**Agenda**
**Regular City Council Meeting**
**October 20, 2014**

1. Agenda

   Documents: 10-20-14.PDF
2. City Council Meeting Agenda And Packet

   Documents: AGENDA OCTOBER 20,2014.PDF
3. Addendum To Tab 4

   Documents: TAB 4,2014.PDF

# AGENDA
# REGULAR CITY COUNCIL MEETING
# OCTOBER 20, 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)** October 6, 2014

## APPROVAL OF AMMENDED SEPTEMBER 3, 2014 MINUTES

**(Tab 2)** September 3, 2014

## PROCLAMATIONS:

**Proc 8-14/15 (Tab 3)** **Proclamation Honoring Officer Matthew Rider Police Officer of the Month of August, 2014.**

## APPOINTMENTS:

**Order 75-14/15 (Tab 4)** **Order Appointing Members to Various Committees – Sponsored by the Nomination Committee, Councilor Cheryl A. Leeman, Chair.**

This order appoints members to the following boards and committees:

| Name | Board and Committee | Expiration |
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| Annette Rogers | CDBG | 09/30/2017 |
| Nadeen Daniels | CDBG | 09/30/2015 |
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Five affirmative votes are required for passage after public comment.

**Order 76-14/15 (Tab 5)** **Order Appointing Directors of the Portland Widows' Wood Society for the 2014-2015 Term – Sponsored by Mayor Michael F. Brennan.**

The Portland Widows' Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widow Woods Society for the 2014-2015 term:

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Portland's Downtown District wishes to present "Portland WinterFest" from Thursday, January 22, 2015 through Sunday January 25, 2015. Portland WinterFest will be a collection of paid and public events taking place around the downtown area. These events include:

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vehicles and delivery trucks throughout the duration of the setup. This is a paid admission event. The ramp will be protected by security 24/7. A spectator/food area will be setup in Post Office Park (as well as Tommy's Park).

In order for the tubing ramp to take place, some city streets will need to be closed to traffic: Market Street from Newbury Street to Middle Street – 8am Tuesday 1/20 – 11:59pm Tuesday 1/26.

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All Security Staff for events in public space will be provided by Public Assembly Facilities Division. Some Departments may provide in-kind services and waive permit fees and license fees. Organizer will cover the majority of City expenses.

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

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

**Order 78–14/15 (Tab 7)**

**Order Declaring Townsquare Media Portland, LLC Presents: "A Music Festival" as a Festival and Authorizing the Acting City Manager to Approve Contracts and Permits for a Mutually Agreeable Date in August 2015 – Sponsored by Sheila Hill-Christian, Acting City Manager.**

Townsquare Media Portland, LLC and event beneficiaries wish to bring "A Music Festival" to Portland, Maine, on a (a mutually agreeable date in August) with a rain date the following day. The Eastern Prom is the ideal venue for this outdoor music festival; the promenade features a natural amphitheater with beautiful vistas of Casco Bay and the islands. Performing artists will be chosen once permission is granted by City Council and a

festival area is approved. City reserves the right to approve all performing artists prior to executing an official agreement.

The promoter expects 6,000 – 8,000 in attendance.

In order for this festival to be held, a portion of Eastern Prom Park needs to be partitioned off for ticket holders. Approximately 2/3 of the park hillside will be gated; the other 1/3 of grass area still available to the public for recreational use. The gated area includes: (1) the large expanse of grass hillside, running from Playground south to Moody Street, (2) the upper parking lot, middle lot, and lower parking lot off Cutter Street, (3) Cutter Street itself, (4) one half of the Eastern Prom Roadway (the water side), from Turner Street to Moody Street. The area open to the public includes: (1) large grass area of the park, bordered by – the Eastern Prom Roadway, top of Cutter Street stretching north to Moody Street, (2) the large grass esplanade in front of Eastern Prom residences, (3) playground, and all the courts north of the playground, (4) the Eastern Prom Trail and East End Beach – water + sand area. Partitioning off of gated area would be accomplished via 6 foot high portable chain link mesh fence, orange snow fencing, and metal and wooden barricades.

Set up for the festival would start Thursday and Friday, prior to the event day. Breakdown would last until 12:00pm the Monday (Tuesday if Rain Date) following the event day.

Alcoholic Beverages (Beer and Wine) would be available at the event. Townsquare Media Portland, LLC and event beneficiaries shall be responsible for ensuring that all vendors at the Festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event will be provided by Public Assembly Facilities Management Staff.

Live music will be performed by bands from 1:00pm – 10:00pm from a stage set-up on the Cutter Street middle parking lot. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Townsquare Media Portland, LLC's contractor and the City to focus volume on the immediate environment, limiting any sound impacts in residential areas.

Boater traffic (trailers) would be allowed down the closed section of Cutter Street, up until 8am day of show. Opening back up again for boater traffic no later than 7am the day after the event.

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**All of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Ave. up), starting at 10am on the Event Day**. Streets will be opened up again after completion of the concert egress (at approximately 11:00pm).

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

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

**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**Order 43-14/15 (Tab 13)** **Order Receiving and Referring the India Street Sustainable Neighborhood Plan to the Housing & Community Development Committee, the Planning Board, and the Historic Preservation Board - Sponsored by Councilor Kevin J. Donoghue.**

The India Street Neighborhood Advisory Committee, Co-chaired by Councilor Donoghue and Richard Barringer worked with the Planning Division staff to develop the India Street Sustainable Neighborhood Plan. The result is a recommendation of a plan that includes five goals, six vision statements, thirteen principles, and twelve critical actions particular to the future of the India Street neighborhood. Among the key recommendations of the Plan are a proposed Local Historic District, the adoption of a Form-based Code, and the consideration of an Inclusionary Zoning Ordinance to address affordable housing needs. If adopted, the Plan will become a component of the City of Portland Comprehensive Plan.

