this Lease Agreement to be signed by Matthew Hoffner, its Director and Operations Officer, thereunto duly authorized, as of the day and date first set forth above.

WITNESS:

CITY OF PORTLAND

By:

Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2014

Personally appeared before me the above-named Mark H. Rees, City Manager of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the City of Portland.

Before me,

Notary Public/Attorney-at-Law

WITNESS:

DIAMOND COVE HOMEOWNERS
ASSOCIATION

By: _____

(Print or type name)

Its: _____

STATE OF MAINE
CUMBERLAND, ss.

_____, 2014

Personally appeared before me the above-named _____, as
_____ for Diamond Cove Homeowners Association, and made oath that
the foregoing is his/her free act and deed and the free act and deed of Diamond Cove
Homeowners Association.

Before me,

Notary Public/Attorney-at-Law

Exhibit A

[Metes and Bounds Description of Leased Premises]

A certain parcel of land situated on northwesterly side of West Shore Drive on Great Diamond Island, Portland, Maine being bounded and described as follows:

Commencing on the northwesterly sideline of West Shore Drive at land now or formerly of Ronald G. Fitch and Sandra E. Fitch as described in a deed dated April 21, 2004 and recorded in Book 21173, Page 28 in the Cumberland County registry of Deeds (CCRD);

Thence northeasterly, by and along the northwesterly sideline of West Shore Drive and along a curve to the right having a radius of 804.95 feet an arc length of 25.00 feet to the Point of Beginning, said curve having a chord which bears N 42° 47' 02" E a distance of 25.00 feet;

Thence N 48° 05' 15" W a distance of 253.09 feet to an angle point;

Thence N 00° 04' 04" W a distance of 39.11 feet to an angle point;

Thence S 50° 17' 43" E a distance of 281.68 feet to the northwesterly sideline of West Shore drive;

Thence southwesterly, by and along the northwesterly sideline of West Shore Drive and along a curve concave to the left having a radius of 804.95 feet an arc distance of 39.99 feet to the Point of beginning, said curve having a chord which bears S 45° 05' 49" W a distance of 39.99 feet.

The parcel contains approximately 9,280 square feet.

Bearings are Grid North.

Reference is made to a plan entitled "Existing Conditions Survey Diamond Cove Boat Landing" dated June 13, 2013 prepared by the City of Portland Public Services Department Engineering Division.

Exhibit B

[Preliminary Site Plan and Illustration of Barge landing Facility]

Exhibit C

SPECIAL RULES REGARDING PARKING AND ANTI-IDLING POLICIES FOR USE OF THE BARGE LANDING OWNED BY DIAMOND COVE HOMEOWNERS ASSOCIATION

Note: Exceptions to the following rules will be made for emergency vehicles and/or emergency situations. These rules do not supersede other DCHA policies pertaining to the barge landing that are now in effect or that may be implemented in the future by the DCHA.

Parking and Loading/Off-loading of Vehicles:

Vehicles may be parked temporarily only in the following permitted parking area prior to and following a scheduled barge delivery:

On the cement pad located to the east of the barge landing on Wood Side Drive, between the hours of **9:00 a.m. to 5:00 p.m. only.**

All vehicle operators shall comply with the vehicle anti-idling policy that is used by the City of Portland for its own vehicles.

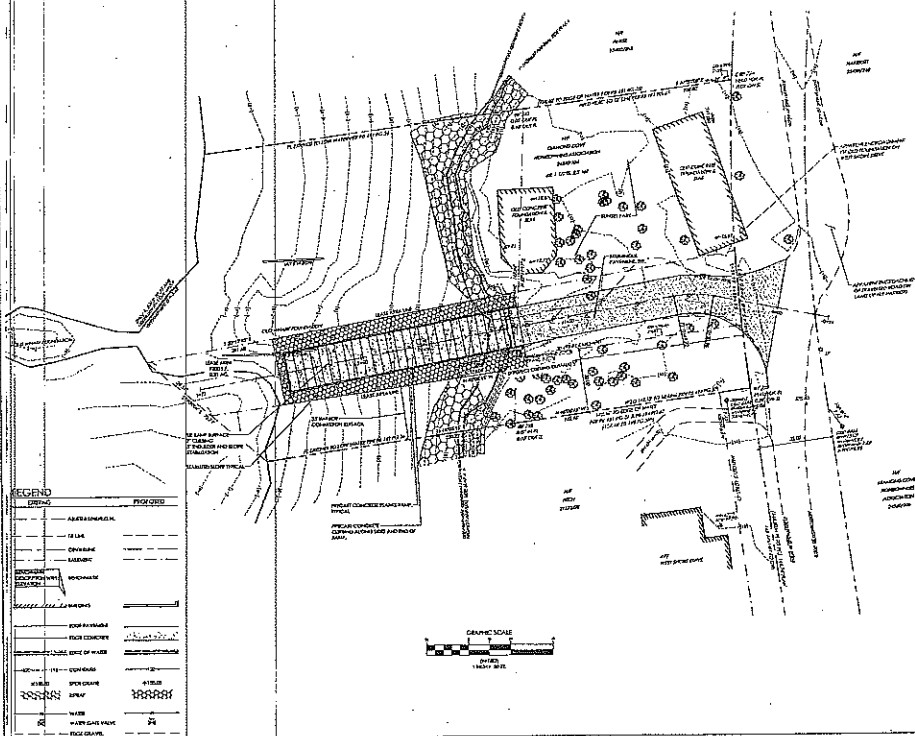
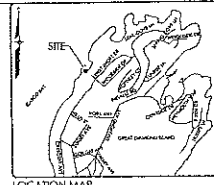
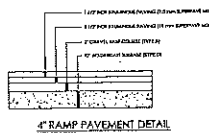
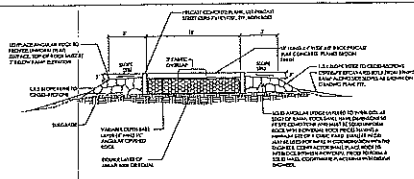
Days/Hours of Operation:

- Days of operation for City vehicles will be **Monday through Saturday** only.
- Days of operation for other non-DCHA vehicles (i.e., vehicles servicing the public side of the Island) will be **Monday through Friday** only.
- Hours of operation for City vehicles and other non-DCHA vehicles will be from **7:00 a.m. to 8:00 p.m. Monday-Friday and 7:00 a.m. to 6:00 p.m. on Saturday.**
- DCHA vehicles (i.e., vehicles servicing DCHA property or property of DCHA members) are not subject to these hours and days of operations restrictions.

Reports of Non-Compliance:

Any reports of non-compliance of these rules shall be reported to the City of Portland's Island and Neighborhood Liaison, who shall provide notice of any or all said reports to the DCHA.

The DCHA reserves the right to revoke permission to use the barge landing from non-DCHA vehicles or any operator thereof deemed to be in violation of any of these rules.

[illegible]



LEGEND	
DRAINAGE	PERIMETER
	WATER LEVEL MARK
	CONCRETE
	LANDSCAPE
	ROAD CENTERLINE
	ROAD SHOULDER
	CURB CONCRETE
	GRADE OF WATER
	DRAINAGE DITCH
	WATER MARK
	WATER GATE VALVE
	TRASH BARRIER
	GRAVEL

[illegible]

[illegible]

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING ANNUAL ADJUSTMENTS TO
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM & PROCESS**

ORDERED, that the annual adjustments to the Community Development Block Grant Program Allocation Process are hereby approved in substantially the form attached hereto.

*Order 71-1415
Feb 15 10-6-14*

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Planning and Urban Development Department
Housing and Community Development Division
Mary Davis, Division Director/Amy Grommes Pulaski, HCD Program Manager

DATE: September 29, 2014

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

SUBJECT: (Order Approving Changes to the CDBG Allocation Process)

SPONSOR: Kevin Donoghue, Chair, Housing & Community Development Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading October 6 Final Action October 6

Can action be taken at a later date: Yes X No (If no why not?) CDBG Application is scheduled to be released on October 8.

I. SUMMARY OF ISSUE (Agenda Description)

Housing and Community Development Division staff is requesting Council support and approval for several procedural changes to the CDBG allocation process. These changes are requested in an effort to improve the process and address issues raised through the FY 2014-2015 allocation process.

The Housing and Community Development Committee met on September 24, 2014 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Each year, Housing and Community Development staff reviews the CDBG Program allocation process and if necessary, suggests changes to the CDBG allocation process which must be approved by the City Council. The staff review includes comments and suggestions of the CDBG Allocation Committee. Any changes or recommendations are presented to the Council's Housing and Community Development Committee for approval prior to submission to the City Council.

III. INTENDED RESULT

Procedural changes to the CDBG allocation process.

V. FINANCIAL IMPACT

There will be no financial impact as a result of the procedural changes proposed in this memo.

VI. STAFF ANALYSIS

Public Infrastructure/Public Improvement Projects

HCD staff recently met with the Acting City Manager to discuss ways to create a more efficient allocation process for public improvement projects that creates a more realistic expectation as to the number of projects that can be funded each year.

The City of Portland's HUD Citizen Participation Plan, updated and approved by council and submitted to HUD in May, requires that we solicit public input in the CDBG process in each of the eligible CDBG neighborhoods. To satisfy these requirements, HCD staff is suggesting that we hold one CDBG specific meeting in October in a central location (with outreach to residents of all CDBG eligible neighborhoods) and include a discussion of the CDBG program at the district meetings in November.

Also, last year we worked with the three district councilors that represent HCD-eligible neighborhoods, and DPS staff, to identify 3 projects in each eligible neighborhood. HCD staff advised that projects which complement, complete or improve upon previously completed projects, or will result in a significant neighborhood impact, score better with the CDBG Allocation Committee. DPS completed applications for those projects, along with applications for handicap ramps, trees and Big Belly Solar Waste Compactors. However, of the twelve applications submitted, only 3 improvement projects plus the Big Belly Solar Waste Compactors were recommended for funding. Each application requires a significant amount of time to prepare.

In order to address these issues, the Acting City Manager contacted the three HCD-eligible district councilors to obtain their thoughts on these suggestions. Additionally, she intends to meet with the three HCD-eligible district councilors to discuss priorities, with the goal of identifying one top priority in each district. This list will be finalized with HCD and DPS staff and presented at the CDBG Neighborhood meeting in October.

Bonus Points

Last year, 3 bonus points were awarded for each project or program (both social services and development) that self-identified as addressing "Basic Needs." The definition of Basic Needs for this program, as provided by the 2008 CDBG Priority Task Force is "programs that respond to an acute need where no other options exist, and such a response is temporary in nature."

Last year's Allocation Committee recommended that these bonus points be eliminated for this program year, stating in their letter (full letter attached) to the City Manager that,

"The [Allocation] Committee feels that this definition is so broad that it removes the Committee's discretion to effectively score applications...three bonus points makes a significant impact on the resulting scores when the difference between receiving funding and not receiving funding falls to a tenth or one-hundredth of a point. If Basic Needs, or any Priority Impact Area, receives three (3) additional bonus points it effectively ensures that those applications have a high likelihood of being funded, while other highly needed applications are at a significant disadvantage."

Set-Asides

The 2014-2015 allocation process included two set-asides: \$150,000 for Community Policing (social service funds), and \$400,000 for the Employment Development Program (\$300,000 in development funds and \$100,000 in social service funds). Housing and Community Development staff recommends continuing these set-asides for the 2015-2016 CDBG allocation process.

Economic Development/Job Creation Activities

In the past businesses could apply directly through the CDBG Application process for economic development funds. Staff feels that it is more appropriate to channel business and economic development requests through other CDBG funded economic development programs, such as the Business Assistance Program through the City of Portland, the Portland Microenterprise Assistance Program through Coastal Enterprises, and the new Portland Jobs Alliance. These programs have staff and review committees with extensive economic development expertise and underwriting capabilities. Therefore Housing and Community Development staff recommends directing potential businesses from applying to CDBG through the annual application process and instead channel them to apply through the already funded CDBG economic development programs.

VII. RECOMMENDATION

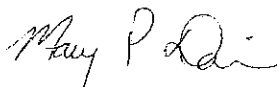
Based on the recommendation of the CDBG Allocation Committee, staff initially recommended to the Housing and Community Development Committee the elimination of all bonus points. However, the Housing and Community Development Committee voted 2-1 to amend the recommendation to allow bonus points for child care and subsequently voted 3-0 to forward the following amended recommendations to Council.

1. One CDBG specific meeting in a central location (with outreach to residents of all CDBG eligible neighborhoods) and the inclusion of a discussion of the CDBG program at the annual District 1, 2 and 3 meetings.
2. Eliminate the Basic Needs bonus points; retain the Child Care bonus points.
3. Preserve the set-aside for Community Policing and the Economic Development Program.
4. Direct potential businesses from applying for CDBG funds through the annual application process and instead channel them to apply through the already funded CDBG economic development programs.

VIII. LIST ATTACHMENTS

2014-2015 CDBG Allocation Committee Recommendation Letter to the City Manager

Prepared by:



September 29, 2014

Signature

Mary Davis, Division Director
Housing and Community Development

Date



February 14, 2014

Mark H. Rees, City Manager
City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Rees,

We are pleased to submit the CDBG Annual Allocation Committee's recommended budget allocations for Year 40 of the Community Development Block Grant (CDBG).

On a national level, funding for the Community Development Block Grant has decreased by approximately 1.3% this year. The budget listed below is based upon an estimated 1.3% cut in funding from Year 39 (2013-2014). HUD has already received their allocations and we are expecting to receive final budget numbers soon.

CDBG ALLOCATION	Year 39 FY 13-14	Year 40 FY 14-15	Difference in Dollars
Planning and Administration Cap	\$394,110	\$411,698	\$17,588
Social Service Cap	\$639,277	\$636,961	(\$2,316)
Development Activities	\$1,037,162*	\$896,833	(\$140,329)
TOTAL Allocation	\$2,070,549	\$1,945,492	(\$125,057)

**The Development Activities amount for Year 39 includes \$100,000 of funds reallocated from contingency.*

Based on Council approval, a portion of this year's Social Service and Development Activities funding will go toward a new initiative, the Employment Development Program. The amount of funding available for our annual CDBG process is in the far right column. Funding recommendations for the Employment Development Program will be presented through a separate venue.

CDBG ALLOCATION	Year 40 FY 14-15	Employment Development Program Funds	Amount of CDBG Funds Available for Annual Requests
Planning and Administration Cap	\$411,698	\$0	\$411,698
Social Service Cap	\$636,961	\$100,000	\$536,961
Development Activities	\$896,833	\$300,000	\$596,833
TOTAL Allocation	\$1,945,492	\$400,000	\$1,545,492

As in past years, the need for CDBG funding continues to exceed the amount of funds available. The total dollars requested is \$3,950,044 resulting in a gap of \$2,404,552 between CDBG funds available for annual requests and the total amount of annual requests. As in prior years, we were faced with difficult choices in this year's recommendation process and struggled with which applications to recommend for funding. The Committee stayed focused on the scoring criteria in order to be fair to all applicants.

The following sections of this letter outline our funding recommendations. The first section explains the history and progress Portland's CDBG Program has undergone over the last four years. The second section provides a description of this year's process, how the applications were reviewed and scored, and finally our recommendations for funding.

HISTORY AND CURRENT STATUS OF THE CDBG PROGRAM

Over the last six years, the CDBG program has undergone significant review. This review resulted in changes to the allocation process as summarized below.

In 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
- Funded projects are to be completed within two years of award

In 2009 the following steps were implemented:

Council Order 70-7/08 (HCD Task Force Ten Point Plan)

- CDBG Application process is to 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.

In 2010 the final recommendations by the CDBG Priority Task Force were implemented, including:

Council Order 91-08/09 (CDBG Priority Task Force Recommendations)

- \$20,000 minimum request.
- Small grants in the amount of \$7,500 are available to social services for capacity building and to small businesses micro-enterprises for technical assistance
- 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
- 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

In 2011, the Council further reviewed the program and the implementation of all of the recommendations. Based on this review, the City Council implemented the following changes:

- *Eliminate* the small grants award of \$7,500 made available to social services for capacity building and to small businesses micro-enterprises for technical assistance
- *Eliminate* the social service basic needs set aside, previously set to be up to 10% of the HUD CDBG allocation
- *Lower* the minimum grant request from \$20,000 to \$10,000

- *Create a maximum grant request per applicant:*
 - \$150,000 for Social Service applicants
 - \$250,000 for Development Activities applicants
- *Create a Maximum Cumulative Grant Allocation for City Applications*
 - 45% of funding available for Social Services
 - 85% of funding available for Development Activities
- *Create an economic development set aside/ cap for job creation for \$100,000*
- *Create a Priority Focus for Program Year 2011-2012:*
 - For Social Services additional points can be allocated for applications meeting the Work and Shop priority criteria
 - For Development Activities additional points can be allocated for projects located in Libbytown, Census Tract 20.02

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 Minor adjustments

- Priority for ALL Social Service and Development Activity applications is child care and basic needs. These applications will all receive an additional three bonus points.
- There is a set aside of \$150,000 for Community Policing
- Penalty points were reduced: errors are only 0.25 points, and blanks are not penalized.
- The Employment Development Program received a \$400,000 set aside, including \$300,000 from Development Activities and \$100,000 from Social Services

THE PROCESS AND REVIEW

CDBG Applications were available on October 15, 2013. The mandatory applicant's meeting was held on October 16, 2013 at 7:00pm in Merrill Rehearsal Hall. All applications were due on Tuesday November 19, 2013 at 10:00am.

We received twenty-one (21) Development Activities applications and fifteen (15) Social Service Applications, along with an Administration and Planning request of \$393,910, for a total of \$3,950,044 in funding requests.

There was a total of \$2,369,027 of Development Activity requests with \$596,833 available, and \$827,097 of Social Service requests with \$536,961 available.

The Allocation Committee Review and Funding Methods

Our Committee first met for this funding year on December 19, 2013. The Committee met seven (7) times to discuss Administration and Planning, Development Activities and Social Service applications.

The Committee read each application individually prior to the meeting. At the meeting the Committee would discuss each proposal. If questions arose, staff forwarded them to the applicant to answer. The answers were then forwarded back to the Committee.

Applications were organized by score from the highest to the lowest within each category. The City Council has directed the Committee to recommend full funding based on request for all applications; therefore each applicant was awarded full funding, until the funding was exhausted.

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 \$393,910 and the Committee is recommending full funding.

Organization	Program	Request	Points	Comm. Recomm.
Planning & Urban Development Department	Administration	\$393,910	NA	\$393,910

Development Activities Funding

The Committee received twenty-one (21) Development Activities applications, requesting a total of \$2,369,027 and \$596,833 was available. The City Council's 85% *Rule for Development Activities* is still in place, which specifies that a maximum of 85% of the Development Activity funding can go to fund City applicants, the remaining 15% must go to outside requests. This rule did not affect the Committee's recommendations this year. The following table outlines the highest scoring applications, their requests and the recommended allocation from the Committee.

Organization	Program	Request	Points	Comm. Recomm.
Living with Peace <i>Application # 21</i>	Portland Micros	\$15,000	89.9	\$15,000
Learning Works <i>Application #20</i>	Renovation of Historic Property at 181 Brackett Street	\$70,700	88.94	\$70,700
Portland Food Co-Op <i>Application #22</i>	Portland Food Co-Op Grocery Store, Job Creation	\$60,000	88.65	\$60,000
Preble Street* <i>Application #3</i>	Preble Street Resource Center Rehabilitation and Healthcare for the Homeless Clinic Floor Replacement***	\$173,060	87.48	\$64,493/ \$108,567**
COP Public Services <i>Application #10</i>	North Boyd Street Multiuse Trail Phase II	\$110,000	85.98	\$110,000
COP Public Services <i>Application #13</i>	St John. Valley Streetscape Phase III Final	\$210,504	84.05	\$183,073

* These applications received a three (3) point bonus for addressing a Basic Need.

**In light of recent funding changes for the Healthcare for the Homeless Program, the Committee feels strongly that if *the decision to close* the Healthcare for the Homeless Clinic is made *before* the start of the fiscal year (July 1, 2014), funding *should not be awarded* to Preble Street for renovation and floor replacement in the building located at 20 Portland Street, the space for the Healthcare for the Homeless Clinic. If this closure occurs, the Committee recommends funding *only* the Preble Street Resource Center Rehabilitation portion of the project at \$64,493. This leaves \$108,567, the portion for the Healthcare for the Homeless Floor Replacement project, unallocated. Therefore the

Committee recommends funding the next two highest scoring applications: Milestone Shelter Bathroom Renovation for \$21,778 and Public Services Oxford Street Crossing and Elm Street Crossing project with the remaining \$86,789 (of \$248,375 requested). If either project cannot go forward at this amount the Committee recommends funding the next highest scoring project that can begin and be completed in a timely manner.

If additional funds are available through contingency the Committee recommends funding the next projects in order, based on their score.

The City puts a ten year mortgage on all non-profit renovation projects to ensure that the space continues to be used for eligible purposes.

Social Service Funding

The Committee received fifteen (15) Social Service applications, including a multi-year request from Milestone Foundation for the H.O.M.E. Team and a \$150,000 request from Community Policing which will be funded through a set-aside. There is \$827,097 of Social Service requests with \$536,961 available. The City Council's *45% Rule for Social Services* is still in place, which specifies that a maximum of 45% of the Social Service funding can go to fund City applicants, the remaining 65% must go to outside requests. This rule did not affect the Committee's recommendations this year. The following table outlines the highest scoring applications, their requests and the recommend allocation from the Committee.

Organization	Program	Request	Points	Comm. Recomm
COP Police Development	Community Policing	\$150,000	Set-aside	\$150,000
Preble Street*	Resource Center	\$45,000	97.54	\$45,000
Preble Street*	Food Programs	\$50,000	96.13	\$50,000
Opportunity Alliance*	Access to Basic Needs: Winter Heat and Summer Food	\$62,400	95.51	\$62,400
Preble Street*	Teen Center	\$30,000	95.42	\$30,000
Catherine Morrill/ Youth and Family Outreach***	Childcare Assistance Program	\$89,432	95.1	\$89,432
Preble Street*	Florence House	\$30,000	92.98	\$30,000
COP Social Service Division*	After Hours Emergency Assistance Program	\$34,000	92.39	\$34,000
COP Healthcare for the Homeless	Behavioral Health Program	\$111,149	90.99	\$46,129

* These applications received a three (3) point bonus for addressing a Basic Need.

*** These applications received a three (3) point bonus for providing Child Care.

If the Healthcare for the Homeless Clinic closes prior to the start of the fiscal year (July 1, 2014), the committee recommends this funding, in the amount of \$46,129, be directed to the next highest scoring applicants identified on the scorecard attached who are able to deliver the services outlined in their application.

BONUS POINTS

Social Services

The Committee discussed the bonus points that were awarded this year to both Childcare and Basic Needs. According to the application Basic Needs is defined as “programs that respond to an acute need where no other options exist and such a response is temporary in nature.” The Committee feels that this definition is so broad that it removes the Committee’s discretion to effectively score applications. Nine (9) of the fourteen (14) social service applications qualified to receive an additional three (3) bonus points (8 for basic needs and 1 for childcare). Three bonus points makes a significant impact on the resulting scores when the difference between receiving funding and not receiving funding falls to a tenth or one-hundredth of a point. If Basic Needs, or any Priority Impact Area, receives three (3) additional bonus points it effectively ensures that those applications have a high likelihood of being funded, while other highly needed applications are at a significant disadvantage. Seven (7) of the eight (8) applications being recommended for funding by the committee (based on score) received Basic Needs or Childcare bonus points. Only one applicant who received the bonus points did not receive a recommendation for funding.

The Committee recommends that there be NO bonus points for social service applications for next year.

Development Activities

This is the first year that Development Activity applications received the same bonus points as Social Service applicants, for Basic Needs and Childcare. Five applicants received additional bonus points. The Committee feels strongly that these types of bonus points should not apply to Development Activity applications.

The Committee recommends limiting bonus points to location only for Development Activity applications, where the location compliments a larger City initiative.

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. The projects that are not being recommended for funding scored lower in the each of the evaluation categories, and therefore in total points. A spread sheet is attached which provides all scores for each application. A summary book has also been provided to you, and staff can provide full applications if requested. Please refer to the spreadsheet and Summary Book for more information.

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 your patience through its transition. We 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 10 and 17 and hearing your response.

Sincerely,

The CDBG Annual Allocation Committee for Program Year 2013-2014
Funding Year 2014-2015

Karma Crawford, Chair
Jeremy Gabrielson, Vice Chair
Maxwell Chikuta
Wendy Harmon
Rhonda Juneau
Jeff Schwartz
Victoria Szatkowski
Jackie Wiegler

Attachments: CDBG Allocation Committee Funding Recommendations 2014-2015 (spreadsheet)

*Order 72 -14/15
Tab 16 10-6-14*

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING ANN FREEMAN HOUSE
AT 147 CONGRESS STREET AS A LANDMARK**

ORDERED, that pursuant to the recommendation of the Historic Preservation Board under Article IX of Portland City Code Chapter 14, Ann Freeman House at 147 Congress Street is hereby designated as a Landmark.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Deborah Andrews, Historic Preservation Program Manager

DATE: September 24, 2014

DISTRIBUTION: Mayor Michael Brennan, City Manager Sheila Hill-Christian, Sonia Bean, Danielle West-Chuhta, Nancy English, Jeff Levine

SUBJECT: Recommendation to designate the Freeman House at 147 Congress Street as an individual landmark subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code).

SPONSOR: Historic Preservation Board, Rick Romano, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED: October 6, 2014

1st reading _____ **Final Action** _____

Unsure whether action requires 1st reading.

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

Property is under contract; current owner wants to resolve designation status prior to closing.

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

Brief presentation by Historic Preservation Board chair or HP Manager. Property owner Karen Rasmussen, who nominated her property for designation, also requests an opportunity to make a brief statement.

I. SUMMARY OF ISSUE (Agenda Description)

The Historic Preservation Board is recommending that the Ann Freeman House at 147 Congress Street be designated as an individual Landmark subject to the protections of the City's historic preservation ordinance (Article IX of the Land Use Code.) Current property owners Karen Rasmussen and Manuel Pena nominated their property for designation by written petition to the City's historic preservation office. (Under the provisions of Portland's ordinance, a landmark nomination may be initiated by the affected property owner.) Circumstances require that Ms. Rasmussen and Mr. Pena move from Munjoy Hill and sell the circa 1857 brick residence they have restored; as they leave their property they are seeking a means to ensure its preservation into the future.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

As noted above, the owners of the property nominated their own residence for landmark designation in order to provide for its long-term preservation. Designation under the provisions of Portland's historic preservation ordinance will protect the 1857 residential structure from demolition (unless future owners can meet the ordinance's economic hardship standards) and provide a review process to ensure that alterations and additions to the building are reviewed and approved according to the ordinance's review standards.

In reviewing the nomination, the Historic Preservation Board found that the Freeman House meets the ordinance's minimum criteria for designation (Sec. 14.610 (a) 1 & (a) 4 as an architecturally notable structure within the context of the Munjoy Hill neighborhood and one of a handful of buildings that survived the Great Fire of 1866. They also found that the Freeman House exhibits the required "integrity of location, design, condition, materials and workmanship" to make it worthy of preservation (Sec. 14-611). In recommending the landmark designation, the Historic Preservation Board also notes the building's location across the street from the Portland Observatory as well as its visual prominence on the Congress Street spine of Munjoy Hill. In forwarding this recommendation for designation, the Historic Preservation Board wishes to formally commend the owners of the Freeman House for their sense of stewardship and initiative to preserve an important historic resource on Munjoy Hill.

III. INTENDED RESULT

Currently, there is no local or National Register historic district on Munjoy Hill. Apart from a handful of individually-designated historic structures (e.g. the Portland Observatory and St. Lawrence Church parish hall), there is no protection for historic buildings on Munjoy Hill. The only mechanism to protect individual structures at this time is for buildings to be individually designated as "landmarks".

It should be noted that Portland's list of locally-designated landmarks includes a number of buildings similar to the Freeman House, which, while not "Landmarks" in the conventional sense of the word, are architecturally and/or historically notable within the context of their neighborhood.

COUNCIL GOAL ADDRESSED

Portland's Comprehensive Plan identifies historic preservation as a major priority within the City's land use policies. Portland's historic preservation ordinance (Article IX of the Land Use Code) was adopted in 1990 to provide protection for identified historic resources, whether they be individually designated or included as part of a larger historic district.

IV. FINANCIAL IMPACT

None

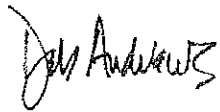
V. STAFF ANALYSIS

See attached staff memo and report prepared by ttl-architects: *147 Congress Street, Portland, Maine: Analysis of Eligibility as a Local Landmark*

VI. RECOMMENDATION

Historic Preservation staff fully supports the designation

VIII. LIST ATTACHMENTS



Prepared by:

Signature

September 24, 2014
Date



CITY COUNCIL REPORT
from
HISTORIC PRESERVATION BOARD
PORTLAND, MAINE

**Recommendation to Designate 147 Congress Street (Ann Freeman House) as
Local Landmark under the provisions of Portland's historic preservation
ordinance (Article IX of the Land Use Code)**

Submitted to: Portland City Council Requested Council Action: October 6, 2014	Submitted by: Historic Preservation Board Date: October 1, 2014
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I. Introduction

On September 17, 2014, the Historic Preservation Board voted unanimously to recommend to the Council that the Ann Freeman House at 147 Congress Street be designated an individual "landmark" under the provisions of Portland's historic preservation ordinance. The nomination for landmark designation was submitted by the current owners of the property, Karen Rasmussen and Manuel Pena. (Portland's historic preservation ordinance allows for owners of individual historic buildings to nominate their own property for landmark designation.) The owners are in the process of selling their home and seek to ensure its preservation now and into the future. Landmark designation will protect the building from demolition unless a future owner can meet the historic preservation ordinance's economic hardship provisions. Designation will also provide a review process to ensure that future alterations or additions are compatible with the building's historic character.





II. Board Findings and Basis of Recommendation

Portland's historic preservation ordinance requires that detailed research, photodocumentation and a professional assessment of the historic resource's relative significance be prepared in order for the Board to consider landmark or historic district designation. A report commissioned by the property owners and prepared by ttl-architects entitled *147 Congress Street, Portland, Maine: Analysis of Eligibility as a Local Historic Landmark* provided the detailed level of documentation and analysis required for Board consideration. The historic preservation ordinance also includes specific criteria that must be met in order for the Board to recommend designation to the City Council. These criteria are spelled out in Sec. 14-610 and Sec. 14-611 of the ordinance (see attached.) Based on the information included in the report, the recommendation of staff and the Board's own evaluation, the Board found that the Freeman House meets the designation criteria set forth in the historic preservation ordinance as follows:

Sec. 14-610. Minimum criteria for designation. The ordinance sets forth six minimum criteria for designation, one or more of which must be met. The minimum criteria pertain to a nominated resource's architectural and historical significance. The Board found that the Freeman House meets the following two criteria:

(a) 1. *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; and*

(a) 4. *Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.*

Finding: Although there are numerous examples of this type and style of residential structure on the Portland peninsula, the Board found that the Freeman House *is a unique example of its type and*

style within the context of its Munjoy Hill neighborhood. Built 1856-1857, the dwelling is noteworthy as a particularly high style example of transitional Greek Revival/Italianate architecture, which serves to distinguish it from the predominately vernacular and largely wood-frame homes that characterize most of Munjoy Hill.

The single family dwelling is also significant as one of a handful of pre-fire buildings on the east end of Congress Street to survive the Great Fire of 1866. (A drawing of this area completed immediately following the Fire confirms that the Freeman House and the Observatory across the street were two of the only structures left standing.)

In addition to the merits of the building itself, its location directly across the street from the Portland Observatory ensures that the Observatory retains a key element of its historic context into the future.

Sec. 16-411. Integrity of landmarks and historic districts. Under this provision, “*any ...structure...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.*”

Finding: Comparing early images of the Freeman House with the building’s current appearance, the Board found that the building retains a high degree of architectural integrity. With the exception of the removal of the original roof cupola and balustrade (which was done relatively early in the building’s history), the Freeman House has been altered very little over time. The few alterations that have been made are compatible with the original structure.

II. Relationship of Recommended Designation to Comprehensive Plan

Portland’s Comprehensive Plan identifies the protection, preservation and enhancement of the city’s historic resources as a high priority. Pursuant to the Comprehensive Plan, the City adopted a comprehensive historic preservation ordinance in 1990. Over time, the City Council has approved the designation of 8 historic districts, comprising approximately 1800 structures, as well as 72 individually-designated historic structures (identified as “landmarks” in the historic preservation ordinance). Although the term “landmark” is typically associated with structures of signigular significance, such as City Hall and the Customs House, there are a number of buildings included among the current list of individual landmarks that are noteworthy for their particular context and worthy of preservation, but which do not meet one’s conventional notion of “landmark”. The Freeman House falls into this category. (Note that ttl-architects report provides similar examples of individually-designated historic structures.) Given that there are no current plans for historic district designation on Munjoy Hill, individual landmark designation is the only available tool to provide formal recognition of notable historic structures and to ensure their preservation over time.

Attachments

1. Applicable excerpts from historic preservation ordinance (Article IX of the Land Use Code)
2. *147 Congress Street, Portland Maine: Analysis of Eligibility as a Local Historic Landmark* Report prepared by Julie Larry, ttl-architects
3. August 30, 2014 letter of nomination from current property owners Karen Rasmussen and Manuel Pena
4. Public Comment

(s) To annually report to the council with 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 provision 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 landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.

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

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

all potential areas, sites, structures and objects that meet the criteria for designation.

- (e) A map showing the location of the nominated landmark and the boundaries of the nominated district.
- (f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.

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

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.

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

Sec. 14-621. Planning board recommendation to city council.

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate, a draft of a proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.

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

Sec. 14-622. Action by the city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be

contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.

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

Sec. 14-624. Reserved.

Sec. 14-625. Reserved.

*Editor's note - Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

147 Congress Street, Portland, ME Analysis of Eligibility as a Local Historic Landmark

By ttl-architects, LLC

11 September 2014





11 September 2014

Deborah G Andrews
Historic Preservation Program Manager
Department of Planning & Urban Development
Portland City Hall
389 Congress Street, 4th Floor
Portland, ME 04101

Re: 147 Congress Street Request for Designation as a Historic Landmark

On behalf of Karen Rasmussen, I am pleased to submit this nomination report to the City of Portland. The c1857 dwelling at 147 Congress Street is known locally as the Daniel Freeman House, although our research indicates that Daniel was never the owner, it was owned by his wife Ann. Property ownership by married women was very rare in the mid 19th century, and only became legal in 1844. For this reason, as well as cultural tradition, dwellings are usually known by the name of male occupants. However, the dwelling should be identified as the Ann Freeman House. For purposes of this report, and to avoid confusion, we have referred to the dwelling by its street address or as the Freeman House in this report.

Although we tend to think of Landmark buildings as important buildings like the Portland Observatory, US Customs House, or the Longfellow House, the City of Portland has designated dwellings that are unique to their setting as individual landmarks. Examples of these are included with the our report.

Enclosed you will find our report and several attachments. If you have any questions regarding our report, please contact me at 207.761.9662 or via email at jlarry@ttl-architects.com.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Julie Larry', written in a cursive, flowing style.

Julie Larry,
Principal

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SUMMARY DESCRIPTION OF A POTENTIAL LANDMARK - 147 CONGRESS STREET

The brick dwelling at 147 Congress Street is a mixture of the Greek Revival and Italianate styles. It is one of a few brick homes built on Munjoy Hill prior to the area's rapid development after the 1866 Great Fire. Most residential dwellings built on the hill before and after the fire are wood framed, while public buildings tended to be built of brick. Two of the owners of the dwelling in the nineteenth century were woman, Mrs. Ann Freeman from 1858-1880s and Mrs. Georgie Farnsworth 1893-1903. Ann Freeman's ownership was unusual as married women in Maine were not permitted to own property until 1844.



Image No.1 - City of Portland 1924 Tax Photo



Image No.2 - Exterior Image 2002, courtesy of Karen Rasmussen



Image No.3 - Exterior Image 2014, ttl-architects

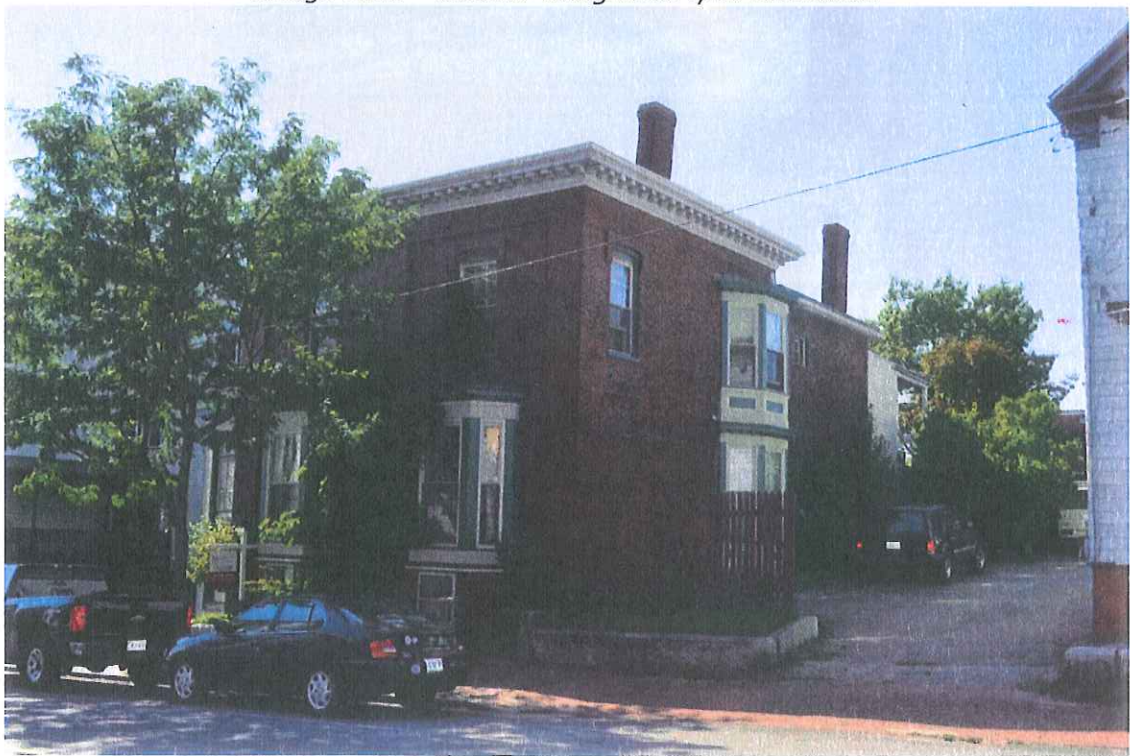


Image No.4 - Exterior Image 2014, ttl-architects

SUMMARY STATEMENTS ADDRESSING THE MINIMUM CRITERIA STANDARDS

The house at 147 Congress Street meets the minimum criteria standards for designation as a local landmark as defined in Sec. 14-610 of the City of Portland's Historic Preservation Ordinance and summarized below:

Sec. 14-610.a.1 - 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.

The dwelling at 147 Congress Street is not a unique example of its type and style, there are many brick transitional Greek Revival/Italianate dwellings in Portland. It is however a unique example of its type and style within its setting on Munjoy Hill. Built 1856-1857, the dwelling is of a higher style than many of the surrounding buildings, either of wood frame or brick construction. Both its exterior high style appearance and the ornate interior plasterwork, differentiate this dwelling from the predominately working class homes that characterize most of Munjoy Hill.

The single family dwelling is also a significant surviving example of pre-fire Portland on Congress Street. It survived the Portland's Great Fire in 1866 (see image below). The aftermath of the fire greatly reshaped residential development on Munjoy Hill.

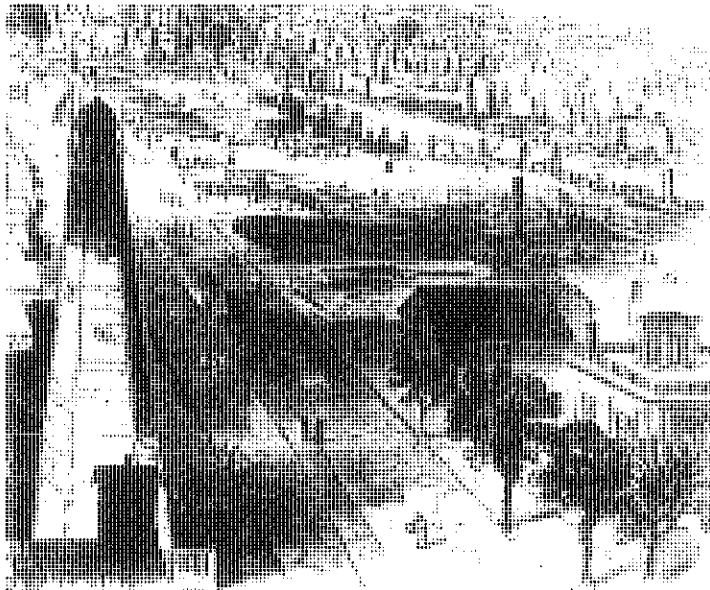


Image No.5 - Portion of a drawing of Portland following the 1866 fire from Frank Leslie's Illustrated Newspaper in Portland's Greatest Conflagration: The 1866 Fire Disaster by Don Whitney and Michael Daicy. At the far lower right is the Freeman House, with cupola and rooftop balustrade.

Sec. 14-610.a.4 - Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.

While mainly Italianate in style, the dwelling at 147 Congress Street has a few Greek Revival details. The influences of the Greek Revival style are found in dwelling's character defining brick pilasters delineating each primary bay and Greek Revival details on each projecting bay on the south elevation. The projecting bays on the south elevation, the two-story projecting bay on the east elevation, the low-pitched hip roof, pronounced overhanging eave with closely spaced modillions, and the projecting brick hoods over the primary window openings covered with a tinted parge coat to resemble stone are character defining features that are typical of the Italianate style. Centered on the low-pitched hip roof was originally a square cupola, a common Italianate feature. The cupola and a perimeter roof balustrade were removed in the first half of the 20th century.

The dwelling at 147 Congress Street is not a unique example of its type and style as there are many brick transitional Greek Revival/Italianate style dwellings in Portland. It is however a unique example of its type and style within the Munjoy Hill neighborhood. Mainly comprised of wood frame dwellings, there are several other examples of brick dwellings on Waterville, St. Lawrence and Atlantic Streets, particularly near the intersection with Fore Street. All appear to either predate or were constructed in the same period as the dwelling at 147 Congress Street.

Three of the brick dwellings, a side gable dwelling 62 Waterville Street, a side hall front gable dwelling at 66 Waterville Street and a side gable cape at 16 Atlantic Street, are purely Greek Revival in style and appear to predate the house at 147 Congress Street. A side hall dwelling at 20 St. Lawrence Street has simple flat granite lintels typical of the Greek Revival style but has a projecting bay, a pair of narrow entry doors, and an entry hood supported by large brackets typical of the Italianate style. The dwelling at 20 St. Lawrence Street is more modest in scale, form, and detail than the dwelling at 147 Congress Street and has been altered by replacement windows and a rear addition.

Unlike the other brick dwellings, 147 Congress Street is a more elaborate example of Italianate construction and retains a high degree of architectural integrity, on the exterior, and the interior. Although it retains many character defining exterior details, it has lost its original 2/2 windows, cupola and roof balustrade. The two open bays on the side entry porch were enclosed, probably in the mid-twentieth century (See historic image on page 1) in a compatible alteration. The two first floor windows protected by the enclosed porch retain a larger amount of the parge coat on the brick lintels, than those exposed to the weather.