Members of the India Street Neighborhood Advisory Committee (ISNAC) with the support of Planning staff developed and reviewed the plan over a seven-month period. The work of the Advisory Committee was broken up into five Working Groups that provided recommendations of the topics of Historic Preservation, Housing and Equity, Landscape and Infrastructure, Land Development and Form-based Code, and Economy. The India Street Sustainable Neighborhood Plan is the result of those recommendations and work.

Because of the diverse representation on the ISNAC, there were some differing opinions on several topics within the Plan. A few members are not

in support of the Historic District boundary as drawn and requested that certain properties be withdrawn from the district. The ISNAC took two votes on the proposal to exclude 3 properties from the historic district but the majority of ISNAC members voted to forward the Historic District as proposed. There was also discussion about whether it was the desire of the ISNAC to include the Historic District proposal, the Form-based Code, and the Inclusionary Zoning Ordinance as addenda to the Plan. It was decided to include the Historic District and the proposed Form-based Code Regulating Plan as elements of the Plan.

The ordinances associated with Form-based Code and Inclusionary Zoning require further development and the ISNAC chose not to include those as addenda to the India Street Sustainable Neighborhood Plan.

The ISNAC made the unanimous decision to give preference to the Form-based Code over the proposed Historic District for height and form regulations for new development meaning that the Historic District could not place additional or greater restrictions on the heights of new construction above and beyond what the Form-based Code will require.

Some members of the Advisory Committee disagreed with the boundary of the neighborhood as depicted but the ISNAC did not choose to change the neighborhood boundary.

Finally, there were concerns that the recommendations of the India Street Sustainable Neighborhood Plan not be in conflict with the existing Eastern Waterfront Historic District or components of the Comprehensive Plan such as the Eastern Waterfront Master Plan and the Transportation Plan. Upon review, staff concluded that the Plan is not in conflict with either the Historic District or adopted components of the Comprehensive Plan.

At the September 3rd Council meeting, this item was postponed to the October 20th Council meeting. Five affirmative votes are required for passage after public comment.

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

**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. It was given a first reading on October 6th. Five affirmative votes are required for passage after public comment.

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

**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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**ORDERS:**

**AMENDMENTS:**

**LICENSE RENEWALS:**

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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. It was given a first reading on October 6th. Five affirmative votes are required for passage after public comment.

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

**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.

This item must be read on two separate days. It was given a first reading on October 6th. Five affirmative votes are required for passage after public comment.

**ORDERS:**

**AMENDMENTS:**

**LICENSE RENEWALS:**

Tab 1 - 10-20-14



**ROLL CALL:** Mayor Brennan called the meeting to order at 7:03 P.M. All Councilors present.

**ANNOUNCEMENTS:**

**RECOGNITIONS:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Suslovic and seconded by Counilor Marshall to approve the minutes of September 15, 2014. Passage 9-0.

**PROCLAMATIONS:**

**Proc 7-14/15** **Proclamation Honoring Paul "Chuck" Fagone, Planning & Urban 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 theTransportation, Sustainability and Energy Committee, Councilor David A. Marshall, Chair.**

**Order 62-14/15** **Order Amending Traffic Schedule Re: Fox Street – Sponsored by the Transportation, Sustainability and Energy Committee, Councilor David A. Marshall, Chair.**

**Order 63-14/15** **Order Amending Traffic Schedule Re: Congress Street – Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.**

**Order 64-14/15** **Order Amending Appointments to Special Council Committees for 2014 – Sponsored by Sheila Hill Christian, Acting City Manager.**

**Order 65-14/15** **Order Setting Time for Opening of Polls for Election on November 4, 2014 – Sponsored by Katherine L. Jones, City Clerk.**

**Order 66-14/15** **Order Approving Renaming Oxford Street Extension to East Oxford Street – Sponsored by Sheila Hill-Christian, Acting City Manager.**

**Order 67-14/15** **Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) – Robert Burton, Sr. – Sponsored by Sheila Hill-Christian, Acting City Manager.**

**Order 68-14/15** **Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) – Brittany Vezina – Sponsored by Sheila Hill-Christian, Acting City Manager.**

Motion was made by councilor Marshall and seconded by Councilor Donoghue to approve the Consent Items. Passage 9-0.

LICENSES:

**Order 69-14/15** **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 Dancee – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Duson and seconded by Councilor Leeman for passage. Passage 9-0.

COMMUNICATIONS:

**Com 2-14/15** **Communication RE: Buffer Zone Alternatives – Sponsored by the Public Safety and Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.**

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 60-14/15** **Order Authorizing and Approving Wage Increase for City Clerk and Corporation Counsel - Sponsored by Mayor Michael F. Brennan. This item was given first reading on September 15, 2014.**

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

ORDERS:

**Order 70-14/15** **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.**

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 9-0.

**Order 71-14/15** **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.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson to amend Order 71 by eliminating all bonus points to the application process. Passage 6-3 (Coyne, Donoghue, Marshall).

Motion was made by Councilor Donoghue and seconded by Councilor Suslovic for passage as amended. Passage 9-0.

**Order 72-14/15** **Order Designating Anne Freeman House at 147 Congress Street as a Landmark - Sponsored by the Historic Preservation Board, Rick Romano, Chair.**

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 9-0.

**AMENDMENTS:**

**Order 73-14/15** **Amendment to Portland City Code Chapter 14. Land Use Re: New R-6A Zone – Sponsored by the Planning Board, Stuart O'Brien, Chair.**
This is its first reading.

**Order 74-14/15** **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 is its first reading.

Motion was made by Councilor Coyne and seconded by Councilor Suslovic to adjourn. Passage 9-0, at 8:03 P.M.