ARCHITECTURAL DESCRIPTION

Enclosed with this report is a copy of a detailed architectural description of 147 Congress Street written in 1981 by Arthur J Gerrier. Historical inaccuracies in Mr. Gerrier's report are discussed in the historic context section below. Below is a summary description of the exterior of the dwelling.

147 Congress Street is a two-story brick dwelling resting on an L-shaped granite and rubble stone foundation. To the rear (north) of the main block is a two story brick ell. Two, two story wood frame additions, one at the corner of the ell and the other at the rear of the ell were added in the late 19th century (image below).



Image No.6 – rear of 147 Congress Street

The dwelling is capped by a low-pitched hip roof with a projecting eave marked by closely spaced modillions. A perimeter balustrade and cupola were removed from the building decades ago.

While mainly Italianate in style, the dwelling has a few Greek Revival details. The influences of the Greek Revival style are found in dwelling's character defining brick pilasters delineating each primary bay on the south elevation and Greek Revival details on the projecting bays on the south elevation. The projecting bays on the south elevation, the two-story projecting bay on the east elevation, the low-pitched hip roof, pronounced overhanging eave with closely spaced modillions, and the projecting brick hoods over the primary window openings covered with a tinted parge coat to resemble stone are character defining features that are typical of the Italianate style.

HISTORIC CONTEXT

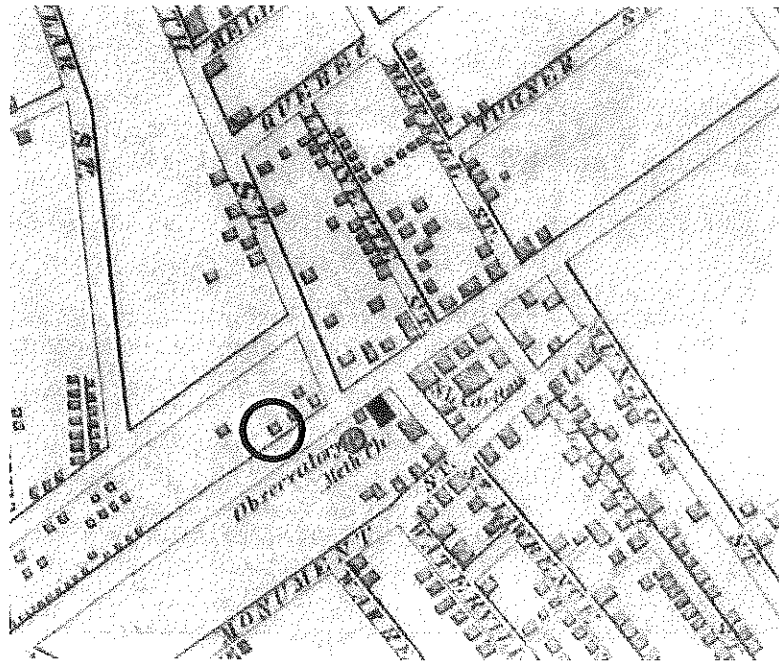


Image No.7 – Excerpt from 1857 Map of Cumberland County

In 1851 the Lemuel Dyer family subdivided land near the intersection of North Street with Cumberland Avenue and Congress Street. Lot No. 11 was acquired by George Hall and sold to his father Simeon Hall in 1856. Simeon Hall was a lumber dealer with a lumber yard on Franklin Street and a former surveyor of lumber for the City of Portland. He lived at 152 Cumberland Avenue. He deeded Lot No. 11 to his daughter, Ann in 1858.¹ When Simeon Hall purchased the Congress Street property in 1856 it was only an unbuilt lot. When he deeded it to Ann Freeman in 1858, the deed mentions the extant dwelling had been constructed. The brick structure first appears on the 1857 Map of Cumberland County.

Ann W. Hall married Daniel Freeman in 1833. Although the report written in 1981 by Arthur J Gerrier indicates Daniel Freeman was a shipsmith, he is listed in census and city directories as a blacksmith and machinist. He had a foundry at 7 Fore Street opposite the Portland Company circa 1852-1858. His machine shop produced steam engines and boilers as well as other castings. The Industrial Schedule of the 1850 US Census indicates Freeman's machine shop produced two steam engines, eight tons of boilers and tanks, and various other machinery totaling \$11,500 that year. In the early 1850s the couple lived close to his shop on Fore Street in a dwelling on Waterville Street. The same year the family moved from Waterville Street to the house on Congress Street, Daniel Freeman moved his machine shop from Fore Street to 43 Commercial Street.

¹ Deed of Land from Simeon Hall to Ann W Freeman. Cumberland County Registry of Deeds. Book 305, Page 576. 5/10/1861.

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MECHANISTS.

Boilers, Steam Engines, &c.

DANIEL FREEMAN,

At the machine shop, opposite the works of the
Portland Company, manufactures High and Low
Pressure

Steam Boilers and Steam Engines.



Also, the

Patent Nipper Windlass Purchase,

of various patterns, and of the following sizes.

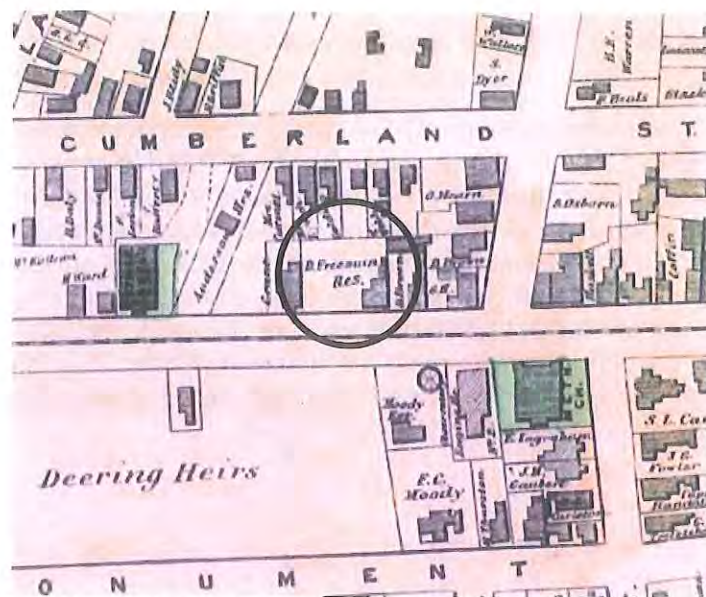
No.	Size 14 inches,	Vessels Tonnage,	50 to 75 tons
1,	16 "	" "	75 to 100 "
2,	18 "	" "	100 to 150 "
3,	20 "	" "	150 to 200 "
4,	22 "	" "	200 to 300 "
5,	24 "	" "	300 to 400 "
6,	26 "	" "	400 to 600 "
7,	28 "	" "	750 to 1000 "

BLACKSMITH WORK of every variety, executed with neatness and despatch, and all kinds of
IRON TURNING done at the shortest notice.—
CLINCH RINGS for vessels bolts, of various sizes,
constantly on hand.

Also, Caps and Spindles, Windlass Necks, Trusses
and Truss Shapes, Clamps, Screws, &c., &c.

(P) Orders for all descriptions of work in his line
promptly attended to.

Although historic maps, the Gerrier report and the historic house marker identify the dwelling as the Daniel Freeman House, the house remained in Ann's name only until it was acquired by her son Charles H. Freeman. US Census records indicate Ann possessed a larger personal income than her husband. In 1870 the value of Daniel's personal estate is listed as \$500. The value of Ann's personal estate was \$1000. In addition, Ann owned the dwelling then valued at \$5000.

*ttl-architects*

Although maps identify the dwelling as owned by either Daniel or Charles Freeman, deed and census records corroborate that Ann was the owner of the dwelling, an unusual occurrence for a married woman in mid-19th century America. American common law, followed English marriage and property laws restricting a married women from owning property or controlling her own earnings. In 1844 Maine law was changed to allow women to own property in their own name. In 1857 the law was amended to allow women to control their own wages and to will their own estate. It would seem that Ann's father took advantage of these new laws in 1858 to deed the house to his daughter, allowing her control of the property and her personal estate.

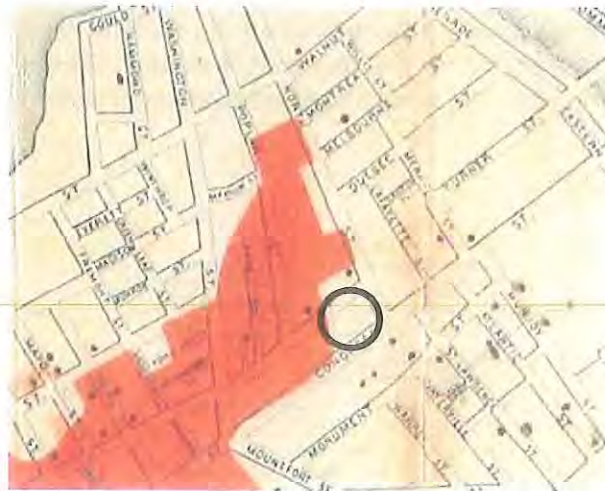


Image No.10 – Map of the Great Fire of Portland, 1866 from Maine Memory Network.

During Portland's early settlement, there were some sparsely located dwellings on Munjoy Hill. Increasingly dense development occurred in the second quarter of the 19th century concurrent with industrial development along the waterfront. Housing development near or along Fore Street was accelerated by the construction of the Portland Company and a need for homes to accommodate the company's workers. Development spread north to Congress Street with the subdivision of larger parcels for infill development along Congress Street and Cumberland Avenue. In 1866 the Freeman House barely escaped destruction in the Great Fire. After the fire, Munjoy Hill was quickly developed by single and multi-family wood-framed housing to accommodate the thousands made homeless by the fire.

The Freeman's had two sons, Charles H. and Henry W. Both Charles and Henry would work as clerks in Portland. In 1893 Charles H Freeman sold his mother's house on Congress Street to Georgie M. Farnsworth.

Georgie was the wife of Arthur Leighton Farnsworth, an employee of the United States Customs House in Portland. Arthur worked for the Customs' office as a weigher, guager and measurer 1887-1889. When Georgie purchased the house in 1893 Arthur L. Farnsworth was working as an assessor for the City of Portland. He returned to the US Customs House c1895 and worked as the Deputy Collector until the 1920s. Georgie Farnsworth sold the house on

Nomination Report for
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Portland, ME

Congress Street in 1903 to brothers Dennis F. and Richard J. Griffin and the Farnsworth family moved to Ocean Avenue.

Dennis and Richard Griffin were first generation Irish-Americans, the children of Irish born Richard Griffin and his wife Ellen. Their father Richard worked as a stone mason and had a house at 59 Cumberland Avenue. Dennis worked variously as a stone cutter, mason, general contractor and inspector for the City of Portland. Richard worked as a steamfitter and a plumbing inspector for the City of Portland. The Griffins had a third brother, John, a machinist at the Portland Company, and two sisters, Margaret A. and Mayna, a milliner.

The City Directory of 1904 indicates that Dennis Griffin was living at 147 Congress Street while Richard boarded at 155 Congress Street. By 1908 it appears that Dennis, Richard, Mayna and Margaret were all living in the house at 147 Congress Street. Richard appears to have died before his siblings. In 1933 Dennis willed the dwelling at 147 Congress Street to his surviving sisters, Margaret and Mayna [Mary E]. Margaret died in 1936 and the house was willed to Mary. In 1948 the house was deeded through probate to Arthur E Griffin of Boston.

Manufacturers' Agents for Gasoline and Steam Engines and Mill Machinery, Central Street, PORTLAND, MAINE.	
By EDWARD R. NORTON, Treas. ALBERT E. GIER, Supt.	
AND SHIPBUILDING CO., and all kinds of BOATS built and repaired with dispatch. at timber, ship keels and frames. Saw and planing mills at reasonable rates. Shipped at SOUTH PORTLAND, MAINE. Maine Railway, 200 and 1550 feet.	
Wells Co., Street Pavers and Contractors.	D. F. GRIFFIN & BRO., Street Pavers and Contractors.
Furnishers, of Federal St., N.D. ME. and Portland. Easy Payments.	R. J. GRIFFIN, Steam and Hot Water Heating. THURGOOD LAW OFFICE. 106 Exchange St., Portland, Me.
NG CO., of SOLDER AND ACHINERY. it does things. and Fore St., MAINE.	John T. Merrill Dec. 11, 1860, Jr. Established 1868 Incorporated 1938 T. L. MERRILL COMPANY, Electrical Engineers and Contractors. Telephone and Electrical Supplies. 228 Middle St., Portland, Me.

Image No.11 -- Excerpt from *Maine Register, State Yearbook and Legislative Manual* by the State of Maine. Portland: Tower Publishing Company, 1913.

Additional owners include Arthur E Griffin (1948-1949); Edward T. & Bernard Devine (1949-1955); Mary E Devine (1955-1963); Glenn A & Hazel E Smith (1963); Bernard & Gloria C Powers (1963-1981); Michael R Giguere (1981-1984); Steven D Waltman [Mairs] (1984-2001); and Karen Rasmussen (2001-present).

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Portland, ME

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US Federal Census Records.

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Portland, ME



Parcel Map identifying location of 147 Congress Street.

DANIEL FREEMAN HOUSE, ca. 1857
147 Congress Street
Mike Giguere, present owner

The Daniel Freeman House* is two full stories over a high basement. It is brick with wood trim. Its ripped roof is very low-pitched and was originally concealed by a balustrade. The house originally possessed an octagonal cupola which seems to have disappeared prior to 1924. In plan it is a modified L-shape with extensive rear additions.

The Freeman House exhibits a mixture of Greek Revival and Italianate features; a fairly common occurrence in Portland buildings of the 1850s. It is the type of house that was just stylish enough to be dubbed a "villa" in the romanticized estate parlance of its era. Its principal front towards Congress St. (south) is divided into two vertical sections by three plaster strips. Each half contains a canted bay window of wood on a high brick base. These bay windows have simple Greek Revival detailing. The two second floor windows are Italianate with projecting arched window caps of painted brick.

The house has a side entrance plan with a porch and projecting flush-boarded vestibule on the left (west) side. The porch is supported by two paneled Greek Revival piers. It was originally paneled but was glazed after 1866. The present street door is a modern three-panel replacement of an earlier one damaged while the building was unoccupied. The inner door appears to date from ca. 1900 and has an oval window with a pressed egg-and-dart moulding around it. This door was also damaged but the present owner hopes to restore it to its original appearance. The inner door is approached from the street by two short flights of granite steps separated by a wide landing. Interestingly, the two first floor windows sheltered by the porch have projecting arched caps of brownstone, while those above are executed in brick as on the front.

The east elevation of the front block of the Freeman House has a two-story canted bay window with bracketed cornicing.

The front block of the house rises higher than the rear. It is topped with a projecting Italianate cornice made up of closely-spaced modillions. The rear wing has a simply molded cornice. On the whole, considering the small amount of maintenance it seems to have had in recent years, the exterior cornicing of the structure would seem to be basically sound and has lost very few modillions.

Inside, the arrangement of space is both convenient and elegant. The stair hall runs along the north side of the main block to approximately 2/3 of its depth and extends out into the wooden vestibule with no division present on the inside. The stairs are a single, straight run against the north wall. They possess a typically elaborate newel with simple balusters. The rail is intact to the second floor level where it has been replaced by a spindley wrought-iron substitute.

*Daniel Freeman, a shipshook, is the first occupant I can locate. He is listed at this address in the 1858-59 City Directory. A house appears on the site according to the 1857 map of Cumberland County.

The front of the first floor is occupied by a single large room divided into two sections by a full-width arch. Each section has one of the street front bay windows and, in addition, the western section has two floor-length windows overlooking the porch. Facing each other from opposite ends of this imposing space are matching fireplaces with gray marble mantels with arched openings.

The dining room lies behind the eastern "parlor" at the far end of the stair hall. It is a rather small room but gains space from a floor-length bay window equipped with a window seat. Two storage closets open off it. The kitchen is to the rear of the house off the dining room from which it is separated by a small vestibule. An original second set of stairs opens off this vestibule but has been sealed at the second floor level. The cellar stairs are beneath these and are reached from the kitchen through a small pantry.

Additions to the rear of the house include a two-story wooden extension comprising a vestibule/storage area and porch at each level. The original angle between the main block and rear wall has been filled in with a two story addition. It is of indeterminate construction on a brick foundation and has been covered with a flimsy covering of what appears to be interior "paneling". It has one room on each floor, each currently used as a bathroom. This addition appears to date from ca. 1900.

The second floor follows basically the same arrangement as the first with the exception of the space above the kitchen. This has been a separate apartment reached by an outside stair for some time. The present owner has removed some original partitions as part of a remodeling.

The principal bedrooms are over the front "parlors" and are each equipped with marble mantels identical to those below. The cupola was originally reached by stairs between this pair of front bedrooms that open off the upper hall. They ascend in a straight run towards the front of the house and then wind back and up to a trap door in the middle of the roof.

The interior trim on both floors is similar. It is made up of stock Greek Revival millwork elements. Most door and window openings are flanked with wide, flat moldings with recessed centers and are topped with heavy projecting lintels. Those on the second floor in the front bedrooms have lost some of their topmost elements to the installation of a suspended ceiling. The most drastic change in the interior woodwork is the wholesale removal and disposal of the original doors. The original louvered shutters from the front bay windows have also been removed but were stored. The present owner hopes to replace them.

Other interior changes include the installation of blue-toned, textured "barnboard" paneling on the walls of the front room. The kitchen has also been extensively remodeled and represents a tour-de-force use of modern fake materials—"brick", woodgrained paneling, etc. These recent "improvements" of the previous owners will probably themselves, be changed by the present owner.

The most outstanding feature of the Freeman house is its extremely lavish plasterwork of its double parlors. Each half has an identical cornice motif: a band of realistically depicted fruits and flowers. The ornaments are deeply undercut and stand out boldly from their background. Cleaning to remove excess layers of paint would greatly enhance the superb craftsmanship of the work. Luckily, there have been few losses of original material.

The archway dividing the two parlors is elaborately molded as well and is supported on two florid consoles. There are plaster centerpieces in each section. They feature an outer ring of fruits and flowers identical to that of the principal cornice surrounding an inner rosette of acanthus leaves. Unfortunately, the original lighting features are not present.

In addition, there are simply molded plaster cornices in the first floor stair hall and dining room. Each also has a simple circular centerpiece. The cornice of the stair hall has suffered some minor losses due to water damage. The ceiling of the dining room has been divided into nine rectangular sections by applied moldings at some later date. This paneled effect, as with other features of the house, suggests a date of ca. 1900 for the change.

To my knowledge, this extraordinarily ornate plasterwork is only equalled and surpassed in Portland by that of the Victoria Mansion. It is an amazing attribute of such an otherwise typical middle class residence of its era, and one hopes it will long remain.

ARTHUR J. CERRIER
September 25, 1981

A. B. Butler House, 1868



[view larger](#)

Street Address: 4 Walker Street

National Register Listing: Yes; Individual Landmark

Original Owner(s): Albert Berry Butler (1832-1907)

Architect(s) (if known): Matthew Stead

Use: Residential

Style: Second Empire; Italianate

Description: One 2-story wood frame house with brick foundation; clapboard siding with corner wood pilasters; front façade features bay windows and central door with pedimented hood with scrolled brackets; bracketed wood cornice; curving mansard roof with diamond-shaped purple and beige shingles; gabled dormers with wood scroll decoration; house's interior and exterior have remained largely unchanged. **Alterations:** house originally had front porch across the entire front. A. B. Butler was a dry goods merchant in Bath and expanded his business into Portland in 1855. His dry goods store was located at 246 Middle Street from 1875 to 1892. Butler later worked as a salesman at the dress goods department of Eastman Brothers & Bancroft. Architect Matthew Stead, born in Shropshire, England in 1808, emigrated to New Brunswick in 1848. Like many architects in the region, Stead moved to Portland after the Great Fire of 1866 and designed several new buildings during his 2-year stay. His works include the Board of Trade Building (34 Exchange Street), the Marrett, Poor & Co. Carpet Warehouse (1866-67), and the Frederick F. Hale Block (Free and Cross Streets, 1868). In addition to the Butler House, the Board of Trade Building is the only work by Stead extant in Portland.

Griffin House, 1871



[view larger](#)

Street Address: 200 High Street

National Register Listing: Yes; Individual Landmark

Original Owner(s): Charles S. D. Griffin

Architect(s) (if known):

Use: Originally residential, now commercial

Style: Second Empire

Description: One 3-story balloon-frame house with clapboard siding and wood trim; principal (east) façade features central porch with bracketed cornice supported by chamfered posts; south façade features bay windows; wood modillioned cornice; slate mansard roof with dormers, which supports an asphalt hipped roof. Charles S. D. Griffin was secretary of Portland Gas Co.

Nutter House, ca.1840



[view larger](#)

Street Address: 68 Pleasant Street

National Register Listing: Yes; Individual
Landmark

Original Owner(s): Nathan Nutter

Architect(s) (if known):

Use: Residential

Style: Greek Revival

Description: This 2½-story Greek Revival red brick house with brownstone trim was built by Nathan Nutter, a merchant who had previously been a tailor, as well as the Inspector of Customs from 1830-35. The house is four bays long facing Pleasant Street, and there is a porch with columns (only one of which is original) facing Maple Street. The house's end walls feature false squared corners, which then rise to border the gable roof. Following Nutter's death in 1862, the house was purchased by Isaac Emery, a shipping merchant. In 1924, the house was converted into a duplex. The Nutter house is significant because, since it was built as a later addition to Pleasant Street, it is a good example of Greek Revival architecture in an otherwise late-Georgian and Federal style neighborhood.