**A TRUE COPY.**

**Katherine L. Jones, City Clerk**

Tab 2-10-20-14



**ROLL CALL:** Mayor Brennan called the meeting to order at 7:20 P.M. All Councilors present.

**ANNOUNCEMENTS:**

**RECOGNITIONS:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Suslovic and seconded by Councilor Leeman to approve the minutes of the August 4, 2014 Special City Council Meeting and August 4, 2014 Regular City Council Meeting. Passage 9-0.

**PROCLAMATIONS:**

**Proc 4-14/15** **Proclamation Recognizing Andres Verzosa – Sponsored by Mayor Michael F. Brennan.**

**Proc 5-14/15** **Proclamation Honoring Mirjana Jankovic as Employee of the Month for August, 2014 – Sponsored by Mayor Michael F. Brennan.**

**APPOINTMENTS:**

**Order 36-14/15** **Order Appointing Police Cadet as Constable for 2014 – Sponsored by Danielle West-Chuhta, Corporation Counsel.**

Motion was made by Councilor Suslovic and seconded by Councilor Coyne for passage. Passage 9-0.

**Order 37-14/15** **Order Approving Appointment of Paul W. Rosenblum as Fair Hearing Officer – Sponsored by the Nominating Committee, Councilor Cheryl A. Leeman, Chair.**

Motion was made by Councilor Leeman and seconded by Councilor Donoghue for passage. Passage 9-0.

**CONSENT ITEMS:**

**Order 38-14/15** **Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) RE: Paul Henry – Sponsored by Danielle West-Chuhta, Corporation Counsel.**

Motion was made by Councilor Coyne and seconded by Councilor Susloivce for passage. Passage 9-0.

**LICENSES:**

**Order 39-14/15** **Order Granting Municipal Officers' Approval of Shangri-la Sichuan Cuisine LLC d/b/a Shangri-la at 90 Exchange St. Application for a Class I FSE License – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Duson and seconded by Councilor Donoghue for passage. Passage 9-0.

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**Order 35-1/15** **Order Authorizing Amendment to City Code Sec. 14-49 (Zoning Map Amendment) Re: First Amendment to Conditional Rezoning For 802-828 Ocean Avenue – Sponsored by the Portland Planning Board, Stuart O'Brien, Chair. This item was given first reading on August 4, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Marshall to refer Order 35 to the Housing and Community Development Committee.
Motion failed 3-6 (Coyne, Hinck, Donoghue, Leeman, Suslovic Brennan).

Motion was made by Counilor Duson, to amend Order 35 by adding 1) requirement for a blasting plan to part of the Planning Board review with an independent third-party seismologist conducting an evaluation for review and monitoring during construction, and an increase in the liability insurance binder from $2m to $4m; 2) establishes an expiration term for the agreement and a reversion clause to the original conditional agreement; and 3) seeks the greatest separation of access drive from Ridge Road as practicable. Councilor Duson withdrew her amendment.

Motion was made by Duson and seconded by Councilor Marshall for passage. Motion failed 4-5( Hinck, Donoghue, Leeman, Suslovic, Brennan).

Motion was made by Councilor Hinck and seconded by Councilor Suslovic to postpone order 35 indefinitely. Passage 5-4 ( Duson, Mavodones, Coyne, Marshall).

**ORDERS:**

**Order 40-14/15** **Order Accepting Resignation of City Manager Mark H. Rees Effective September 3, 2014 – Sponsored by Mayor Michael F. Brennan.**

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

**Order 41-14/15** **Order Appointing Sheila Hill-Christian as Acting City Manager Effective September 4, 2014, and Setting Annual Salary – Sponsored by Mayor Michael F. Brennan.**

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage. Passage 9-0.

**Order 42-14/15** **Order Establishing the City Manager Search Committee – Sponsored by Mayor Michael F. Brennan.**

Members of the City Manager Search Committee shall be Mayor Michael F. Brennan as Chair, and Councilors Jill C. Duson, Nicholas M. Mavodones, Jr., and Edward J. Suslovic.

Motion was made by Councilor Coyne and seconded by Councilor Duson for passage. Passage 9-0.

**Order 43-14/15** **Order Receiving and Referring the India Street Sustainable Neighborhood Plan to the Housing & Community Development Committee, the Planning Board, and the Historic Preservation Board - Sponsored by Councilor Kevin J. Donoghue.**

Motion was made by Councilor Donoghue and seconded by Councilor Leeman to postpone Order 43 to the October 20, 2014 City Council meeting. Passage 9-0.

**Order 44-14/15** **Order Granting Revocable License Agreement to 113 Newbury Street, LLC – Sponsored by Danielle West-Chuhta, Corporation Counsel.**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passsage 9-0.

**Order 45-14/15** **Order Approving Rockland Avenue Stormwater Outfall Improvements at Capisic Pond Park – Sponsored by the Land Bank Commission, Councilor Cheryl A. Leeman and Tom Jewell, Co-Chairs.**

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage. Passage 9-0 .

**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 is its first reading.

**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 is its first reading.

**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.**

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone Order 48 until the September 15, 2014 City Council meeting. Passage 9-0.

**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.**

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone Order 49 until the September 15, City Council meeting. Passage 9-0.

**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 is its first reading.



**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 is its first reading.

**AMENDMENTS:**

**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.**

The Portland City Council approved permit fees for valet parking and valet parking special events in Order 234-12/13 on June 3, 2013. A companion order adding the fees to the fee schedule in Chapter 15, Section 12 was inadvertently omitted from the agenda request. This order is that companion order.

This is its first reading.

**Order 53-14/15** **Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, DIVISION 1. Generally, Section 14-47. Definitions, and DIVISION 14. I-M, I-Ma and I-Mb Industrial Zones Section 14-247. Permitted Uses. Re: Industrial I-M Zone – Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This is its first reading.