William Minott House, 1805



[view larger](#)

Street Address: 45 Park Street

National Register Listing: Yes; Individual
Landmark

Original Owner(s): William Minott,
housewright

Architect(s) (if known):

Use: Residential

Style: Federal

Description: Front section: One 3-story timber frame house with granite foundation and clapboard siding; central entrance with leaded fanlight and sidelights; Palladian-inspired central tripartite window on second floor; modillioned cornice; shallow hipped roof; typical Federal floor plan with central hall and flanking rooms. Rear section: 2-story rectangular structure with hipped roof added in 1807, which converted the house from a home for William Minott to a three-family dwelling for himself and his two sons; rear section is 8 feet wider than front section on either side; two doorways with wood fans and leaded sidelights. Alterations: front door replaced in 1978.

ATTACHMENT
3

Karen Rasmussen and Manuel Pena
672 Ocean Avenue
Portland , ME 04103

Deb Andrews, Historic Preservation Manager
and the Historic Preservation Board
389 Congress Street
Fourth Floor
Portland, ME 04101

August 30, 2014

Dear Manager and Board Members:

We are submitting this letter to you to serve as our petition to nominate our property (house/parcel) at 147 Congress Street for historic landmark status. The Daniel Freeman House was built on Munjoy Hill in the mid-1850's and stands today with most of its original architectural features intact. It survived the great fire and many changes of use since its original design as a single family home, including time as a multi-unit, a rooming house and sitting unoccupied for some periods of time. Despite these transitions, it retains original highly ornate plasterwork as well as other interior and exterior period features (see enclosed assessment of its historic features performed for a previous owner). Today it has been returned to its original state as a single-family dwelling (currently rented).

Initial research carried out by Julie Larry of Turk, Tracey and Larry architects indicates that Daniel Freeman, the original owner and occupant of the house at 147 Congress Street was a metal smith, listed in Portland records as either a blacksmith or a machinist (contrary to the assessment performed for the previous owner, in which he is referred to as a ship smith).

The house is currently in Greater Portland Landmarks' Munjoy Hill Historic Guide (site #20) and East End walking tour. Being situated across the street from the Portland Observatory, it is described in their tours as an example of architecture of its time and notable for having just barely escaped the great fire of 1866 along with the Observatory.

We believe the property meets several of the required criteria for designation as a landmark. We have engaged the services of Julie Larry to fully research the property and Daniel Freeman. She will be drafting the full report and describing the criteria outlined in the City's historic landmark ordinance that are met by the property. We expect to deliver this report to you for the next meeting of the Historic Preservation Board on September 17, 2014. In the meantime we request that you accept this letter as our petition to nominate the Daniel Freeman house at 147 Congress Street in Portland for designation as a historic Landmark.

Sincerely,



Karen Rasmussen and Manuel Pena
Owners, 147 Congress Street, Portland Maine

Deb Andrews - 147 Congress meeting

From: Cecilia Ziko <cecilia.r.ziko@gmail.com>
To: <dga@portlandmaine.gov>
Date: 9/15/2014 10:48 PM
Subject: 147 Congress meeting

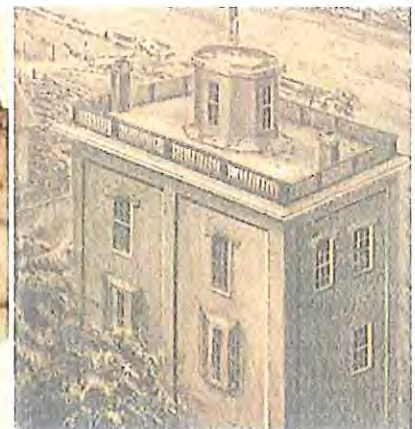
Hi Deb,

I became aware of Wednesday's meeting through an email Karen sent to the Munjoy Hill Neighborhood Organization (my husband is on the board) and I wanted to reach out and share my personal support for the nomination.

I was fortunate enough to be a tenant at 147 in 2013. After looking up the tax records for the house and realizing it survived the fire I began looking for images of it through MHS (I've volunteered for their Maine Memory Network project) and became captivated by the post-fire images with the [house](#), as well as later images of the Observatory in which the house is also [visible](#). I know next to nothing about historical architecture, but while we lived there the house's longevity regularly revealed itself in nuanced ways: Once a friend asked why the inside walls of the bathroom were so solid—the original footprint wouldn't have had bathrooms. Accidentally running over a granite block protruding into the driveway—a base for a gas lamppost.

As mentioned in the opening letter of the report, it's easy to see the value of protecting buildings associated with famous names or civic importance. 147 may not have an illustrious past, but it functions as an invaluable touchstone to the neighborhood's, and Portland's history. While living at 147 we went to the Observatory on Flag Day, a docent told the story of the 1866 fire, holding up to blown-up photographs taken from the Observatory of the destruction and encampments. One of the photographs included the corner of the roof of 147 and the docent pointed out the window toward the house, making a real-time connection to the nearly 150 year old image. Some dramatic architectural changes are happening within a block of 147 and the Observatory. The scale of the neighborhood will continue to change. 147 is a special landmark. It converses across Congress Street to the Observatory. It represents generations of ordinary, middle class Portlanders. It makes you imagine life on Munjoy Hill 25, 50, 100 years ago. It is both unassuming and extraordinary. I want nothing more than to be able to walk down Congress Street in 10, 20, 30 years, point to 147 and tell the story of it surviving the fire. Of how I used to live there. Of all the little details of the past that the house still holds.

Thank you for your time and let me know if there is anything I can do to further support the landmark nomination.
Cecilia Rebecca Ziko



Order 73-14/15
Feb 17 10-6-14

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)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
Re: New R-6A Zone**

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

That Chapter 14, Article III, Divisions 7 and 20, Sections 14-135, 14-136, 14-139 and 14-332 of the Portland City Code are hereby amended to read as follows:

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONE*

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(c) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zone:

...

Sec. 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 and R-6A zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. ~~Revised-Residential in the R-6A~~: Four (4) acres.
- c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
- d. Intermediate care facility: One (1) acre.
- e. School: Thirty thousand (30,000) square feet.
- f. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.
- g. Municipal use: Forty-five hundred (4,500) square feet.
- h. Hospital: Two (2) acres.
- i. All other uses: Forty-five hundred (4,500) square

feet.

- j. Lodging house: Four thousand five hundred (4,500) square feet.
- 2.
 - a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
 - b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
 - c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
 - d. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
 - 3. *Minimum street frontage:* Forty (40) feet.
 - 4. *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)
 - a. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.
 - b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

c. *Side yard:*

- i. side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- ii. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

iv. Side yard in R-6A: Principal structure height up to forty-five (45) feet: 10 feet. Principal structure height greater than forty-five (45) feet: 15 feet.

d. *Side yard on side streets:*

i. Principal or accessory structures: Ten (10) feet.

5. *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

6. *Minimum lot width:* Forty (40) feet.

7. *Maximum structure height:*

a. Maximum structure height R-6: Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

b. Maximum structure height in R-6A: Principal and attached accessory structure: Sixty-five (65) feet on off-peninsula parcels.

Accessory detached structure: Eighteen (18) feet.

8. *Open space ratio:*

a. *Uses other than bed and breakfast. Twenty (20) percent ~~for these lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.*

- b. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

...

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

- (a) *Residential structures:*

...

3. For residential development on the peninsula ~~(area defined as~~ southerly of I-295 and R-6 and R-6A zones

- a. One (1) space per unit;
- b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8)

required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

- c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

...

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and Portland City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: September 23, 2014

DISTRIBUTION: (Shelia Hill-Christian, Acting City Manager, Mayor Brennan, Sonia Bean, Danielle West-Chuhta, Corporation Counsel, Jennifer Thompson, Nancy English)

SUBJECT: Zoning Map Amendments for R-6A and Zoning Text Amendments

SPONSOR: Stuart O'Brien, Chair, Portland Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: October 6, 2014

Final Action: October 20, 2014

Can action be taken at a later date: Yes X No (If no why not?) Public Hearing notices will be sent for the October 20th meeting.

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

Stuart O'Brien, Chair, Planning Board – 5 minutes- To describe Planning Board's recommendation.

I. SUMMARY OF ISSUE (Agenda Description)

The Park Danforth submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue in order to support the applicant's plans to develop forty-six (46) new independent housing units for persons aged 55 and over. The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block (except for one lot, held under separate ownership) to the Residential R6 zone.

The Planning Board held two workshops on this item on July 22, 2014 and August 12, 2014. The public hearing was held on September 9, 2014. After considering the applicant's proposal at two workshops (July 22 and August 12), the Planning Board expressed interest in creating a new zone, Residential R-6A, with map and text amendments that would support housing on larger scaled parcels that are located off the peninsula and along major arterials.

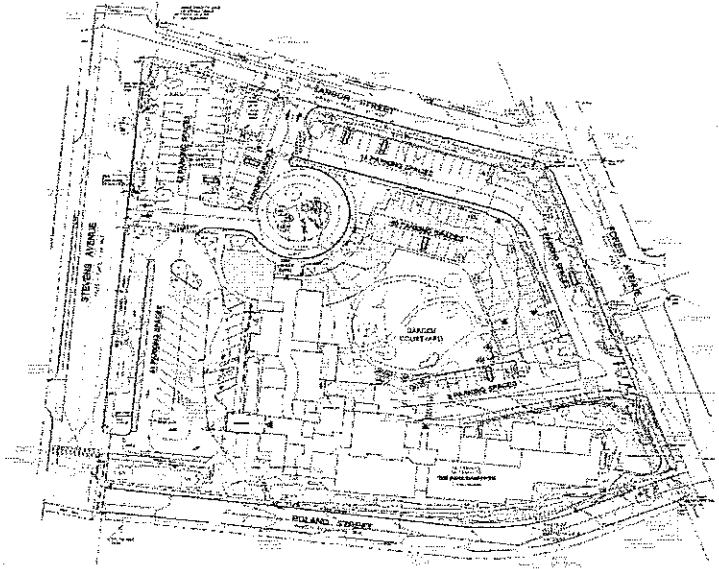
At the September 9, 2014 public hearing, the Planning Board voted unanimously (7-0) to find the proposed R-6A text amendments with a maximum building height of 65 feet and the text amendments to Division 20, Off-Street Parking, for one space per unit in R-6 zones are consistent with the comprehensive plan and recommended adoption of the Text Amendments to the City Council. The Board voted unanimously (7-0) to find the proposed R-6A map amendments for the Deering Pavillon Site and the entire block for Park Danforth are consistent with the comprehensive plan and recommended adoption of the two map amendments to the City Council.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Park Danforth is developing a master plan for their campus at 777 Stevens Avenue. The total land area of the parcels making up the Park Danforth Campus is 179,546 SF or 4.12 acres. They would like to expand their current campus to provide for elderly housing that include "independent elderly housing" for a younger aging population. This includes people that do not need assistance with daily living but would like to be in an interactive senior community with amenities and services. The main population being targeted is 75 years of age and plus.

The main building on the Park Danforth campus consists of a seven-story building (65 feet in height) along Stevens Avenue and a three-story building along Poland Street. Along with the newly acquired parcels (former Goodwill Site and residential properties along Arbor Street), Park Danforth wants to build a new structure along Arbor Street and Forest Avenue. The new building will contain one level of underground parking for forty (40) cars and forty-six (46) new "Independent Living" units on the upper four floors. The total building area will be about 64,000 SF, not including the parking level.

The building will be four-stories along Forest Avenue and Arbor Streets with the interior of the building facing the existing Park Danforth building will be five-stories. The maximum proposed building height is approximately 65 feet. A building connection is proposed to connect the existing seven-story building with the new building at the proposed turn-around. According to the applicant the "building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building".



III. INTENDED RESULT

Text Amendments

The R-6A and Division 20, Off-Street Parking text amendments include the following:

1. New purpose statement based upon a housing goal stated in the City's comprehensive Plan:

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

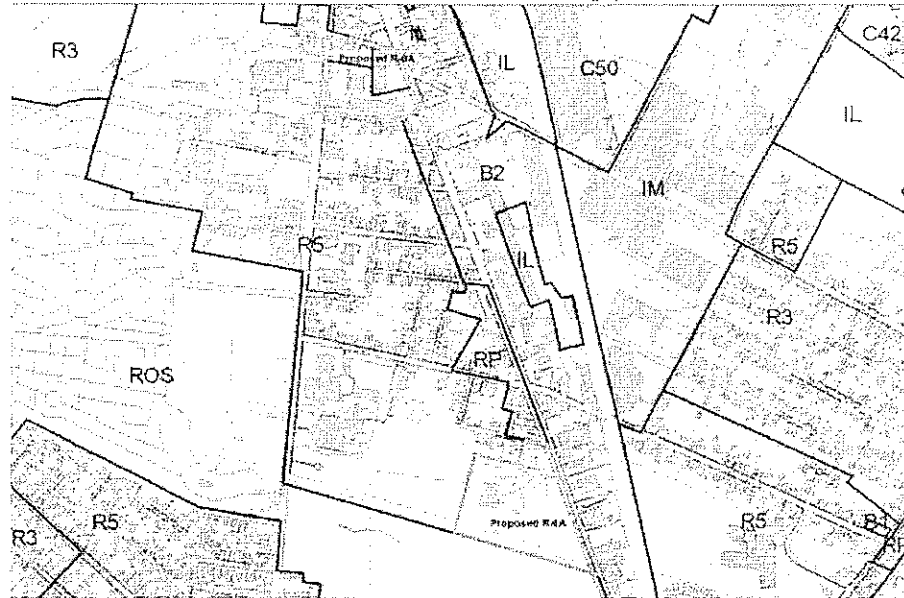
2. Revised dimensional standards for R-6A are listed below and all other R-6 standards dimensional standards apply:

Lot Size:	4 acres
Side Yard Setback:	Buildings up to 45 feet – 10 feet Buildings over 45 feet – 15 feet
Maximum Building Height:	65 feet
Landscaped Open Space	20%

3. Revised parking requirements in Division 20, Off-Street Parking for R-6 and R-6A zones: 1 space per unit

Map Amendments

The Planning Board is recommending an R-6A map amendment for the Park Danforth block, including 24 Arbor Street, and the Deering Pavilion site (existing building height is roughly 100 feet), due to their location along arterials and the fact that their current structures exceed the R-6 zone maximum height requirements. The Planning Board is not recommending the other off-peninsula R-6 zone to be rezoned to R-6A, which includes Ricker Park and the Princeton on Back Cove (aka Forest Pines) based upon the analysis that both of the residential developments meet or are below the current R-6 limitations for building height and are located along a sensitive historic landscape.



**Proposed Zone Map Amendments
Deering Pavilion and Park Danforth**

IV. COUNCIL GOAL ADDRESSED

The proposed zoning text amendments and map amendments are intended to meet the City Council goal to “[p]rovide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

V. FINANCIAL IMPACT

The proposed amendments support the Park Danforth project which has an estimated value of \$18 million.

VI. STAFF ANALYSIS

There are three areas off the peninsula that are currently zoned R-6. Those sites include 1) Park Danforth; 2) Deering Pavilion; and 3) Ricker Park and Princeton Back Cove (also referred to as Forest Park), off Dartmouth Street. The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue and is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development (elderly housing) is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection and adjacent to Baxter Woods. Ricker Park and Princeton Back Cove are located off Dartmouth Street overlooking Back Cove along Baxter Boulevard, which is a designated Historic Landscape. The zoning map amendments and text amendments for the R-6A are intended to provide higher density housing along the City’s arterials. A full analysis of consistency with the comprehensive plan is contained in the Planning Board report to the City Council, however an excerpt of some of the most pertinent policies is below:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.
Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
 - viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board considered multiple options for rezoning, including a conditional rezoning agreement and alternative text amendments to the R-6 zone. With the on-going comprehensive review of proposed R-6 amendments, the Board did not want to revise the R-6 while the public process is underway. The Board also did not support the concept of a conditional rezoning agreement for this proposal. The Planning Board unanimously supports the creation of the R-6A zone, which is designed to allow higher density residential development off-peninsula on large lots of 4 acres or more along major transportation routes. The Board supported rezoning the two existing R-6 sites (Park Danforth and Deering Pavilion) to R-6A, in order to support the existing scale of development and allow opportunities for further in-fill development along major transportation corridors that have public transportation, as is called for in the Comprehensive Plan. This zoning tool could be applied in other off-peninsula locations in the future.

At the September 9, 2014 public hearing, the Planning Board voted unanimously (7-0) on all of the motions. The Planning Board found the proposed text amendments to Division 7, R-6 Residential Zone as presented in Council Order, with the maximum building height of 65 feet for Residential R-6A, and text amendments to Division 20, Off Street Parking, are consistent with the Comprehensive Plan for the City of Portland; and recommends to the City Council approval of the zoning text amendments as presented. The Planning Board also found that the proposed map amendments to R-6A are consistent with the Comprehensive Plan for the City of Portland and with the policies of the R-6A Residential Zone, Division 7 of the Land Use Code; and therefore the Planning Board recommends to the City Council approval of the zoning map amendment for 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavilion) from R5 Residential, R6 Residential, and B2 Community Business Zones to R6A Residential Zone as presented in the Council Order.

VIII. LIST ATTACHMENTS

Planning Board Report To City Council, Dated September 23, 2014

Prepared by:

Signature

Date



**CITY COUNCIL REPORT
FROM
PLANNING BOARD
PORTLAND, MAINE**

R-6A Zoning Map Amendment and Text Amendments to Division 7, R-6 Residential Zone
Zoning Text and Map Amendment
Application #: 2014-114
The Park Danforth, Applicant
777 Stevens Avenue

Submitted to: Portland City Council First Reading: October 6, 2014 Second Reading: October 20, 2014	Prepared by: Shukria Wiar, Planner and Barbara Barhydt, Development Review Services Manager Date: September 16, 2014
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I. INTRODUCTION

The Park Danforth submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue (refer to attached excerpts from the Applicant's submission). The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block, except for one lot held under separate ownership, to the Residential R6 zone. The amendments are proposed to support the applicant's plans to develop independent housing for persons aged 55 and over on this site.

The Planning Board held two workshops on this item on July 22, 2014 and August 12, 2014 and the public hearing was held on September 9, 2014. After considering the applicant's proposal and potential options, the Planning Board unanimously recommended (7-0) establishing a new zone, Residential R-6A, for large scaled parcels located off the peninsula along major transportation and transit routes. The Board also recommended proposed text amendments to Division 20, Off-street Parking, to require only one space per unit in R-6 and R-6A zones. The Planning Board also recommends unanimously (7-0) two R-6A map amendments for the block bounded by Forest, Arbor, Stevens and Poland for the Park Danforth area and rezoning the Deering Pavilion site.

Public notices of the text and map amendments will be posted in the Portland Press Herald on October 6 and 7 and 173 notices will be sent to property owners and the interested citizen list.

II. PROJECT DATA FOR PARK DANFORTH

Existing Zoning:	Residential R-6 and R-5, Business B-2
Existing Use:	124 apartments for the elderly and 36 assisted living studios of Park Danforth
Proposed Use:	Residential Elderly Independent Living Units

Parcel Size: 4.12 acres

Residential Data:

Existing Residential Units: 160 dwelling units in the existing building, 1 single family and one demolished 2-F

Proposed Residential Units: 46 dwelling units

Units to be Demolished: one single family home and 2 family (Housing Replacement Review will be triggered at Development Review)

of Affordable Units: Existing units- 70 are Section 8 housing and 36 market rate. The proposed units will be market rate.

Building Heights: Existing is 65' and Proposed is 65'

Proposed Parking Spaces: Total 132 spaces, 92 surface spaces and 40 in the proposed garage

Uses in Vicinity: Mixed commercial uses along Arbor Street, across the street on Stevens Avenue is the Maine State Armory and University of New England, on Poland Street there are residential use as well as offices, commercial uses along Forest Avenue.

Lots Proposed for Rezoning to R-6A:

- Park Danforth Lots: 146 C005001, 146 C006, 146 C007, 146 C008, 146 C010, 146 C009, 146 C011, 146 C012, and 146 C014. The lot for 24 Arbor Street is included in the rezone, CBL 146 C013 and is under a different ownership from Park Danforth.
- Deering Pavilion Lot: 136 E005001, 137 H001001, and 142 G007004

III. EXISTING CONDITIONS AND ZONING

A. Background

The applicant, Park Danforth, is an elderly residential housing entity that has roots in the City for over 130 years and is a not-for-profit corporation. Park Danforth originally was located at the corner of Park and Danforth Streets, hence the name Park Danforth. The property was sold to 75 State Street and they moved to their current location at 777 Stevens Avenue in 1985 with seventy (70) Section 8 apartments and thirty-six (36) market rate residential apartments for the elderly. The facility expanded again in 1999 to provide eighteen (18) new apartments and thirty-six (36) Assisted Living studios. Currently the building consists of 124 apartments and 36 Assisted Living studios.

The assisted living units at Park Danforth were developed as a special needs independent living units, which are a permitted use in the R-6 zone. The existing height of the current building is 65 feet, which is no longer permitted in the R-6 zone. Marge Schmuckal has confirmed that the building permit files note this was the permitted height at that time. The special needs independent living units (SNILU) are subject to the dimensional standards of the R-6 zone. The density provision does allow for a greater density for SNILUs as follows:

- a. Minimum area per dwelling unit: *One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.*

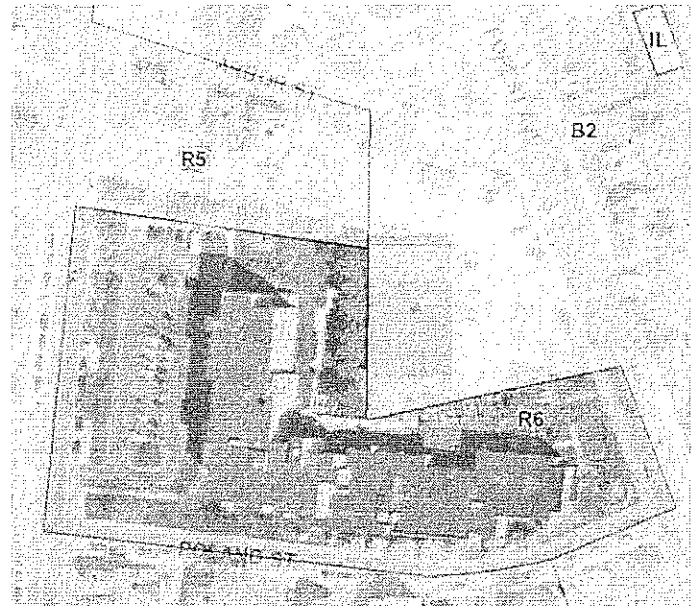
The proposed development is for market rate independent living units and is not proposed as a SNILU; thus the 20% density bonus would not apply.