Motion was made by Councilor Coyne and seconded by Councilor Suslovic to adjourn. Passage 8-0 (Marshall gone).

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 8-14/15
Tab 3 10-20-14

# PROCLAMATION

## HONORING

## OFFICER MATTHEW RIDER

**WHEREAS,** **Officer Rider** is assigned to shift B-5 and was nominated for Officer of the month by both Lieutenant Jones and Lieutenant Hutcheson; and

**WHEREAS,** **Officer Rider** has been an exemplary employee since January 2012 who has received two Merit Awards and 5 Unit Commendations for his devotion to duty and commitment to public service; and

**WHEREAS,** **Officer Rider** is described by his superiors as dedicated, dependable and pro-active in working with public nuisance calls and criminal activity; and

**WHEREAS,** **Officer Rider** made 14 self initiated arrests in two weeks time during the month of August for various crimes in the Bayside area to include drugs, criminal trespass, assaults, operating under influence, operating after suspension, carrying a concealed weapon and drinking in public; and

**WHEREAS,** **Officer Rider** is commended today for his proactive approach to enhancing public safety through routine patrols and recognizing the importance of his contributions to the Police Department each day.

**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 **Matthew Rider** as **Officer of the Month, August 2014**.

**Signed and sealed this 20th day of October, 2014**

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

Order 75-14/15
Tab 4 10-20-14

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 APPOINTING MEMBERS OF VARIOUS BOARDS AND COMMITTEES

**ORDERED,** that the City Council hereby appoints the following to the Boards and Committees indicated for the stated term:

| Name | Board and Committee | Expiration |
|---|---|---|
| Annette Rogers | CDBG | 09/30/2014 |
| Nadeen Daniels | CDBG | 09/30/2015 |
| Nadeen Daniels | Creative Portland | 11/30/2015 |
| Alice Kornhauser | Creative Portland | 11/30/2017 |
| Patrick Costin | Creative Portland | 11/30/2017 |
| Raymond Swenton | Fish Exchange | 10/31/2016 |
| Avis Leavitt | Fish Exchange | 10/31/2016 |
| Thomas Valleau | Fish Exchange | 10/31/2016 |
| Daniel Haley | Harbor Commission | 12/31/2017 |
| Scott Benson | Historic Preservation | 11/30/2017 |
| Neil Kiely | Portland Development | 09/30/2017 |
| Jere Shaw | Portland Development | 09/30/2017 |
| Barry Sheff | Portland Development | 09/30/2017 |
| Drew Swenson | Portland Development | 09/30/2017 |
| Christopher Devlin | Portland Public Art | 06/30/2017 |

Portland, Maine | Yes. Life's good here.

Office of the City Clerk
Katherine L. Jones, CMC

**MEMORANDUM**

**TO:** Mayor Michael Brennan, and Members of City Council
**FROM:** Katherine L. Jones
**DATE:** September 24, 2014
**RE:** Appointments

The Nominating Committee is making the following recommendations to the Various Boards and Committees.

| Name | Board and Committee | Expiration |
|---|---|---|
| Annette Rogers | CDBG | 09/30/2017 |
| Nadeen Daniels | CDBG | 09/30/2015 |
| Nadeen Daniels | Creative Portland | 11/30/2015 |
| Alice Kornhauser | Creative Portland | 11/30/2017 |
| Patrick Costin | Creative Portland | 11/30/2017 |
| Raymond Swenton | Fish Exchange | 10/31/2016 |
| Avis Leavitt | Fish Exchange | 10/31/2016 |
| Thomas Valleau | Fish Exchange | 10/31/2016 |
| Daniel Haley | Harbor Commission | 12/31/2017 |
| Scott Benson | Historic Preservation | 11/30/2017 |
| Neil Kiely | Portland Development | 09/30/2017 |
| Jere Shaw | Portland Development | 09/30/2017 |
| Barry Sheff | Portland Development | 09/30/2017 |
| Drew Swenson | Portland Development | 09/30/2017 |
| Christopher Devlin | Portland Public Art | 06/30/2017 |

Order 76-14/15
Tab 5 10-20-14



**CITY OF PORTLAND**
IN THE CITY COUNCIL



## ORDER APPOINTING DIRECTORS OF THE PORTLAND WIDOWS' WOOD SOCIETY FOR THE 2014-2015 TERM

**ORDERED,** that the following persons are hereby appointed as Directors of the Widows' Wood Society for the City of Portland for a term to end November 1, 2015:

| **Name** | **Address** |
|---|---|
| Henry L. Donovan | 15 Clifford Street |
| Robert Duranleau | 389 Congress Street |
| Michael J. Francoeur | 33 Autumn Lane |
| Cyrus Hagge | 45 Turner Street |
| Cheryl Hallett, Treasurer | 22 Pride Farm Road, Falmouth, Me |
| Everett Ingalls | 45 Eastern Promenade |
| John C. Knox, President | 44 Bramblewood Drive |
| Thomas M. Pierce | 52 Foreside Common Dr. Falmouth, Me |

Office of the City Clerk
Katherine L. Jones, CMC

**MEMORANDUM**

**MEMORANDUM**

**TO:** Mayor Michael Brennan, and Members of City Council
**FROM:** Katherine L. Jones
**DATE:** October 8, 2014
**RE:** Appointments

The Widows Wood Society is submitting for your consideration the following persons as nominees for appointment by the Council as Directors of the Portland Widows Wood Society for the 2014-2015 term:

| Name | Address |
|---|---|
| **Henry L. Donovan** | **15 Clifford Street** |
| **Robert Duranleau** | **389 Congress Street** |
| **Michael J. Francoeur** | **33 Autumn Lane** |
| **Cyrus Hagge** | **45 Turner Street** |
| **Cheryl Hallett, Treasurer** | **22 Pride Farm Road, Falmouth, Me** |
| **Everett Ingalls** | **45 Eastern Promenade** |
| **John C. Knox, President** | **44 Bramblewood Drive** |
| **Thomas M. Pierce** | **52 Foreside Common Dr. Falmouth, Me** |

Order 77-14/15
Tab 6 10-20-14



**CITY OF PORTLAND**
IN THE CITY COUNCIL



## ORDER DECLARING PORTLAND WINTERFEST AS A FESTIVAL

**ORDERED**, that Thursday, Friday, Saturday and Sunday on January 22 through January 25, 2015 is hereby declared to be the first annual Portland Winterfest, sponsored by Portland's Downtown District; and

**BE IT FURTHER ORDERED,** that a series of events, both free and with paid admission, will be offered, including for all four days a Tubing Ramp set up on Market Street between Newbury and Middle streets; and

**BE IT FURTHER ORDERED**, that the following streets shall be closed to traffic:

From Tuesday, January 20, 2015 at 8:00 a.m. until Tuesday, January 26, at 11:59 p.m.:

Market Street from Newbury Street to Middle Street

**BE IT FURTHER ORDERED,** that the Portland Winterfest festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

**BE IT FURTHER ORDERED,** that the Acting City Manager is authorized to issue a revocable permit to Portland's Downtown District under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the Acting City Manager and to the following specific conditions:

1. Portland's Downtown District shall indemnify the city and hold it harmless from and against all claims arising out of activities during said festival, and shall take out and maintain commercial general liability insurance, coverage in the amount of at least **$1,000,000** combined single limit for personal or bodily injury and $2,000,000 aggregate. The City of Portland will be listed as an additional insured in regards to the Festival and its activities.

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

3. Conditions for use of grounds and requirements for food service, vending sales, stages, and other items specified in a permit issued from the Recreation Office shall be adhered to;

4. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Recreation & Facilities Management Department, shall be adhered to;

5. The City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival;

6. Portland's Downtown District shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Portland Winterfest;

7. City Departments will provide in-kind services at no charge to Portland's Downtown District for Portland Winterfest and some permit fees and license fees may be waived, but for other events where city staff are needed Portland's Downtown District will reimburse City Departments and cover the majority of City expenses; and

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

# CITY OF PORTLAND, MAINE
# CITY COUNCIL AGENDA REQUEST FORM

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

Copies to: Judy Rosen, Nancy English, Sheila Hill - Christian, Danielle West-Chuhta, Michael Brennan

1. Council Meeting at which action is requested (date): Monday, October 20, 2014
2. Can action be taken at a later date? ___Yes X___ No
   Festival organizers will need to secure sponsors and begin ticket sales.

If a memo addresses the following issues, you may attach and reference the memo, but please highlight it so that staff may easily answer I-V.

**I. SUMMARY OF ISSUE**

Please see attached memo for more detailed information on this Festival Declaration Request.
Declare Thursday January 22nd 2015 through Sunday January 25th 2015, as "WinterFest" Festival.
WinterFest is a collection of paid and public events taking place around the Portland downtown area.
Festival area will include Congress Square, Monument Square, Tommy's Park, Post Office Park, and Market Street between Newbury and Middle Streets, including all adjoining sidewalks.

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

Festival Declaration
Closing of Market Street between Newbury and Middle Streets.
Allows for control of vendors.
Allows for charging an admission fee.

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

Grants permission to use the parks, street and sidewalk areas.
Grants permission to gate the park / street and charge admission fee.
Grants permission to close streets to vehicular traffic.
Allows for control and regulation of vendors.

**IV. FINANCIAL IMPACT**

Some Departments will provide in-kind services and waive permit fees and license fees. Organizer will cover some city department costs.

**V. STAFF ANALYSIS & RECOMMENDATION**

Festival organizer will work closely with City Departments.
City Staff is supportive of WinterFest.

Anita R. LaChance
Director
Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities Division

# CITY OF PORTLAND, MAINE
# RECREATION & FACILITIES MANAGEMENT
# MEMORANDUM

**TO:** Sheila Hill-Christian, Acting City Manager
**FROM:** Andrew Downs, Director of Public Assembly Facilities
**DATE:** October 3, 2014
**RE:** **Council Agenda Item "Portland WinterFest" Festival**

---

I am requesting that the following order be placed on the (October 20th) City Council agenda:

**Order declaring Thursday January 22, 2015 through Sunday January 25, 2015 as "Portland WinterFest" Festival.**

Portland's Downtown District wishes to present "Portland WinterFest" from Thursday, January 22, 2015 through Sunday January 25, 2015. Portland WinterFest will be a collection of paid and public events taking place around the downtown area. These events include:

TUBING RAMP (1/22-1/25)
Tubing Ramp will be designed and setup by StackBox Structures along Market Street between Newbury and Middle Streets. The ramp will begin setup on Tuesday, 1/20, and be open to the public from 1/22 – 1/25. A 20' fire lane will be open parallel to the ramp, allowing access for emergency vehicles and delivery trucks throughout the duration of the setup. This is a paid admission event. The ramp will be protected by security 24/7. A spectator/food area will be setup in Post Office Park (as well as Tommy's Park).

In order for the tubing ramp to take place, some city streets will need to be closed to traffic:
Market Street from Newbury Street to Middle Street – 8am Tuesday 1/20 – 11:59pm Tuesday 1/26.

SILENT DISCO (1/23)
The State Theatre will present a Silent Disco in Congress Square the evening (5-8pm) of Friday, 1/23. Participants will wear headphones provided by the organization that will allow them to hear the DJ music. The event is silent to non-participants as only those wearing headphones can hear the music. This is a paid admission event.