The Park Danforth has been in negotiation for the past five years with the adjacent parcels, so the site now consists of eight parcels. The recently acquired sites include the Goodwill properties along Forest and Stevens Avenues and two existing residential parcels along Arbor Street. The applicant owns the entire

city block with the exception of one residential property at 24 Arbor Street. They are in discussions with the property owner to purchase the single-family home, however the discussions are on hold at this time.

B. Existing Zoning and Conditions

The zoning for this block is split between three zones. The existing building at 777 Stevens Avenue is zoned Residential R6. The properties at the corner of Stevens Avenue and Arbor Street, including 189 Stevens Avenue, 22 and 24 Arbor Street are presently zoned R5. The "Goodwill" facility and parcels are zoned Community Business B2 at 1104 Forest Avenue. The total parcel area of Park Danforth campus is 179,546 SF or 4.12 acres. The applicant explored developing the site under the current zoning designations, but there was a need for text amendments to B-2 for height and the limitations of R-5 zone were too restrictive. The applicant is seeking to have all of their holdings under one zone designation (see excerpt of Zoning map).



The Goodwill site has impervious area coverage of roughly 95% with two buildings and paved parking on a lot area of 60,798 SF (1.40 acres).

There are two single-family homes on Arbor Street. The single family home at 24 Arbor Street is occupied and under separate ownership. This lot was not part of the applicant's proposed map amendment; however, the Planning Board chose to include the site in the noticing for the R-6A and has recommended that the full block be rezoned to R-6A, including 24 Arbor Street.



Aerial of the Park Danforth City Block

IV. PARK DANFORTH PROPOSED DEVELOPMENT

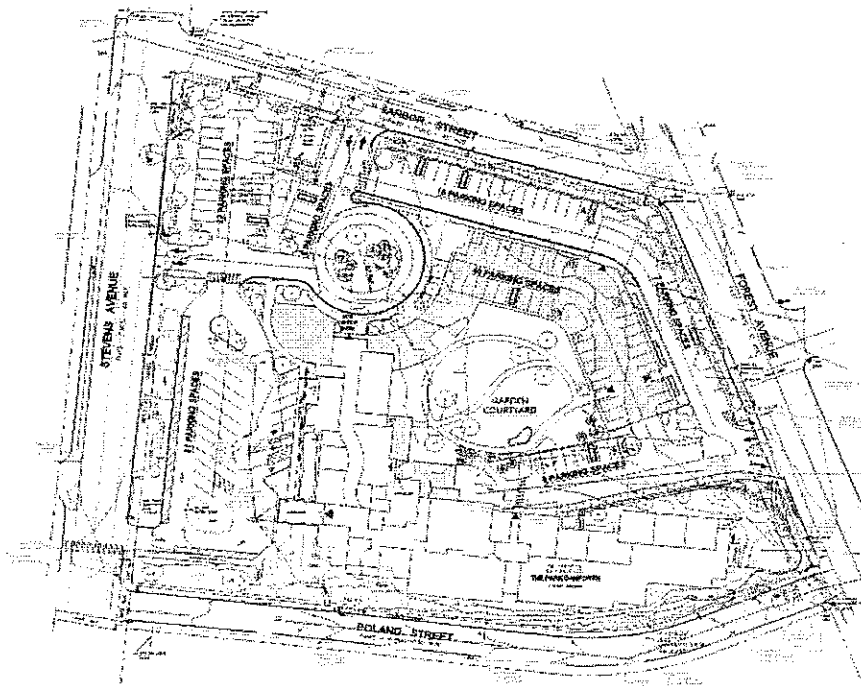
The total land area of the parcels making up the Park Danforth Campus is 179,546 SF or 4.12 acres. The proposal is to expand their current campus to provide for elderly housing that includes "independent elderly housing" for a younger aging population. Thus, the design is for people who do not need assistance with daily living but would like to be in an interactive senior community with amenities and services. The main population being targeted is 75 years of age and plus.

According to the applicant's submission, the master plan will consist of open spaces, address the street presence, and provide for pedestrian and vehicular circulation and safety. Some of the vehicular circulation will remain one-way and exiting on an existing two-way drive which will be slightly modified. This two-way drive will also access the new parking and the visitor entry. The existing driveway serving the Goodwill Store will be removed on Forest Avenue. Having said this, there will be four curb cuts on the remaining streets: one on Arbor Street for visitor entrance and for the new building, one off Forest Avenue for service entrance and two on Stevens Avenue. The campus will include two interior courtyard gardens to provide safe and functional open space for the residents. Other site improvements include extensive landscaping and site features such as retaining wall and fencing.

The main building on the Park Danforth campus consists of a seven-story building along Stevens Avenue and a three-story building along Poland Street. Along with the newly acquired parcels, Park Danforth wants to build a new structure along Arbor Street and Forest Avenue. The new building will contain one

level of underground parking for forty (40) cars and forty-six (46) new "Independent Living" units on the upper four floors. The total building area will be about 64,000 SF, not including the parking level.

The building will be four-stories along Forest Avenue and Arbor Streets with the interior of the building facing the existing Park Danforth building will be five-stories. The maximum proposed building height is proposed at approximately 65 feet. A building connection is proposed to connect the existing seven-story building with the new building at the new turn-around. According



to the applicant the "building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building". Please refer to Applicant's submission for more details of the master plan for the campus. The proposed development will be subject to site plan and subdivision review. The Planning and Public Services staff have provided preliminary review comments encouraging a reduction in curb cuts, minimizing pavement, enhancements to the public sidewalks, and encouraging a street presence.

V. PROPOSED ZONING TEXT AMENDMENTS

A. Proposed Text Amendments to Create R-6A Zone

The Planning Board supports amending the R-6 Residential Zone, Division 7, to create the R-6A zone. Amendments to the purpose statement along with a new map designation are recommended. The potential text amendments include adding a new purpose statement, adjusting the maximum building height to 65 feet, establishing a minimum lot size and modifying the open space ratio to 20%.

a) Purpose Statement

The proposed revisions to the purpose statement are based upon the policies contained in Housing: Sustaining Portland's Future, which is adopted as part of the Comprehensive Plan. The revisions are below and included as Attachment 1.

DIVISION 7. R-6 and R-6A RESIDENTIAL ZONE

Section 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

b) Amendment for Permitted Use title

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zones:

[No amendments proposed in the list of permitted or conditional uses.]

c) **Amendment for Dimensional Standards**

Inserted below is a chart with the comparison of the existing R-6, potential R-6 amendments and the proposed R-6A provisions. Please note that only the proposed changes for the R-6A zone are underlined shown in red. All R-6 zone dimensions apply unless otherwise stated in the R-6A zone.

Potential R6 and R6A Amendments to Dimensional Requirements			
<i>Residential Dimensional Requirements</i>	<i>Existing R6</i>	<i>Proposed R6</i>	<i>Proposed R6A</i>
Lot Size	4,500 sf	2,500 sf	<u>4 acres</u>
Min. Lot Area/ Dwelling Unit	1,000-1,200 sf	725 sf	1,000-1,200 sf
Street Frontage	40 feet	30 feet	40 feet
Front Yard Setback	10 Feet, or no more than average depths of adjacent front yard	5 Feet, or no more than average depths of adjacent front yard	10 feet
Rear Yard Setback	20 feet	10 feet	20 feet
Side Yard Setback	10-15 feet, variable by height	5 feet	<u>Building up to 45 feet in height, 10 feet. Building over 45 feet, 15 feet</u>
Side Yard on Side Street	10 feet	0 feet	10 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%	40-50%, variable by # of dwelling units/lot
Minimum Lot Width	40 feet	30 feet	40 feet
Maximum Height	45 feet	45 feet	<u>65 feet</u>
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%	<u>20%</u>
Parking	1 spaces/unit	1 spaces/unit, except none required for first 3 units	<u>1 spaces/unit</u>

Each amendment is summarized below along with the accompanying text amendments and the complete text is included as Attachment 1.

i. **Minimum Lot Size**

The Planning Board recommends that additional building height proposed for R-6A is more appropriate in campus settings, such as the Park Danforth, and Deering Pavilion. Therefore the Board recommends an amendment, which sets a minimum lot size of four (4) acres. The full text with the highlighted amendments are contained in Attachment 1.

Section 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. Residential in the R-6A zone: Four (4) acres.

ii. **Amendment for Dimensional Standards--Rear and Side Setbacks**

The proposed adjustments for the R-6A zone reflect the current setbacks in the R-6 zone (refer to chart above). A comprehensive review of the R-6 zone is underway and the proposed revisions will be presented to the Planning Board in the fall. Based upon the larger scaled development that has been developed off-peninsula within R-6 and the redevelopment options envisioned for the off-peninsula R-6A zone, the Planning Board recommends establishing side yard setbacks for R-6A of 10 feet for buildings up to 45 feet in height and 15 feet for structures above 45 feet.

b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

c. *Side yard:*

- i. Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of

up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

ii. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet. Principal structure height greater than forty-five (45): 15 feet.

iii. **Amendment for Dimensional Standards- Maximum Structure Height**

Currently, the R-6 maximum building height is 45 feet. The proposed increase to 65 feet would apply only in the off-peninsula R-6A zone. For comparison, the maximum building heights for principal structures in off-peninsula residential is 35 feet for R-1, R-2, R-3 and R-5.

The maximum structure height in off-peninsula B-1 zones is 35 feet unless the zones abut an R-6 zone and then the maximum building height of the R-6 zone applies (currently that would be 45 feet). Proposed amendments to the B-1 zone are being drafted by the planning staff, which will keep the reference to R-6, but clarify that this does not include R-6A.

In terms of existing context, the original building at Park Danforth is 65 feet and then a three story addition was constructed along Poland Street. William Scott, surveyor for the Department of Public Services, calculated the building heights for Deering Pavilion and Ricker Park. Ricker Park and Princeton on Back Cove (aka Forest Park) are below or meet the current R-6 building height regulations of 45 feet, whereas Park Danforth and Deering Pavilion exceed the current standards (see photos below). The following chart shows the three off-peninsula properties that are currently zoned R-6 with the land area, building height, and date of construction:

RESIDENTIAL HOUSING IN THE R-6 ZONE			
Property	Acreage	Building Height in Feet	Year Built
Park Danforth	4.12	65	1984
Deering Pavilion	7.017	101.5	1973
Ricker's Park	4.89	34.5	1930
Princeton on Back Cove	8.65	24	1945

7. *Maximum structure height*

a. Maximum structure height R-6:

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

b. Maximum structure height R-6A:

Principal and attached accessory structure: SixtyFifty-five (565) feet.

Accessory detached structure: Eighteen (18) feet.

iv. **Amendment for Open Space Ratio – Dimensional Standards**

Modifying the open space ratio is recommended in order to encourage a more urban form of development, which is consistent with the R-6 zone, and to eliminate complexity in the regulations. The current open space ratio is based upon the number of units proposed for a development. Currently, 20% open space is required for projects with 20 units or less and 30% open space is required for projects with over 20 residential units. The proposed changes are to eliminate the variability of the ratio and apply 20% to all developments. This would apply to all R-6 development, not just R-6A.

8. Open space ratio:

- a. Uses other than bed and breakfast. Twenty (20) percent. for these lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for these lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

A. **TEXT AMENDMENT TO DIVISION 20-PARKING REQUIREMENT**

Lastly, there is a proposed text amendment to revise Division 20 Off-Street Parking Section 14-332. Currently, residential development off-peninsula requires two spaces per unit. The applicant is requesting the parking requirement be decreased from two parking spaces per unit to one parking space for R-6 zones, both on and off the peninsula. The Planning Board found the proposed parking provision to be reasonable for higher density residential developments, such as in the R-6 zone, and is appropriate for the proposed R-6A zone locations along public transportation corridors and near services. The proposed amendment to Division 20 is proposed as follows (Attachment 2):

Section 14 -332

3. For residential development on the peninsula (area defined as southerly of I-295 and R-6 and R-6A zones:
- a. One (1) space per unit;
- b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8)

required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

- c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

VI. PROPOSED ZONING MAP AMENDMENTS

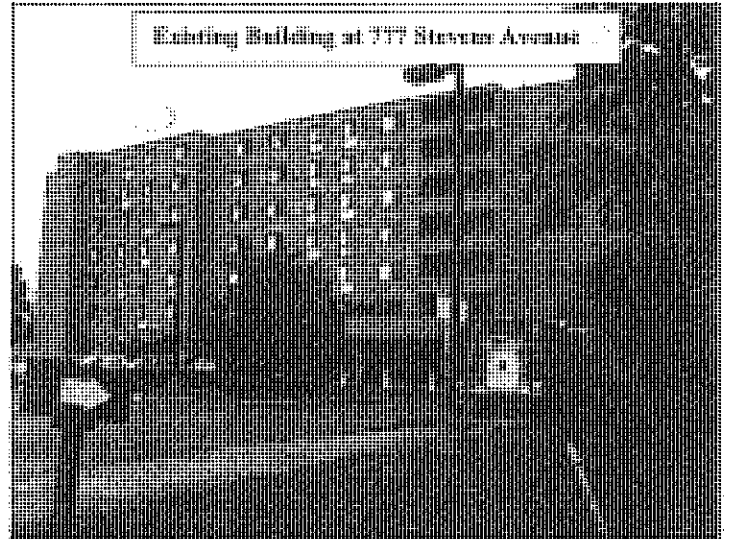
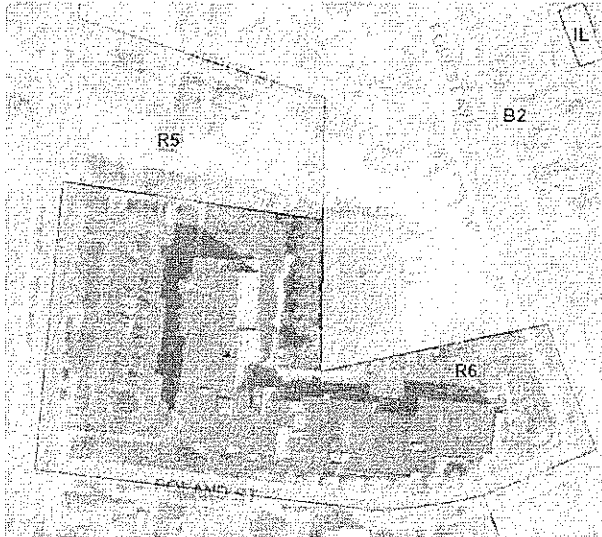
A. Existing R-6 Zones Off-Peninsula

There are three areas off the peninsula that are currently zoned R-6. Those sites include the following:

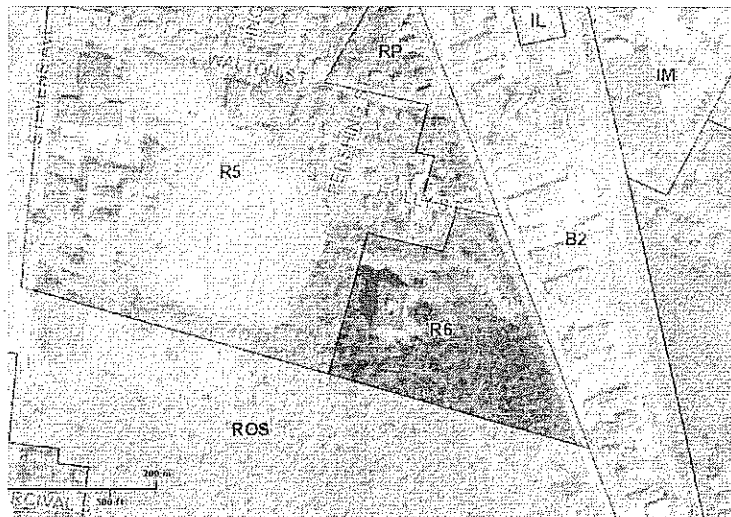
- 1) Park Danforth;
- 2) Deering Pavilion; and
- 3) Ricker Park and Princeton Back Cove (also referred to as Forest Park), off Dartmouth Street.

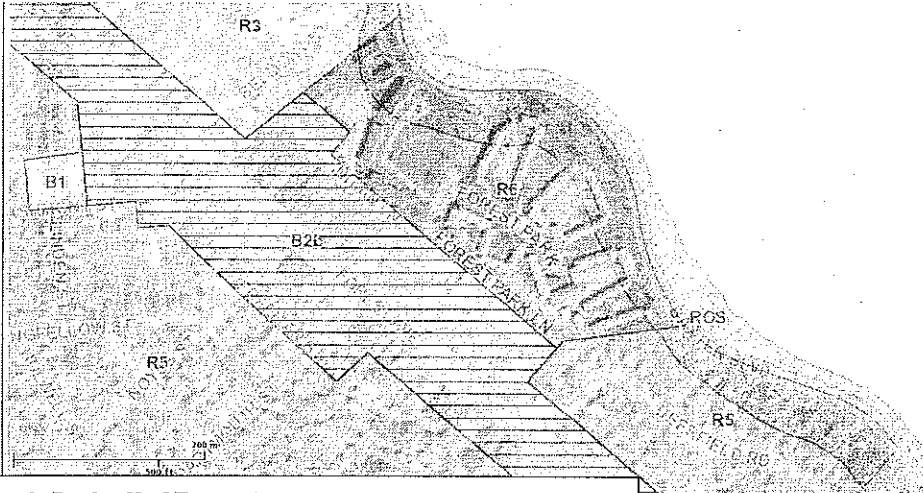
The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue. The site is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development (elderly housing) is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection and adjacent to Baxter Woods. Ricker Park and Princeton on Back Cove are off Dartmouth Street and overlook Back Cove along Baxter Boulevard, which is a designated Historic Landscape. Excerpts of the current zoning map and photos of the respective sites are below.

Park Danforth Site, 777 Stevens Avenue



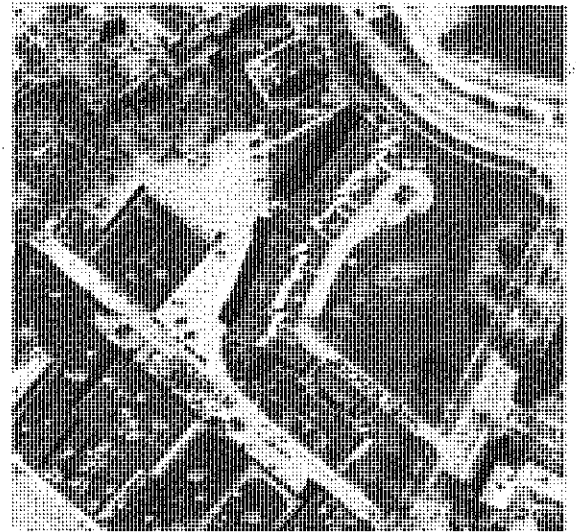
Deering Pavilion – 880 Forest Avenue, zoning map, aerial and photo taken from website.



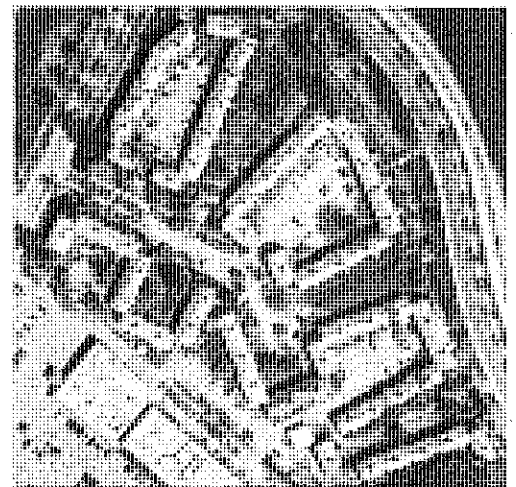


Ricker Park-
Princeton Back
Cove (Forest Park)
, zoning map, aerial
and photo

Ricker's Park off of Forest Avenue- Picture taken from their website

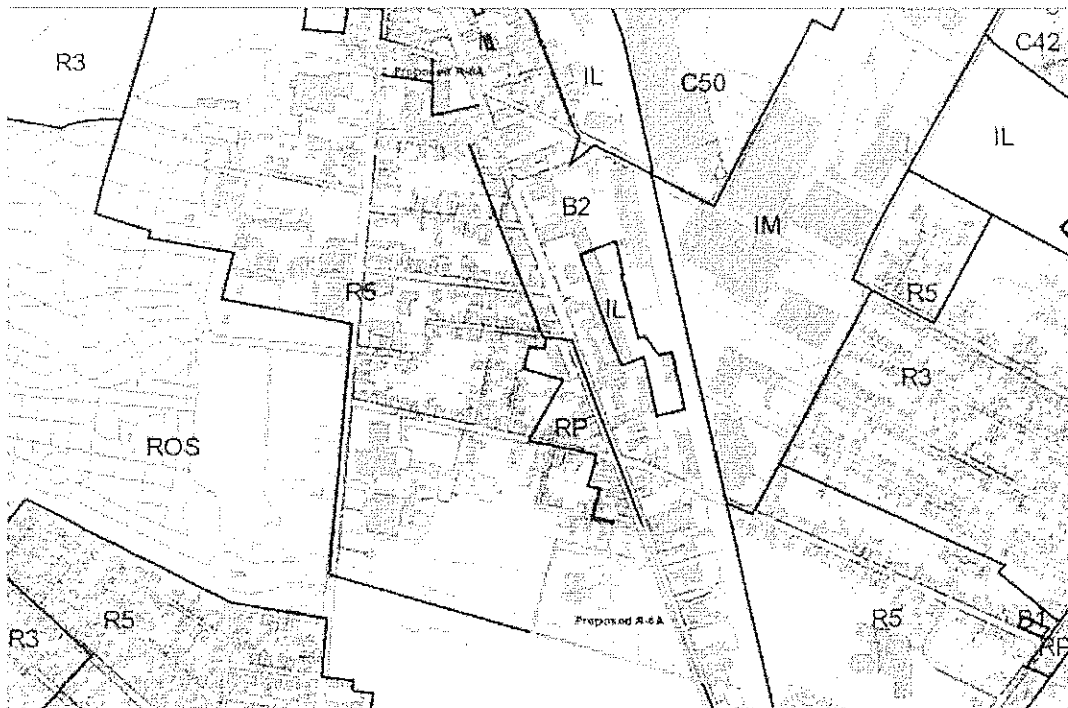


Princeton on Back Cove off of Forest Avenue- Picture taken from their website



B. Proposed R-6A Map Amendment

The Planning Board is recommending an R-6A map amendment for the Park Danforth block, including 24 Arbor Street, and for the Deering Pavilion site, due to their locations along arterials and the fact that their current structures exceed the R-6 zone maximum height requirements. The Planning Board did not include Ricker Park and the Princeton on Back Cove (aka Forest Pines) within the proposed R-6A map amendment based upon the analysis that both of the residential developments meet or are below the current R-6 limitations for building height and they are located along a sensitive historic landscape. The proposed map amendments are shown in yellow below.



Proposed Zone Map Amendments
Deering Pavillion and Park Danforth

VII. ZONING COMPARISON

The Planning Board requested a comparison chart of the existing and proposed zoning. [Attachment 2](#) is a zoning chart with the purpose statements, permitted and conditional uses and the dimensional standards from that workshop.

VIII. COMPREHENSIVE PLAN ANALYSIS

Goals and policies which are relevant to the proposed map amendment have been included below:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

Volume 2 Implementation

Housing Initiatives:

3. New Senior Citizen Housing: A variety of housing opportunities are needed to assist Portland's senior citizens, including subsidized apartments. (cites Peaks Island Housing)

Longer Term Actions – 4-10 years

(b) Update zoning to encourage neighborhood livability with higher density multi-family and innovative mixed use projects that are along major public transportation routes, near service areas, in redevelopment (underutilized) or infill area, locations near downtown and in business zones.

Robert Metcalf, Principal Architect with Mitchell Associates, provided the applicant's assessment of the proposed zoning map and text amendments and consistency with Portland's Comprehensive Plan (Attachment A). Mr. Metcalf cites relevant goals and policies from the following components of Portland Comprehensive Plan:

Housing: Sustaining Portland's Future; and
A Time of Change: Portland's Transportation Plan

IX. PUBLIC COMMENT

As of the writing of this report, no public comment has been submitted to the Planning Authority concerning this proposal. The Planning staff has reached out to Deering Pavilion and spoke to Joanne Beam, Executive Director, about the proposed text and rezone amendments. She did not

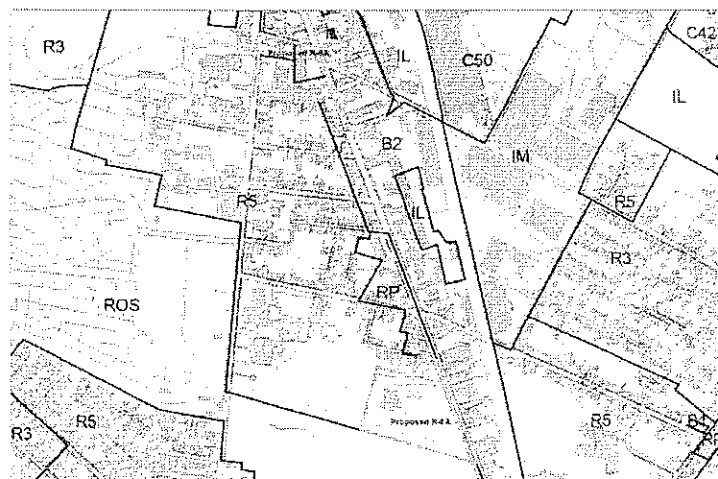
have any concerns about the amendments and thought it may be a positive impact on their property.

X. PLANNING BOARD RECOMMENDATIONS

The Planning Board considered multiple options for rezoning for the Park Danforth proposal, including a conditional rezoning agreement and alternative text amendments to the R-6 zone. With the on-going comprehensive review of proposed R-6 amendments, the Board did not want to revise the R-6 zone while the public process is underway. The Board also did not support the concept of a conditional rezoning for this proposal. The Planning Board found the creation of the R-6A zone to be an effective solution, which is designed to allow higher density residential development off the peninsula on large lots of 4 acres or more and along major transportation routes. The Board supported rezoning the two of the three existing off-peninsula R-6 sites to R-6A in order to support the existing scale of development and allow opportunities for further in-fill development along major transportation corridors that have public transportation. This proposed zoning tool could be applied in other off-peninsula locations in the future.

At the September 9, 2014 public hearing, the Planning Board voted unanimously (7-0) on all of the following motions:

1. The Planning Board found the proposed text amendments to Division 7, R-6 Residential Zone as presented in Council Order, with the maximum building height of 65 feet for Residential R-6A, and text amendments to Division 20, Off Street Parking, are consistent with the Comprehensive Plan for the City of Portland; and recommends to the City Council approval of the zoning text amendments as presented.
2. The Planning Board also found that the proposed map amendments to R-6A are consistent with the Comprehensive Plan for the City of Portland and with the policies of the R-6A Residential Zone, Division 7 of the Land Use Code; and therefore the Planning Board recommends to the City Council approval of the zoning map amendment for 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavillion) from R5 Residential, R6 Residential, and B2 Community Business Zones to R6A Residential Zone as presented below.



Proposed Zone Map Amendments
Deering Pavillion and Park Danforth



ATTACHMENTS:

Staff Review Comments and Background Information

1. Division 7- R-6 Zone and R-6A Amendments
2. Division 20 – Off-Street Parking Amendments
3. Zoning Chart

Excerpts from Applicant's Submittal

- A. Cover Letter
- B. Project Description

Plans

- P1. Conceptual Master Plan
- P2. Existing Conditions in Vicinity
- P3. Arbor Street Elevation
- P4. Forest Avenue Elevation

Proposed Text Amendments to the R-6 Zone

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONE*

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

The purpose of the R-6A residential zone is

(c) To encourage neighborhood livability with higher density multifamily housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zone:

[No changes to permitted or conditional uses.]

Sec. 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 and R-6A zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. Reserved-Residential in the R-6A: Four (4) acres.
- c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus

seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.

- d. Intermediate care facility: One (1) acre.
- e. School: Thirty thousand (30,000) square feet.
- f. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

- g. Municipal use: Forty-five hundred (4,500) square feet.
- h. Hospital: Two (2) acres.
- i. All other uses: Forty-five hundred (4,500) square feet.
- j. Lodging house: Four thousand five hundred (4,500) square feet.

- 2.
 - a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
 - b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
 - c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
 - d. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

- 3. *Minimum street frontage:* Forty (40) feet.

- 4. *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

- a. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

c. *Side yard:*

- i. Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
----------------------------	---------------------------

1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- ii. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

- iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet. Principal structure height greater than forty-five (45 feet): 15 feet.
 - d. Side yard on side streets:
 - i. Principal or accessory structures: Ten (10) feet.
- 5. Maximum lot coverage: Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.
- 6. Minimum lot width: Forty (40) feet.
- 7. Maximum structure height:
 - a. Maximum structure height R-6: Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.
 - ~~b. Maximum structure height in R-6A: Principal and attached accessory structure: Sixty-five (65) feet on off-peninsula parcels.~~

Accessory detached structure: Eighteen (18) feet.
- 8. Open space ratio:
 - a. ~~Uses other than bed and breakfast. Twenty (20) percent for these lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.~~
 - b. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.
- 9. A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.

10. *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
11. *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

12. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size:* None
2. *Maximum lot size:* Ten thousand (10,000) square feet.
3. *Yard dimensions:*

a. *Front yard:*

No more than ten (10) feet.

b. *Rear yard:*

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no

structure shall be closer than four (4) feet to side property line.

c. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

4. *Minimum principal structure height:* Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.
5. *Maximum principal structure height:* Forty five (45) feet.
6. *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.
7. *Minimum lot width:* None.
8. *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

Proposed Off-Street Parking Amendments

DIVISION 20. OFF-STREET PARKING

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction, two, (2) parking spaces for each dwelling unit, plus one (1) additional parking space for every six (6) units or fraction thereof.
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (~~area defined as~~ southerly of I-295 and R-6 and R-6A zones)
 - a. One (1) space per unit;
 - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
 - c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as

housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. For residential development in the B-2, B-2b, B-2c zones:

a. One (1) parking space per dwelling unit.

Table 1: Purposes

Zone		Purpose
R-5		To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-6		To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
R-7		The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types. Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.
B-2 (Community Business)		To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Uses			R-5	R-6	R-7	B-2/B-2b/B-2c
Permitted	Residential	Single-family and two-family dwellings	.	.	.	.
		Multi-family dwellings		.	.	.
		Handicapped family units	.	.	.	.
		Single-family single- or multiple-component manufactured housing	.	.	.	
		Combined living/working spaces				.
		Lodging houses		.	.	.
		PRUDs	.			
		Multiplex development	.			
	Institutional	Schools				.
		Clinics				.
		Places of assembly				.
		Long term, extended and intermediate care facilities				.
		Governmental buildings and uses/municipal uses	.	.		.
		College, university or trade schools				.
		Nursery schools, kindergartens				
		Day care facilities				.
	Business	General, business, & professional offices				.
		Personal services				.
		Business services				
		Offices of building tradespeople				.
		Retail establishments				.
		Restaurants				.
		Drinking establishments				.
		Billiard parlors				.
		Mortuaries or funeral homes				.
		Miscellaneous repair services				.
		Communication studios or broadcast and receiving facilities				.
		Health clubs and gymnasiums				.
		Veterinary hospitals				.
		Theaters				.
		Hotels				.
		Dairies and bakeries				.
		Drive-throughs when accessory to a principal use on the same lot				.
		Registered medical marijuana dispensaries				.
		Indoor recreation and family amusement establishments				
		Intermodal transportation facilities				
	Accessory	Accessory uses	.	.		.

Conditional		Agricultural uses, as defined				
		Cemeteries				
		Parks				
		Home occupation				
		Studios for artists and craftspeople				
		Special needs independent living units				
		Bed and breakfasts				
		Conversion into bed and breakfast				
		Hostels				
		Wind energy systems				
		Utility substations				
		Warehousing and wholesaling				
		Low impact industrial uses				
		R&D and back office uses				
		Building contractors and construction/engineering services				
		Nurseries				
		Lumber yards				
		Commercial kitchens or other food preparation				
		Recycling & solid waste disposal facilities				
		Food processing				
		Correctional pre-release facilities				
		Tow lots				
		Beverage dealers				
		Municipal Uses				
	Residential	Sheltered care group homes				
		Additional accessory dwelling units				
		Alteration of non-residential structure to 3+ dwelling units				
		Conversion of multi-family structure to lodging house				
	Institutional	Schools				
		Long-term and extended care facilities				
		Intermediate care facility for 13 or more persons				
		Places of assembly				
		Hospitals				
		Nursery schools and kindergartens				
		Day care facilities				
		College, university, trade schools				
	Business	Major and minor auto service stations existing as of 1999				
		Car washes				
		Drive-throughs adjacent to residential uses or zones				

Other	Automobile dealerships				
	Restaurants				
	Conversion into bed and breakfast (over 5 rooms)				
	Utility substations				
	Professional offices				
	Chancellery				
	Off-street parking				
	Temporary wind anemometer towers				
	Hostels				
	Wind energy systems				
	Printing and publishing establishments				
	Wholesale distribution establishments				
	Research and development and related production establishments				
	Cemeteries				
	Raising of domestic animals				
	Day Care facilities				

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted

2 For passenger cars for uses permitted in the R-6 zone.

3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs

4 Except in B-2c

5 Excluding motor vehicle repair

6 Excluding outdoor kennels

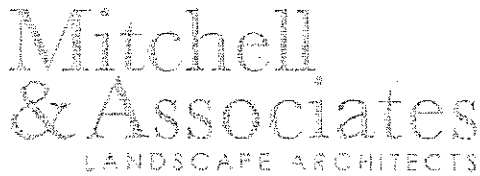
7 Of less than 150 rooms

8 Permitted in B-2 or B-2b if not adjacent to residential use or zone

9 Permitted in B-2, & permitted in the B-2b if in existence since 1999

10 Permitted in B-2, & permitted in the B-2b if accessory

Regulating Requirements	R6	B2	R-5	R-7
Lot Size	a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Residential uses: None	Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.	
Street Frontage	40 ft	Residential uses: None	50 ft	None
Front Yard	10 ft	Residential uses: None	20 ft	
Rear Yard	Principal and attached accessory structures Twenty (20) feet. Detached accessory structures: Five (5) feet.	Residential uses: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.	20 ft	None
Side Yard	10-15 ft depending on structure height	Residential uses: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.	8-14 feet depending on structure height	5 ft
Minimum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	90 percent	40 percent	None
Open Space Ratio	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.			100%
Structure Height	45 ft	45 ft	35 feet	50 ft
Maximum Residential Density	a. <i>Minimum area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	Off- peninsula locations, as defined in the Section 14-47: i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below. ii. <i>Multi-family dwellings above first floor commercial uses:</i> One thousand (1,000) square feet of land area per dwelling unit is required.	Three thousand (3,000) square feet, except as provided for a multiplex.	Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.



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June 30, 2014

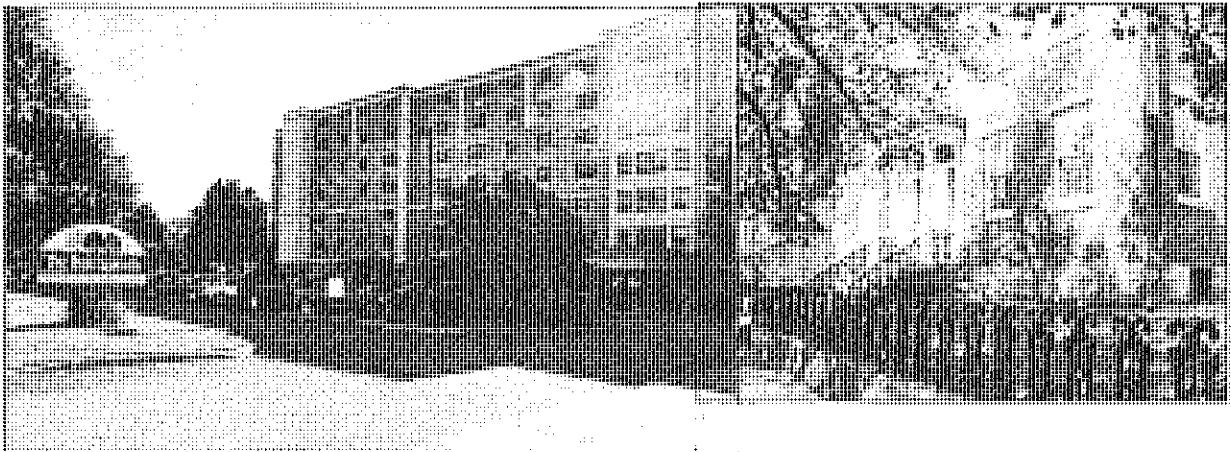
Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

**Re: Park Danforth
777 Stevens Avenue
Request for Map Change
And Text Amendment**

Dear Barbara,

On behalf of The Park Danforth we are pleased to submit the following application for a zone map change and text amendments for the properties identified as Tax Map 146 Chart C Lots 6-9, 11, 12 & 14 situated between Stevens and Forest Avenues. The Park Danforth is an elderly residential housing entity that has been in existence for over 130 years in the city of Portland. The proposed map change and text amendments are being proposed to address an expanded housing program and site enhancement to offer a quality environment for an aging population.

History



The Park Danforth, a not-for-profit corporation, has been in existence for over a 130 years, evolving from the “Mercantile Home for Aged Men” located at the corner of Park and Danforth Streets. During the mid - 1970’s the facility model was expanded to provide a larger state-licensed and Medicaid supported residential care program coupled with internal subsidies as well. With financial pressures changing from both state reimbursements and increasing pressure for subsidies from its investments, The Park Danforth considered its options to continue its mission while remaining financially solvent. Making a bold move, The Park Danforth sold its program and property to 75 State Street – another strong not for profit provider – and moved its operations to the current 777 Stevens Avenue location in 1985 with 70 Section 8 apartments and 36 market rate residential apartments for the elderly in the mix. In 1999, to further its mission of service, The Park Danforth expanded the facility to provide 18 new apartments and 36 Assisted Living studios. The current makeup of The Park Danforth today consist of 124 apartments classified by the city as Special Needs Independent Living Units and 36 Assisted Living studios classified by the city as Intermediate Care units, 3 of which are licensed for double occupancy units.

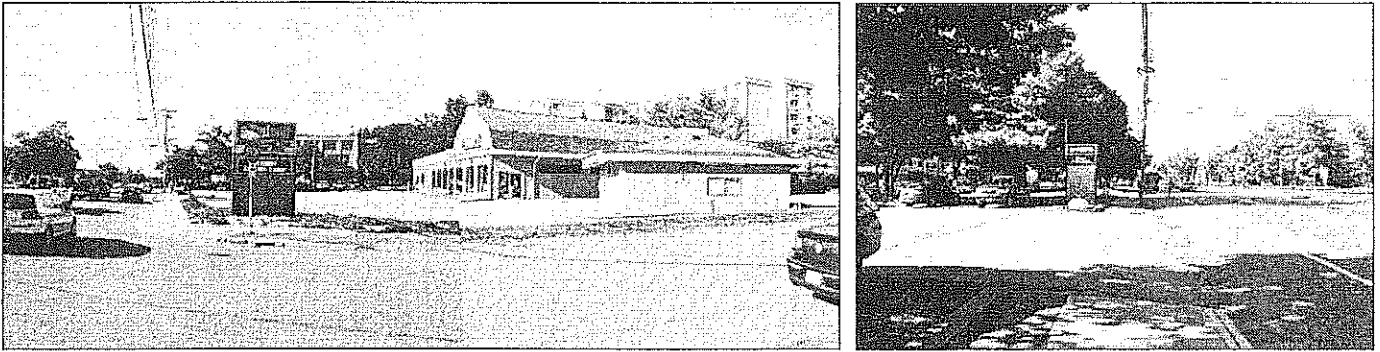
Mission Statement

“The Park Danforth is a not-for-profit corporation dedicated to providing high quality housing and services to those 60 years of age or older. Our Mission is to provide housing and services to enhance a person’s quality of life, respect personal dignity, and accommodate the need for privacy and self-determination. In doing so, we aim to respond to the individual’s changing needs brought about through aging.”

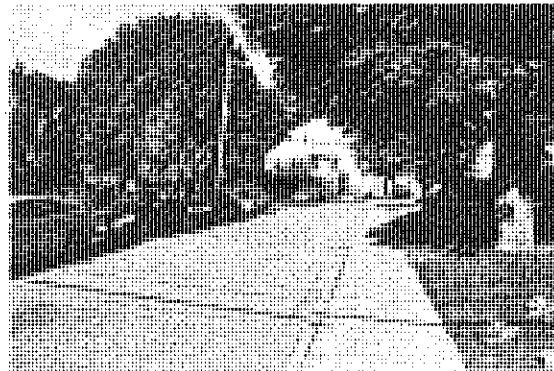
Existing Conditions

Ms. Barbara Barhydt

The Park Danforth properties consist of 8 parcels identified on the Assessors maps as Map 146, Chart C, Lot's 5-12 & 14. Over the past 5 years, The Park Danforth has negotiated the purchase of the adjacent parcels that include the Goodwill properties along Forest Avenue extending to Stevens Avenue and two existing residential properties along Arbor Street and presently own an entire city block with the exception



of one residential property, 24 Arbor Street, identified as lot 13. They have been in discussions with the property owner to purchase however due to health issues discussions are temporally on hold. Further discussions will continue when appropriate.



The properties are bound by Stevens Avenue, Poland Street, Forest Avenue and Arbor Street. Of the existing property held by The Park Danforth, Map 146, lot 5 & 10 are presently zoned R6. Lots 6-9 and a portion of 14, held by The Park Danforth, are presently zoned R5 and Lots 11, 12 and a portion of 14, "Goodwill" operation, are zoned B2. Not included in the application is Lot 13, 24 Arbor Street, is also in the R5 zone. The total parcel area of The Park Danforth campus is 179,546 SF or 4.12 acres. The Goodwill site is almost entirely impervious (95% +/-) consisting of two buildings and paved parking, with a lot area of 60,798 +/-SF or 1.40 acres. Of the two Arbor Street properties acquired, one has an existing single family residence and the second parcel is presently vacant.

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Proposed Map Change

The Park Danforth is currently developing a master development plan to expand their opportunities for providing elderly housing to include “independent elderly housing” for a younger aging population including those that do not require assistance with daily living but who are looking for housing that provides opportunities for an interactive senior community with amenities and services for their choosing. The target market is 75 years of age plus.

The map change request is intended to include the entire city block as an R6 to reach the density necessary to achieve a successful project. As indicated above, with exception of one residential property on Arbor Street, The Park Danforth owns all of the land within the city block. While the owners of the Arbor Street property have not been contacted to request a letter of support for reasons previously mentioned, they have been informed of The Park Danforth’s intentions. The requested change from the R5 to the R6 designation will have no adverse impact upon the remaining residence.

R5 (Residential) to R6 (Residential)

Chart 146	Block C	Lots 6-9 and portion of 14
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B2 to R6 (Residential)

Chart 146	Block C	Lots 11, 12 and portion of 14
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Proposed Development

The Park Danforth currently consist of a seven-story building along Stevens Avenue, and a three-story building along Poland Street. With the acquired parcels along Arbor Street and Forest Avenue, The Park Danforth seeks to build a new structure along Arbor Street and Forest Avenue comprised of 46 new “Independent Living” units on four and five floors with one level of underground parking for approximately 40 cars. The building will be approximately 64,000 SF. excluding the parking level, and 55 feet tall at its highest point.