SNOWMAN BUILDING COMPETITION (1/24) (exact times tbd)
Teams compete to build the best snowman in Monument Square. Snowmen are judged and awards distributed.

HOCKEY SHOT (1/25) (exact times tbd)
The Portland Pirates will present Hockey Shot in Monument Square. Participants can shoot on the Pirates goalie, who will be defending an inflatable goal. This is a free event.

All Security Staff for events in public space will be provided by Public Assembly Facilities Division. Some Departments may provide in-kind services and waive permit fees and license fees. Organizer will cover the majority of City expenses.

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

Anita R. LaChance
Director
Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities Division

Also, the City Manager is authorized to issue a revocable permit under Section 25-27 and 25-28 of the Municipal Code to festival organizers for the use of the above-described area for said Festival subject to the following conditions:

- Portland's Downtown District shall indemnify the city and hold it harmless from and against all claims arising out of activities during said festival, and shall take out and maintain publis liability insurance, coverage in the amount of at least **$400,000** combined single limit for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to **"Portland WinterFest"** and its activities;
- Portland's Downtown District shall be responsible for the majority of any costs incurred by City Departments for the purposes of facilitating the Festival, including, but not limited to: Police Department charges, Public Services fees, Parking Control fees, Inspection Services fees, City Clerk's License fees and Recreation and Facilities Management fees.

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

Order 78-14/15
Tab 7 10-20-14



**CITY OF PORTLAND**
IN THE CITY COUNCIL



**ORDER DECLARING**
**TOWNSQUARE MEDIA PORTLAND, LLC PRESENTS "A MUSIC FESTIVAL" AS A FESTIVAL AND AUTHORIZING THE ACTING CITY MANAGER TO APPROVE CONTRACT AND PERMITS THEREFOR**

**ORDERED**, that Townsquare Media Portland, LLC Presents "A Music Festival" is hereby declared as a Festival to be held in Portland in August, 2015; and

**BE IT FURTHER ORDERED,** that this Festival is to be presented by Townsquare Media Portland, LLC on behalf of its event beneficiaries; and

**BE IT FURTHER ORDERED,** that the Acting City Manager is authorized to issue revocable permits to the festival organizers, Townsquare Media Portland, LLC, on behalf of event beneficiaries, pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Townsquare Media Portland, LLC will have the use of the Eastern Promenade upon a mutually agreeable date in August, 2015, with a rain date scheduled on the following mutually agreed upon day, when live music will be performed by bands from 1:00 p.m. to 10:00 p.m. in the Festival Area; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Townsquare Media Portland, LLC and the City to focus volume on the festival area and its immediate environment; and

**BE IT FURTHER ORDERED**, that the area of the Eastern Promenade hillside and sidewalks from the Playground to Cutter Street and the northbound lane of the Eastern Prom roadway shall be the Festival Area; and

**BE IT FURTHER ORDERED,** that during the Festival, the following streets will be closed to vehicular traffic:

- Cutter Street; and
- Eastern Prom roadway from Turner to Moody Street; and

**BE IT FURTHER ORDERED,** that the Festival Area will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Townsquare Media Portland, LLC, and event beneficiaries for the purpose of

conducting the Festival, subject to the direction and control of the Acting City Manager; and

**BE IT FURTHER ORDERED**, that the Acting City Manager or designee is hereby authorized to issue a revocable permit for this Festival under Sections 25-26 thru 25-30 of Portland City Code to Townsquare Media Portland, LLC and event beneficiaries subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during the Festival, but, at the option of Public Assembly Facilities Management Staff and with state liquor licensing permit requirements fulfilled, alcoholic beverages may be sold and consumed in city and state approved areas within the Festival Area.

- Townsquare Media Portland, LLC shall indemnify the city and hold it harmless from and against all claims arising out of activities during said festival, and shall have and maintain commercial general liability insurance, coverage in the amount of at least **$1,000,000** combined single limit for personal or bodily injury and $2,000,000 aggregate. The City of Portland shall be listed as an additional insured on the aforementioned insurance policy in regards to the Festival and its activities.

- Conditions for use of public grounds, specified in permits issued from Public Services Event Office, shall be adhered to.

- Townsquare Media Portland, LLC shall have sole authority and responsibility over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festivals.

- Townsquare Media Portland, LLC shall be responsible for any costs incurred by City Departments for the purposes of facilitating the Festival, including, but not limited to, Police Department charges, Public Services fees, Parking Control fees, Inspection Services fees, City Clerk's License fees and Recreation and Facilities Management fees.

- Townsquare Media Portland, LLC shall adhere to conditions for use as stated in this order and the agreement for use issued by Recreation & Facilities Management; and

**BE IT FURTHER ORDERED,** that the Public Assembly Facilities Management Staff and/or qualified volunteers will provide security; and

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

**BE IT FURTHER ORDERED**, that the Acting City Manager is authorized to enter into an agreement with Townsquare Media Portland, LLC and event beneficiaries for the use of the Eastern Promenade.

# CITY OF PORTLAND, MAINE
# CITY COUNCIL AGENDA REQUEST FORM

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

Copies to: Judy Rosen, Nancy English, Sheila Hill - Christian, Danielle West-Chuhta, Michael Brennan

1. Council Meeting at which action is requested (date): Monday, October 20, 2014
2. Can action be taken at a later date? ___Yes X___ No
   Festival organizers are not able to secure a performing artist until a venue agreement is in place.

If a memo addresses the following issues, you may attach and reference the memo, but please highlight it so that staff may easily answer I-V.

I. **SUMMARY OF ISSUE**

Please see attached memo for more detailed information on this Festival Declaration Request.
**Order declaring Townsquare Media Portland, LLC Presents: "A Music Festival" as a Festival and authorizing the Acting City Manager to approve contracts aud permits for a mutually agreeable date in August 2015.**
Festival to be held on the Eastern Promenade.
Festival runs 12pm – 10pm. Concert time: 1pm – 10pm (9pm Rain Date).
Rain date will be the following day.
Festival area is the Eastern Prom Hillside + sidewalks (from Playground to Cutter Street), Cutter Street itself, and Eastern Prom roadway (the northbound lane – waterside - from Turner Street to Moody Street).
A portion of this festival zone (about 1/3 of the park) will stay open for public use.
The Eastern Prom Trail will stay open to the public.

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

Festival Declaration
Use of City parks, sidewalks and streets for entertainment stage, food and merchandise vendors, beer service, audience seating, and local organizations.
Closing of majority of park grounds to ticketed patrons only.
Closing of Cutter Street to vehicular traffic (boat traffic will be permitted up to 8am on Event Day).
Closing of Eastern Prom Roadway (Turner to Moody Street).
Allows for control of vendors.
Allows for extended amplified sound.

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

Grants permission to use the park, street and sidewalk areas.
Grants permission to gate the park and charge admission fee.
Grants permission to close streets to vehicular traffic.
Allows for control and regulation of vendors.
Permits sale and consumption of alcoholic beverages.

IV. **FINANCIAL IMPACT**

Festival organizer is responsible for covering all City costs incurred.

V. **STAFF ANALYSIS & RECOMMENDATION**

Festival organizer will work closely with City Departments.
City Staff is supportive of the event.

Anita R. LaChance
Director
Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities Division

# CITY OF PORTLAND, MAINE
# RECREATION & FACILITIES MANAGEMENT
# MEMORANDUM

**TO:** Sheila Hill-Christian, Acting City Manager
**FROM:** Andrew Downs, Director of Public Assembly Facilities
**DATE:** October 14, 2014
**RE:** **Council Agenda Item Townsquare Media Portland, LLC Presents: "A Music Festival".**

---

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

**Order declaring Townsquare Media Portland, LLC Presents: "A Music Festival" as a Festival and authorizing the Acting City Manager to approve contracts and permits for a mutnally agreeable date in August 2015.**

Townsquare Media Portland, LLC and event beneficiaries wish to bring "A Music Festival" to Portland, Maine, on a (a mutually agreeable date in August) with a rain date the following day. The Eastern Prom is the ideal venue for this outdoor music festival; the promenade features a natural amphitheater with beautiful vistas of Casco Bay and the islands. Performing artists will be chosen once permission is granted by City Council and a festival area is approved. City reserves the right to approve all performing artists prior to executing an official agreement.

Townsquare Media, Inc. is an integrated and diversified media and entertainment and digital marketing services company that owns and operates market leading radio stations, digital and social properties and live events in small and mid-sized markets across the United States, delivering national scale and expertise to the communities it serves on a local level. The Company owns and operates 311 radio stations, over 325 search engine and mobile-optimized local websites and approximately 500 live events in 66 small and mid-sized U.S. markets, making Townsquare Media the third largest owner of radio stations in the United States by number of radio stations owned. The Company supplements its local offerings with the nationwide reach of our owned, operated and affiliated music and entertainment websites, which, on a combined basis, attracted approximately 78 million U.S. based unique visitors in June 2014 as well as certain large scale live events. For more information, please visit www.townsquaremedia.com.

The promoter expects 6,000 – 8,000 in attendance.

In order for this festival to be held, a portion of Eastern Prom Park needs to be partitioned off for ticket holders. Approximately 2/3 of the park hillside will be gated; the other 1/3 of grass area still available to the public for recreational use. The gated area includes: (1) the large expanse of grass hillside, running from Playground south to Moody Street, (2) the upper parking lot, middle lot, and lower parking lot off Cutter Street, (3) Cutter Street itself, (4) one half of the Eastern Prom Roadway (the water side), from Turner Street to Moody Street. The area open to the public includes: (1) large grass area of the park, bordered by – the Eastern Prom Roadway, top of Cutter Street stretching north to Moody Street, (2) the large grass esplanade in front of Eastern Prom residences, (3) playground, and all the courts north of the playground, (4) the Eastern Prom Trail and East End Beach – water + sand area. Partitioning off of gated area would be accomplished via 6 foot high portable chain link mesh fence, orange snow fencing, and metal and wooden barricades.

Set up for the festival would start Thursday and Friday, prior to the event day. Breakdown would last until 12:00pm the Monday (Tuesday if Rain Date) following the event day.

Anita R. LaChance
Director
Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities Division

Alcoholic Beverages (Beer and Wine) would be available at the event. Townsquare Media Portland, LLC and event beneficiaries shall be responsible for ensuring that all vendors at the Festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event will be provided by Public Assembly Facilities Management Staff.

Live music will be performed by bands from 1:00pm – 10:00pm from a stage set-up on the Cutter Street middle parking lot. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Townsquare Media Portland, LLC's contractor and the City to focus volume on the immediate environment, limiting any sound impacts in residential areas.

Boater traffic (trailers) would be allowed down the closed section of Cutter Street, up until 8am day of show. Opening back up again for boater traffic no later than 7am the day after the event.

The following streets will be closed to vehicular traffic from approximately 6:00am to 11:00pm, on the Event Day: Eastern Prom, from Morning Street to Turner Street; Morning Street at Eastern Prom, Wilson St., Moody St., Congress St., and Turner St.

**All of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Ave. up), starting at 10am on the Event Day.** Streets will be opened up again after completion of the concert egress (at approximately 11:00pm).

All fees and expenses for City services will be reimbursed by Townsquare Media Portland, LLC.