The majority of the building will be four-stories along Forest Avenue and Arbor Streets with a five-story element at the corner. The interior of the building that faces the existing Park Danforth building will be five-stories. The new building will connect to the existing seven-story building with a one-story structure at the new turn-around. The building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building.

The proposed campus Master Plan addresses functional open spaces, provides an opportunity to enhance the street presence, address pedestrian and vehicular circulation and safety. The total land area of the parcels making up The Park Danforth Campus is 179,546 +/-SF or 4.12 acres. Current residents and emergency service vehicles will continue to access by the Stevens Avenue-Poland Street entry, circulation will remain as

Ms. Barbara Barhydt

one-way, exiting from a modified existing driveway that will be two-way, providing access to new parking and the new visitor entry. An existing curb cut along Forest Avenue serving the Goodwill is to be eliminated. A reconfigured drive on Arbor Street will be identified as the primary access to the new visitor entrance and for the proposed new elderly independent living units. The Forest Avenue service entrance will be modified to accommodate for enhanced open space garden court yards and to diminish the visual presence from Forest Avenue. Parking will be accommodated for by well distributed parking areas and proposed parking garage to minimize the presence of large areas of paved parking.

Site improvements will include enhanced street presence along Arbor Street and Forest Avenue through extensive plantings and site features including retaining walls, fencing, and lighting, buffering, and parking distributed in small lots. The campus will include two interior court yard gardens to provide safe and functional open space for the varied skill levels of the elderly resident population.

Conformance with Comprehensive Plan

The proposed expansion, density and target market support the goals set-forth in the City's Comprehensive Plan "Portland's Goals and Policies for the Future". The proposed expansion of The Park Danforth provides for the density and mix of housing opportunities identified in the following sections of the Comprehensive plan. The Park Danforth campus will provide for a strong transition between business community along Forest Avenue, with the residential community along Poland Street and the changing UNE campus along Stevens Avenue.

STATE GOAL A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

I. HOUSING: SUSTAINING PORTLAND'S FUTURE – Nov. 18, 2002

Goal

Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Policies

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity

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- to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.
- Target Portland to achieve and maintain a 25% share of Cumberland County's population.
- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency.

The expansion of Park Danforth will provide the opportunity, for an aging population, a choice for residents of Portland and Greater Portland to remain in the city and have access to services, transportation and cultural activities. The property is in the heart of a diverse vibrant university community that provides for life-long learning opportunities through adult education programs and UNE offerings. Shopping and services are within walking distance of the campus.

The proposed expansion will incorporate new building technologies and sustainability.

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Land Use and Transportation Link

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

- Ensure that future growth does not foster auto dependency.

Ms. Barbara Barhydt

Transportation Policies

- Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.
- Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.

Public transportation is available along Stevens and Forest Avenue with bus stop locations on both street frontages. The property is within walking distance of neighborhood services.

STATE GOAL D. To encourage and promote affordable, decent housing opportunities for all Maine citizens:

I. HOUSING: SUSTAINING PORTLAND'S FUTURE- Nov.18, 2002

Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - Affordable housing, including starter homes;
 - Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens;
 - Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
 - Higher density housing, such as row houses, small lots, reuse of nonresidential buildings, and mixed use buildings;
 - Housing development that encourages community, such as co-op housing;
 - Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Increase home ownership opportunities for all types of households and all income levels.

Ms. Barbara Barhydt

- Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

The Park Danforth will provide a higher density of development and address a growing sector of population, providing for a much needed rental housing for the elderly.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.
- Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

The Park Danforth provides an opportunity for affordable market rate elderly as well as subsidized (Section 8 HUD) housing for the aging population. A range of services provided supports the diverse needs of the aging elder population as needs increase, providing the opportunity for individuals to remain independent.

Campus improvements will enhance the character of the residential and university neighborhood providing street presence, incorporating green space and improved circulation.

To provide for the demand and growth of an aging population and maintain the sustainability of the Park Danforth Mission, the proposed master plan incorporates an expansion to include 46 elderly independent living housing units. The opportunity provided by controlling the majority of a city block, creates a campus that has a street presence along all frontages. The goal is to provide an opportunity for an active-wellness based community that provides for social interaction, functional outdoor green spaces, and addresses' security for a wide range of elderly skill levels.

Proposed Text Amendment

Presently the city land use ordinance does not define "Elderly Independent Living Housing". Elderly housing needs and housing opportunities have been changing significantly over the past 15 years or better to address a wider spectrum of elder housing needs. Currently, Elderly Independent Living (EIL) housing is interpreted as multifamily housing and equates to a much higher parking requirement. While the ordinance, Division 20 Off-Street Parking Section 14-332.2 (c) allows the Planning Board to determine the required number of parking spaces for projects of 50,000 SF or greater based upon a parking analysis submitted by an applicant. Establishing the required parking for EIL is crucial to the development of this expanded program offering before proceeding to developing plans for Site Plan approval.

As stated above, The Park Danforth is a not-for-profit corporation whose mission is to provide dignified and quality housing to serve an aging population. There is a significant financial and economic hardship associated with development of this property without having an acknowledged defined parking requirement to base a development program on. Based upon a market study and financial evaluation, the expansion, to be financially viable, must have a minimum of 46 dwelling units. The master plan, as presented, has been developed based upon that premise.

To address this, two text amendments are being proposed, one that defines "Independent Living Housing" and one that establishes the parking requirements for "Elderly Independent Living Housing". Based upon evaluation of industry standards and definitions we are proposing the following language to be added to Division 1 Section 14-47 Definitions:

- ***Elderly Independent Living Housing; living units such as apartments, cottages, condominium units, multiplex housing, or single family unit, the occupancy of which is restricted to certain elderly residents. Elderly resident(s) must be 55 years of age or older, or in case of a couple, one who is 55 years or older, and do not require assistance with daily living activities or 24/7 skilled nursing. Such facilities may offer optional services to residents who desire them, such as dining services, basic housekeeping and laundry services, transportation to appointments, social programs and access to exercise equipment.***

Division 7. R6 Residential Zone

1. Amend Section 14-136. Permitted Uses, (a) Residential: to include ***Elderly Independent Living Housing*** as a permitted use as defined in Section 14-47.
2. Amend Section 14-139. Dimensional Requirements, (a) 7. Maximum structure height: to include ***Elderly Independent Living Housing: Fifty-five (55) feet.***

The Park Danforth as approved in 1982 is 65 feet tall, the addition along Poland Street is a 3 story addition with a scale that is more in keeping with the adjacent residential and mixed commercial uses. The proposed addition, provides for a transition between the existing 7 story building fronting on Stevens Avenue and mixed commercial scale uses along Arbor Street that include the former Ava Maria Gift Shop, former Arbor Street Fire Station, which is now offices, and the Po' Boys and Pickles sandwich shop. The side of the building closest to Arbor Street and Forest Avenue will be four stories with the 5 story element located at the midpoint and a 5 story section facing toward the interior courtyard. Forest Avenue is considered a rear yard and requires a 20 FT setback and Arbor Street is considered a side setback (side street) requiring a 15 FT setback. The setback along Forest Avenue is proposed to be 45 FT +/- and the setback along Arbor Street is proposed to be 55 FT +/-.

Division 20 Off-Street Parking

An assessment of parking requirements for Elderly Independent Living Housing was undertaken to identify parking requirements that would meet with the expectations of the program being developed. Communities surrounding Portland have defined elderly housing to address a sector of the population that is constantly changing. Review of the literature and parking requirements from several surrounding communities indicate that elderly independent living communities require fewer parking spaces due to need

for fewer cars. The average number for the intended population is 1 space per dwelling unit.

Portland is fortunate to have a public transit system that is currently looking to expand its role to provide services to the urban population providing more opportunities and reduce the need for automobiles. Based upon review of the industry literature and parking requirements in surrounding communities we are proposing the following amendment to Section 14-332. Uses requiring off-street parking.

Section 14 -332 (a) Residential Structure 3. For residential development on the peninsula (area defined as southerly of I-295) and including off-peninsula R6 zoned areas.

There are only three areas zoned R6 off of the peninsula, they include the current Park Danforth campus, as permitted, Deering Pavilion (Forest Avenue) and Back Cove Apartments (off Forest Avenue). The R6 designation for both Deering Pavilion and Back Cove Apartments only encompass the entire properties.

The Park Danforth as well as Deering Pavilion provide housing for the aging population and both are on Metro bus routes. There is a Metro stop on both the Stevens and Forest Avenue frontages of The Park Danforth.

To support the parking requirement, the attached documentation has been provided:

- Parking requirements for elderly independent living for surrounding communities in the Greater Portland area,

Enclosed for your consideration are the following:

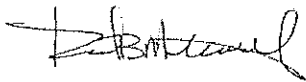
- Zone Map and Text Amendment Application
- Application Fee \$3,000
- Letter of Authorization
- Technical Capacity
- Right, Title or Interest- Deeds
- Context Map
- Portland Zoning Map
- Proposed Zone Change Map
- Surrounding Community Parking Requirements
- Boundary and Topographic Survey Plan (Existing Conditions)
- Concept Master Plan A
- Massing Concept Forest Avenue
- Massing Concept Arbor Street
- Preliminary Forest Avenue Building Elevation
- Preliminary Arbor Street Building Elevation

Ms. Barbara Barhydt

We look forward to the opportunity to meet with you and the Planning Board to discuss the application. Should you have any questions and or comments, please do not hesitate to contact me.

Sincerely

Mitchell & Associates

A handwritten signature in black ink, appearing to read "R. Metcalf", written in a cursive style.

Robert B. Metcalf, Principal

Maine Licensed Landscape Architect

Enclosure

Cc Denise Vachon, CEO

William Shanahan

Melissa Murphy, Esq

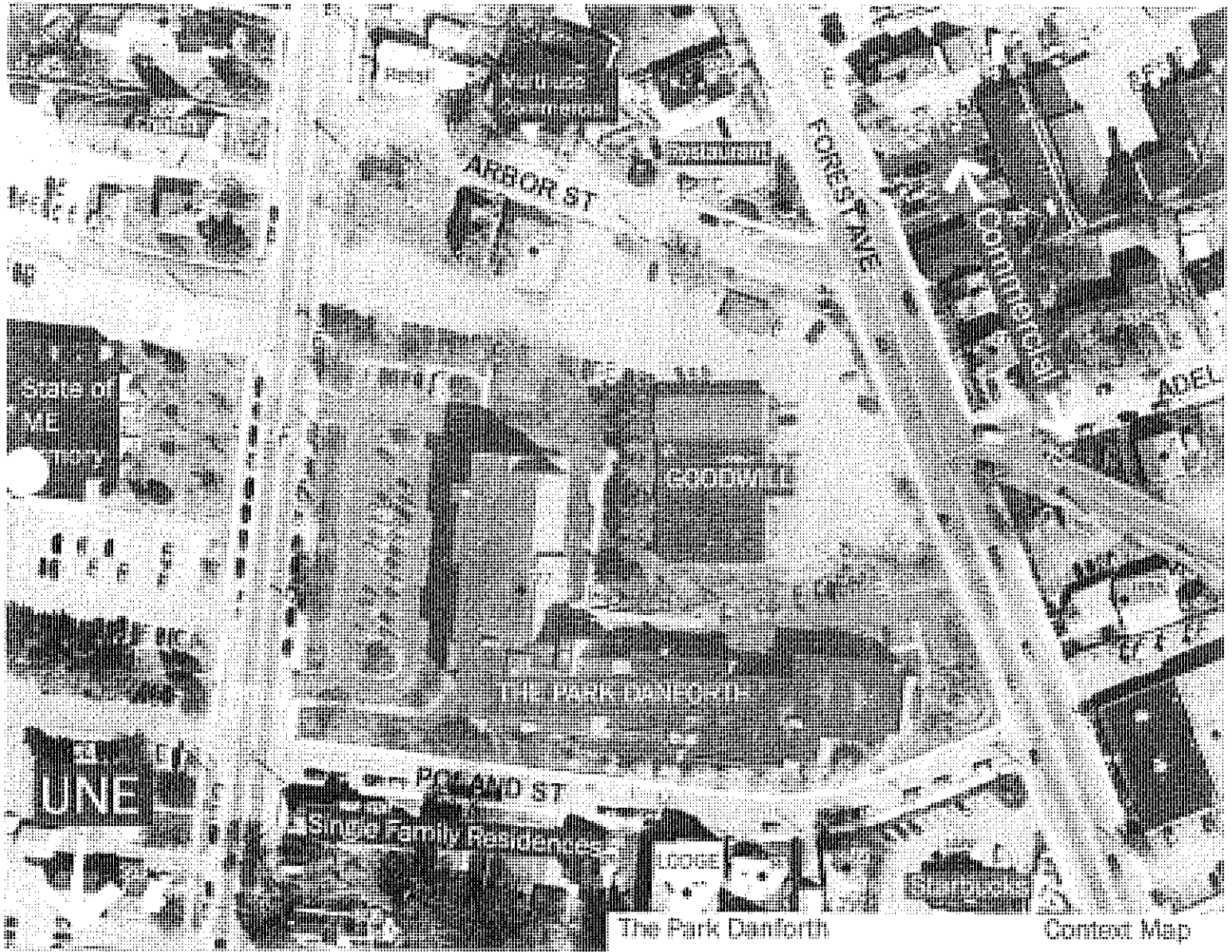
Ron Norton

Joan Eagleson

ELDERLY HOUSING

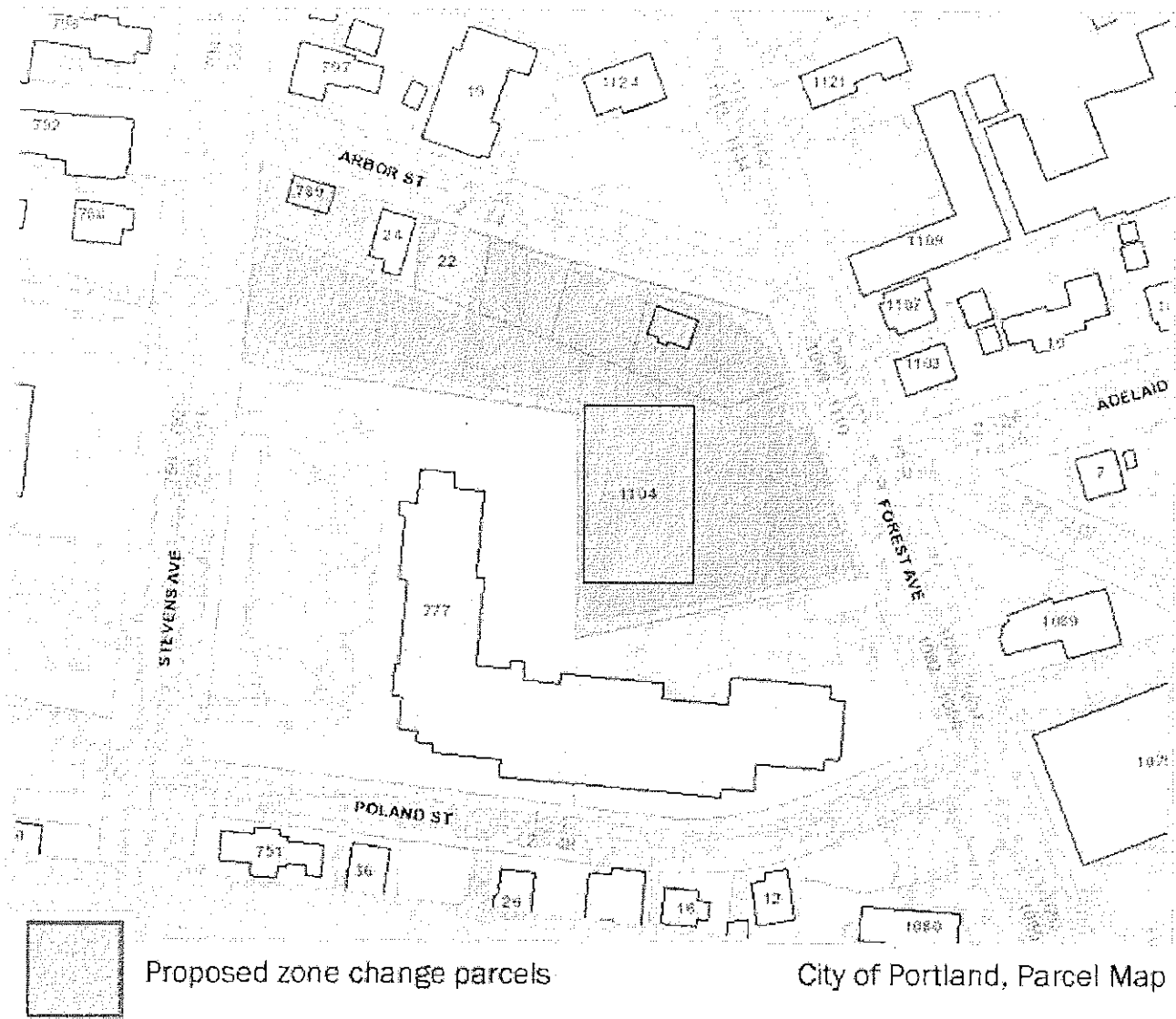
PARKING REQUIRMENTS

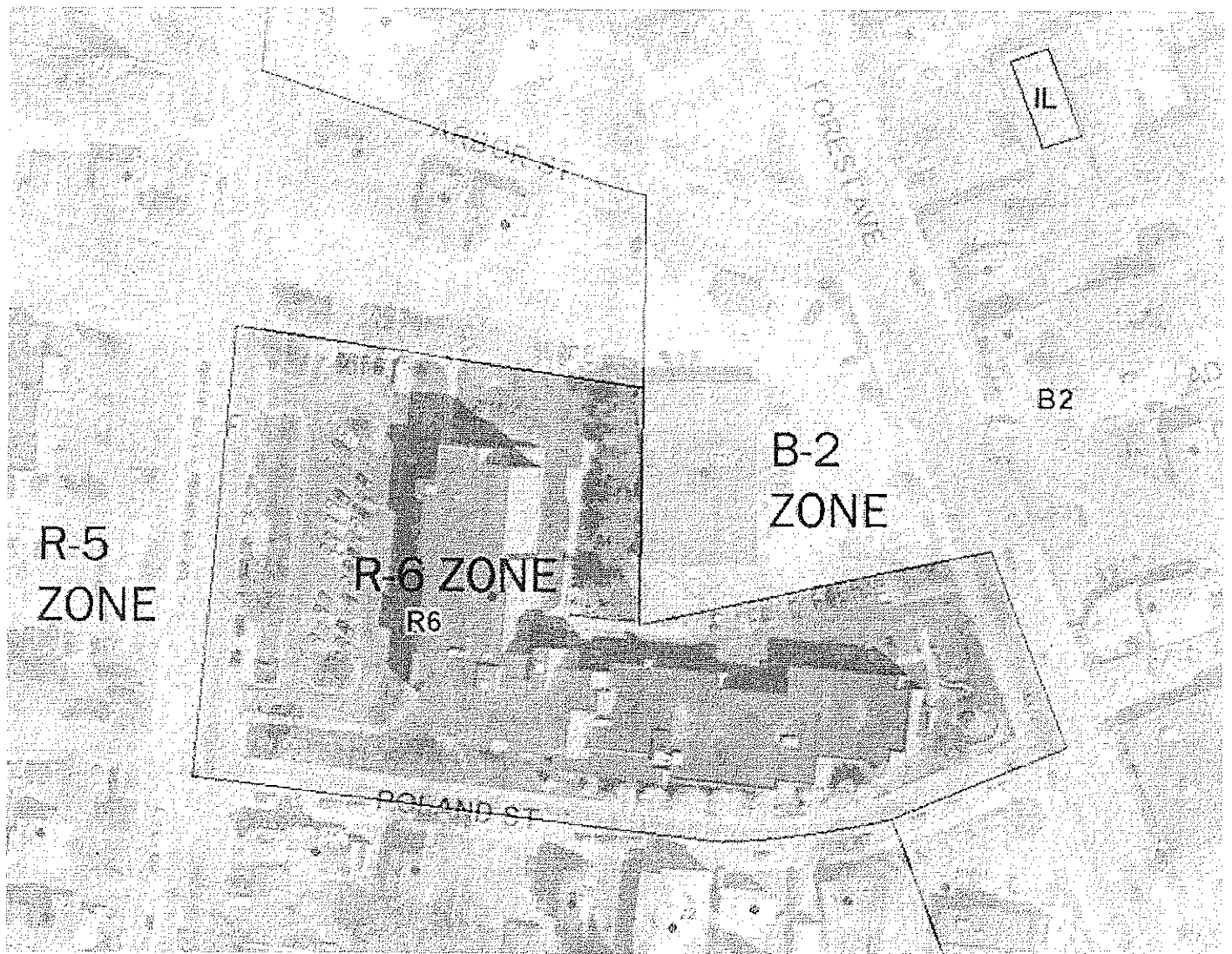
TOWN	DEFINITION	PARKING REQUIREMENT
Augusta	Elderly Housing	1 space/dwelling unit
Kennebunk	Elderly Congregate Housing	1 parking space/ dwelling unit. + 1 space/employee at peak shift + 1 space/ 6 residential care units
Kittery	Elderly Housing	1.5 spaces/ dwelling unit w/ <2 bedrooms or 2 spaces/unit w/ 2+ bedrooms
Saco	Elderly Congregate Housing Elder Housing Facility-Limited Svc.	1 space/ 2 units 1 space/ 3 units
Wells	Congregate Housing	1 space/ housing unit plus 1 space for each 300 s.f. of office space
Portsmouth, New Hampshire	Elderly Housing (age-restricted)	1.25 spaces/dwelling unit



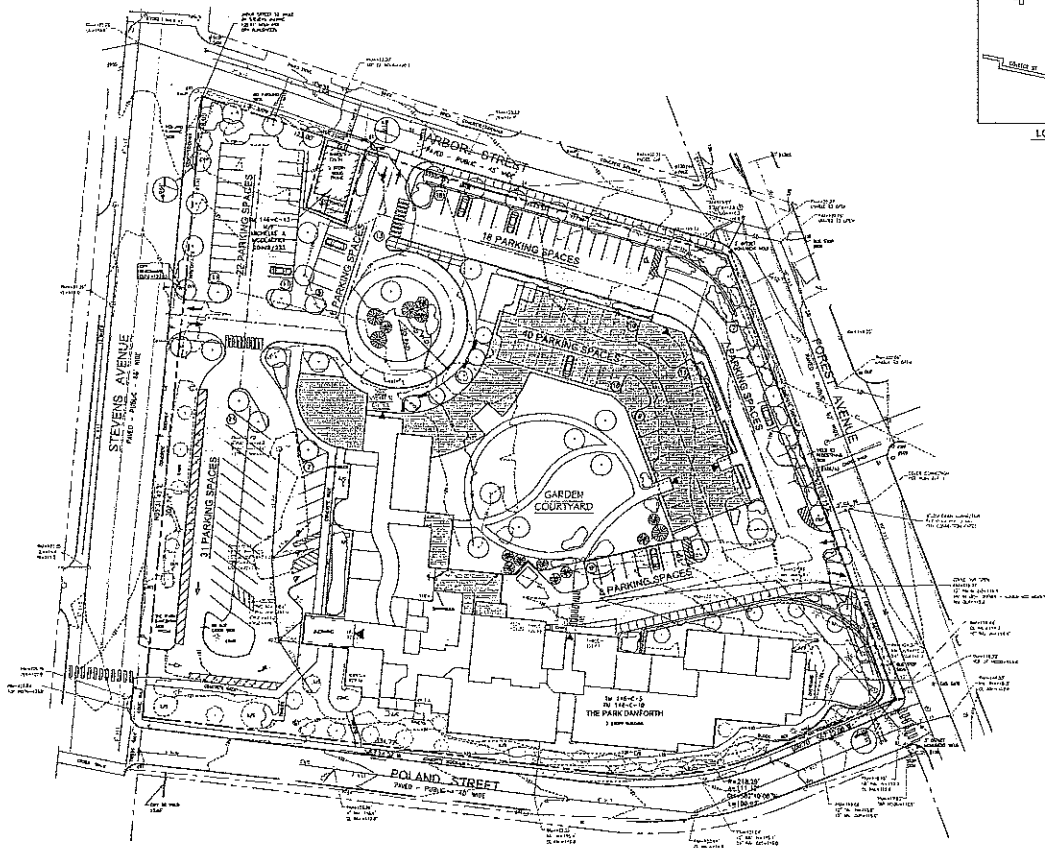
The Park Danforth

Context Map





City of Portland, Zoning Map



LOCATION MAP
N/A

Project:
 Owner: The Park Danforth
 100 Stevens Avenue
 Portland, Maine 04101
 Tel: 207-255-1234
Architect:
 The Park Danforth
 100 Stevens Avenue
 Portland, Maine 04101
 Tel: 207-255-1234
Engineer:
 METCALLE & ASSOCIATES
 100 Stevens Avenue
 Portland, Maine 04101
 Tel: 207-255-1234

The Park Danforth

Portland, Maine
 Stevens Avenue

Date: JUNE 15, 2014

Issued For:

Revisions:

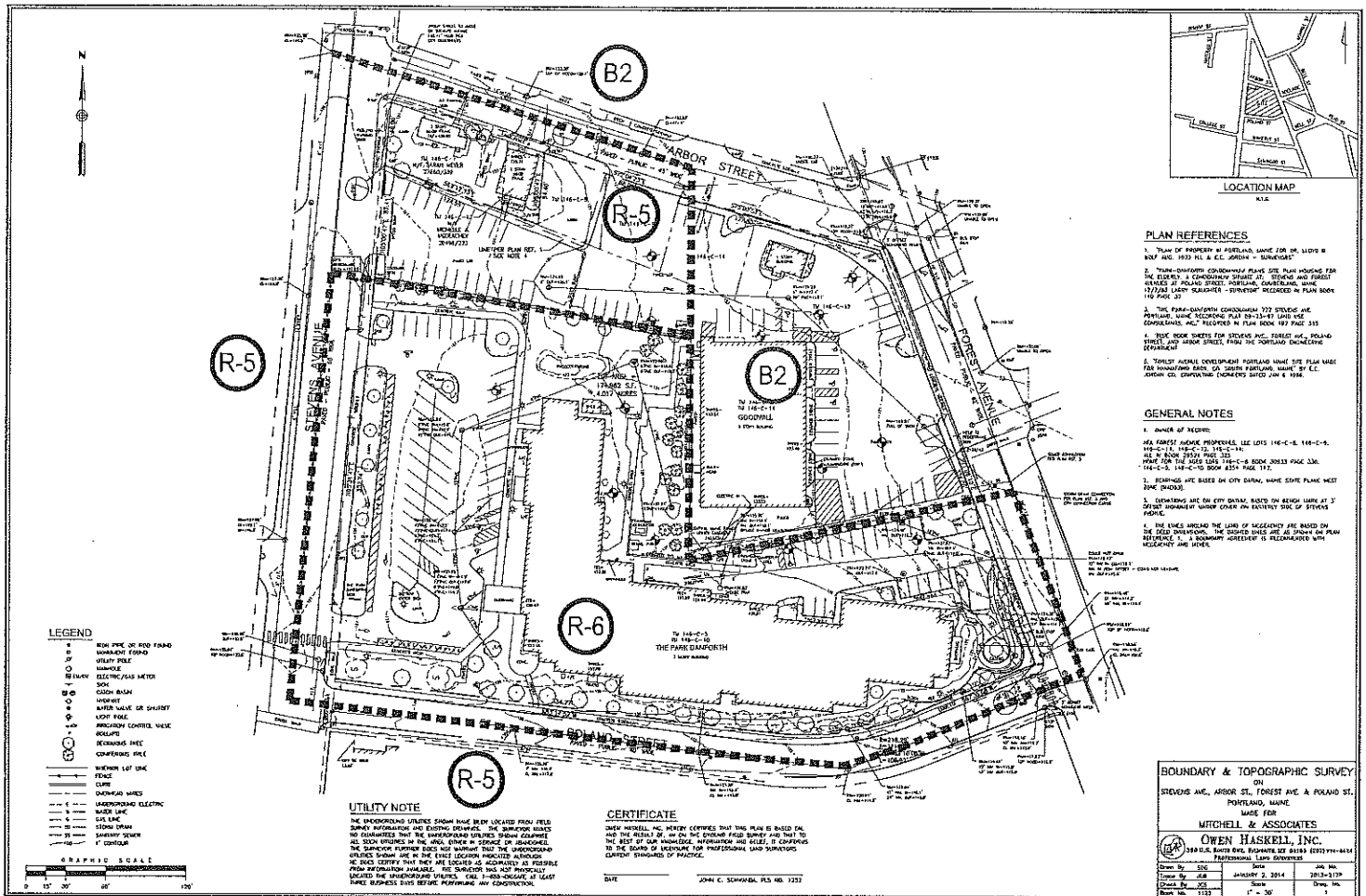
Revisions to be made at the discretion of the owner and architect. All revisions must be approved by both parties.

Title: CONCEPT MASTER PLAN

Scale: 1" = 10'

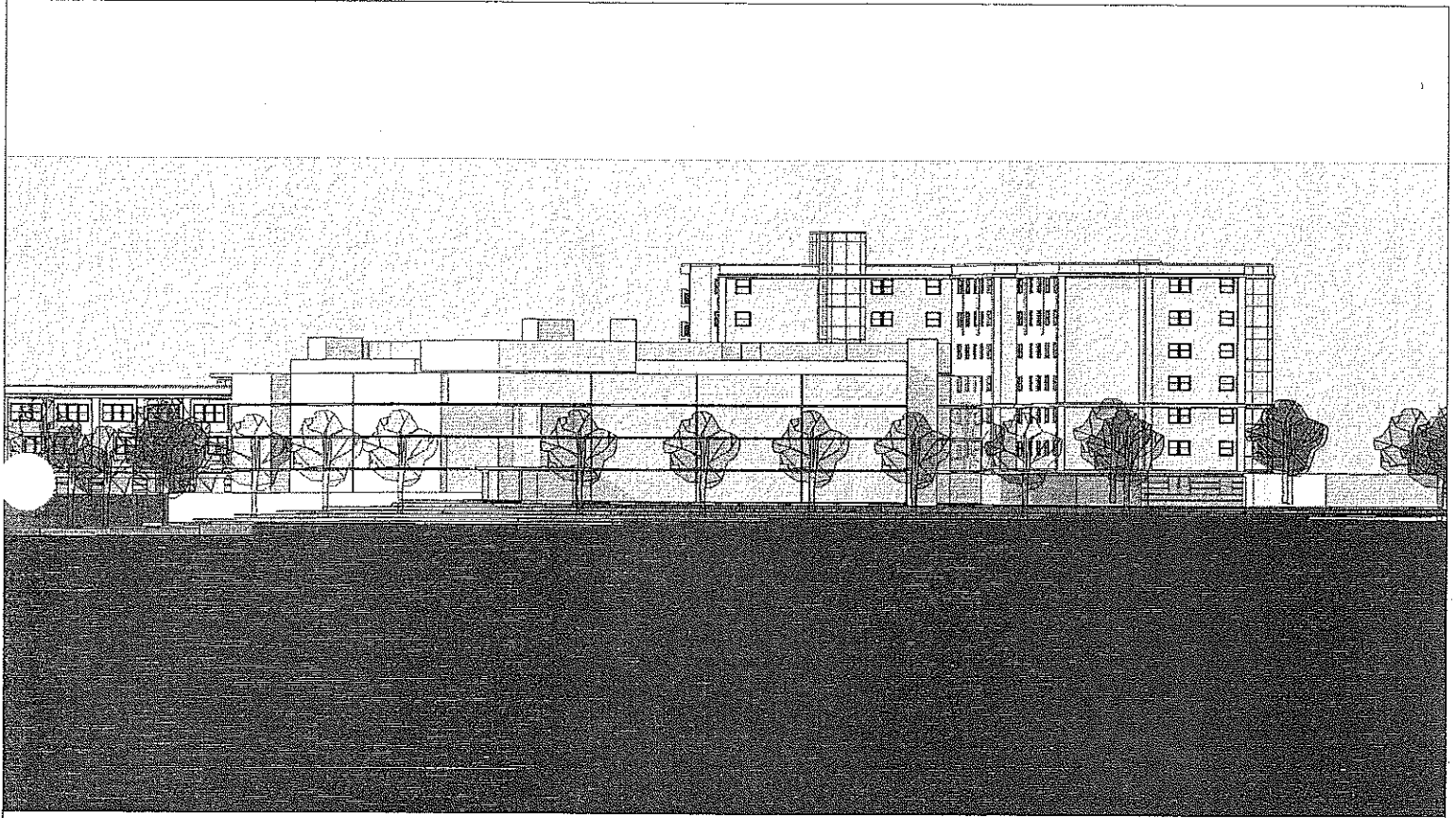


Sheet No.: A



PLAN REFERENCES

1. PLANS OF PROPERTY IN PORTLAND, MAINE FOR THE YEARS 1907 AND 1913 PL. & E.C. JORDAN - SURVEYORS
2. "THIRD-COMPOUND CONDOMINIUM PLANS SITE PLAN MOVED FOR THE EGRESS - A CONDOMINIUM STREET AT, STONE AND FOREST ST. AT POLAND STREET, PORTLAND, MAINE, MAINE 117342 LOTS 1-10, 11-12, 13-14, 15-16, 17-18, 19-20, 21-22, 23-24, 25-26, 27-28, 29-30, 31-32, 33-34, 35-36, 37-38, 39-40, 41-42, 43-44, 45-46, 47-48, 49-50, 51-52, 53-54, 55-56, 57-58, 59-60, 61-62, 63-64, 65-66, 67-68, 69-70, 71-72, 73-74, 75-76, 77-78, 79-80, 81-82, 83-84, 85-86, 87-88, 89-90, 91-92, 93-94, 95-96, 97-98, 99-100, 101-102, 103-104, 105-106, 107-108, 109-110, 111-112, 113-114, 115-116, 117-118, 119-120, 121-122, 123-124, 125-126, 127-128, 129-130, 131-132, 133-134, 135-136, 137-138, 139-140, 141-142, 143-144, 145-146, 147-148, 149-150, 151-152, 153-154, 155-156, 157-158, 159-160, 161-162, 163-164, 165-166, 167-168, 169-170, 171-172, 173-174, 175-176, 177-178, 179-180, 181-182, 183-184, 185-186, 187-188, 189-190, 191-192, 193-194, 195-196, 197-198, 199-200, 201-202, 203-204, 205-206, 207-208, 209-210, 211-212, 213-214, 215-216, 217-218, 219-220, 221-222, 223-224, 225-226, 227-228, 229-230, 231-232, 233-234, 235-236, 237-238, 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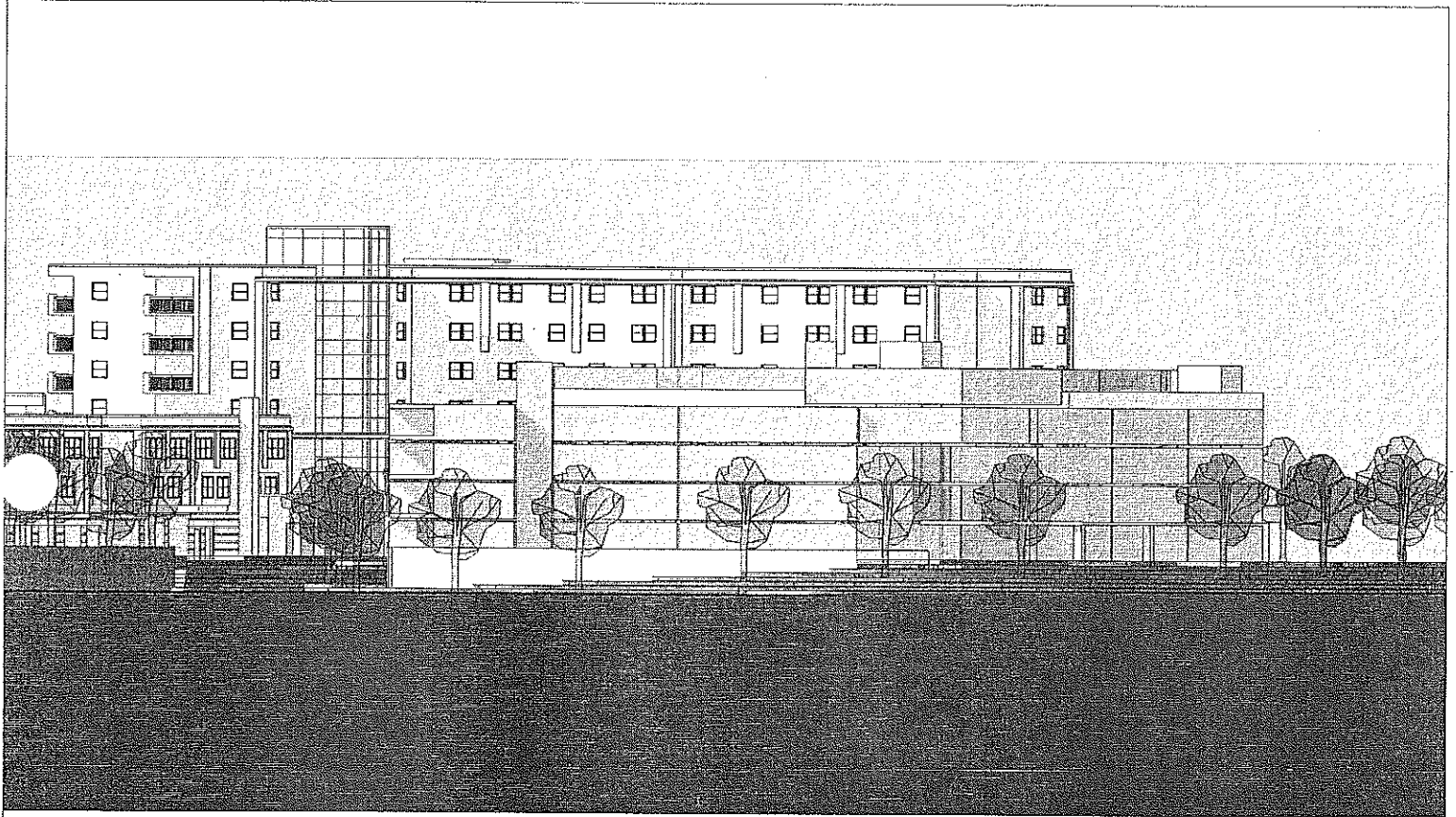
The Park Danforth
Proposed New Construction

Conceptual Elevation - Arbor Street

SCALE: NTS

06/23/14

LAVALLEE | BRENSINGER ARCHITECTS



The Park Danforth

Proposed New Construction

Conceptual Elevation - Forest Street

SCALE: NTS

06/23/14

LAVALLEE|BRENSINGER ARCHITECTS

Order 74-14/15
Feb 18 18-6-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

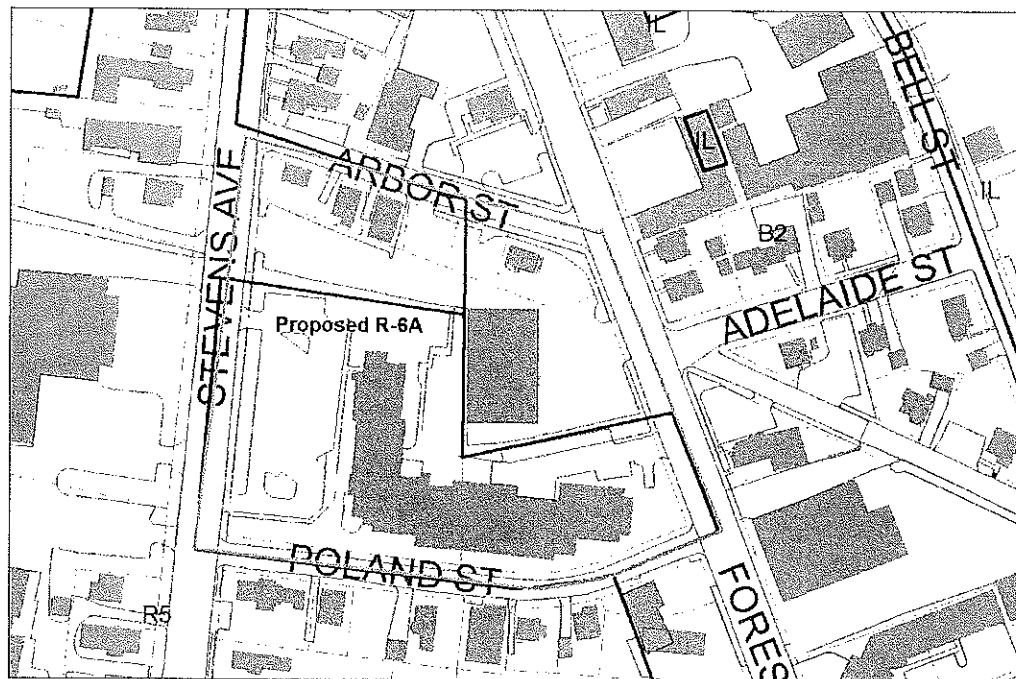
**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

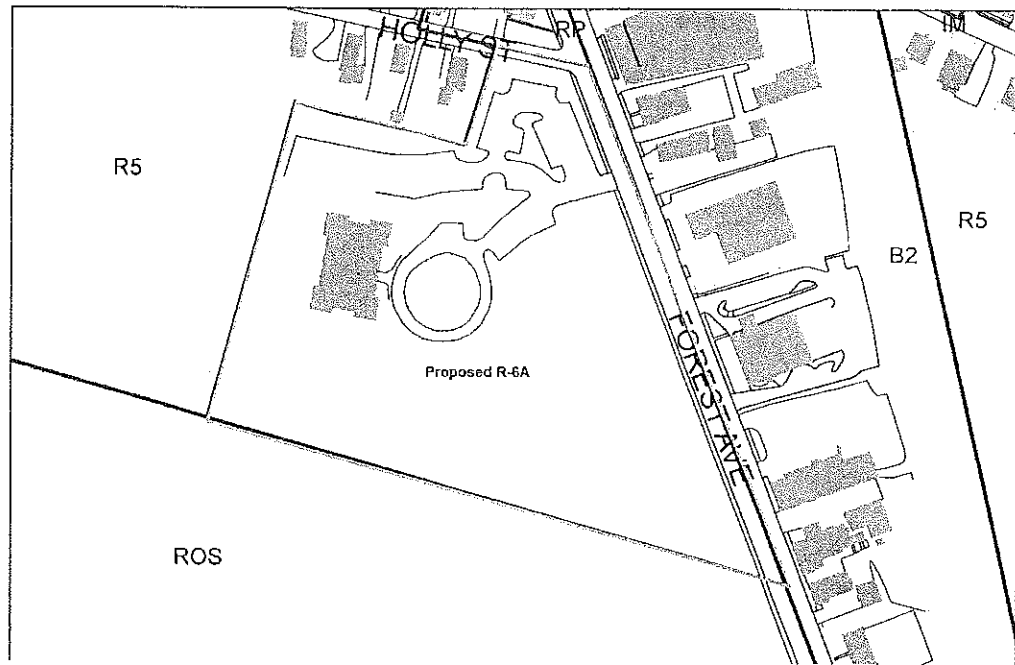
**AMENDMENT TO ZONING MAP
RE: PARK DANFORTH (777 STEVENS AVENUE)
AND DEERING PAVILION (880 FOREST AVENUE)**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment as depicted in the two area maps below; and specifically rezoning 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavilion) from R5 Residential, R6 Residential, and B2 Community Business Zones to R-6A Residential Zone



777 Stevens Avenue



888 Forest Avenue