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

Also, the City Manager is authorized to issue a revocable permit under Section 25-27 and 25-28 of the Municipal Code to festival organizers for the use of the above-described area for said Festival subject to the following conditions:

- Townsquare Media Portland, LLC / Promoter shall indemnify the city and hold it barmless from and against all claims arising out of activities during said festival, and shall take out and maintain commercial general liability insurance, coverage in the amount of at least **$1,000,000** combined single limit, and $2,000,000 aggregate. This insurance certificate will also list the City of Portland as an additional insured in regards to the Festival and its activities;
- Townsquare Media Portland, LLC / Promoter shall be responsible for any costs incurred by City Departments for the purposes of facilitating the Festival, including, but not limited to: Police Department charges, Public Services fees, Parking Control fees, Inspection Services fees, City Clerk's License fees and Recreation and Facilities Management fees, and organizers shall adhere to conditions for use as stated in agreement for use issued by Recreation & Facilities Management; and
- Alcoholic beverages may only be sold and consumed in city/state approved areas of the festival.

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

**About Townsquare Media**

Townsquare Media, Inc. is an integrated and diversified media and entertainment and digital marketing services company that owns and operates market leading radio stations, digital and social properties and live events in small and mid-sized markets across the United States, delivering national scale and expertise to the communities it serves on a local level. The Company owns and operates 311 radio stations, over 325 search engine and mobile-optimized local websites and approximately 500 live events in 66 small and mid-sized U.S. markets, making Townsquare Media the third largest owner of radio stations in the United States by number of radio stations owned. The Company supplements its local offerings with the nationwide reach of our owned, operated and affiliated music and entertainment websites, which, on a combined basis, attracted approximately 78 million U.S. based unique visitors in June 2014 as well as certain large scale live events. For more information, please visit www.townsquaremedia.com.

The live events division of Townsquare Media operates approximately 500 live events across the country on an annual basis, including several of the largest multi-day and single day music festivals in the country. These events include: Country Jam (Colorado), the Taste of Country Music Festival (New York), Mountain Jam (New York), the Boise Music Festival (Idaho), and Headwaters Country Jam (Montana). In addition, Townsquare is the owner and operator of the Insane Inflatable 5K race series and America on Tap, the only nationwide series of craft beer-focused events.

**Townsquare Media Contacts**

Brian Lang, General Manager, Portland
Amanda Cahoon, Live Events Manager, Portland
Shannon Donnelly, VP, Events, Corporate

**Proposal:**

Townsquare Media, Portland to produce and promote an annual event in the month of August on the Eastern Prom. Potential attendance: 7,000

**Potential Timeline for a Saturday event:**

**Thursday:** Concession load in (TS to work with our Concessionaire partner, MOM's who would handle food & beverage and also be the contact to work with any local food vendors)
**Friday:** Concession load-in continues, stage, BOH production, continue add'l FOH set up
Saturday (Event Day) – tentative schedule below:

Doors: 12:00pm
Local/Regional Acts: 1:00pm – 4:00pm
Opener: 4:00pm
Headliner: 5:30pm
Curfew: 9:00pm

townsquare live events

| ESTIMATED ATTENDANCE | DATES | DESCRIPTION |
|---|---|---|
| 10,000 | May 10 – 11 | Now in its third year, this two-day festival is the signature music event in the Killeen-Temple community. Held in the open air in downtown Temple, this year's event will feature one night of Latin acts including Joe Posada, Ruben Ramos, and the Mexican Revolution, and a second night of Texas country music featuring Lee Roy Parnell and the Randy Rogers Band. |
| 12,500 | May 25 – 27 | This unique event features 3 days of hot air ballooning followed by 3 nights of rock n' roll at the Wet and Wild Waterworld outside El Paso. 2013 headliners include Tremonti (Creed and Alter Bridge guitarist Mark Tremonti), Sully Erna (former lead singer of Godsmack), and Grammy Award winners Halestorm. |
| 50,000 | June 6 – 9 | Heritage 4-day adult alternative rock festival going into its 9th year held at scenic Hunter Mountain resort in Hunter, NY. 2013 talent lineup includes the Avett Brothers, the Lumineers, Michael Franti, Gary Clark Jr., Primus, Widespread Panic, Dispatch, Phil Lesh & Friends, and Government Mule. Audience is principally composed of the Hudson Valley, metro New York and New Jersey, and Albany with secondary draws from Western Massachusetts and New England, as well as Northeastern Pennsylvania. |
| 30,000 | June 13 – 15 | Inaugural 3-day country music festival held at the same location as Mountain Jam (on the following weekend in June) leveraging Townsquare's national Taste of Country brand and regional promotional footprint. 2013 talent lineup includes Lady Antebellum, Willie Nelson, Trace Adkins, Billy Currington, Hunter Hayes, and Montgomery Gentry. |
| 25,000 | June 14 | Now in its 15th year, our market-leading country music station WYRK-FM hosts this annual one-night country concert featuring national country music talent. It is the largest country music event in western New York and the largest country radio show in the Northeast. 2014 talent lineup included Jake Owen, Montgomery Gentry, Darius Rucker, Sheryl Crow, Rodney Atkins, and Jana Kramer. Past lineups have featured Kenny Chesney, Blake Shelton, Eric Church, Sara Evans, and Luke Bryan. |
| 6,000 | June 13 | Going into its 27th year as one of the leading family events in Central New York, Townsquare's market leading country radio station Big Frog 104 hosts this annual country concert & rodeo at the Herkimer County Fairgrounds. In addition to national-level country musicians, it features the Painted Pony Rodeo, the oldest weekly rodeo in the US. 2014's headliners were Thompson Square and Tyler Farr. |

| | | |
|---|---|---|
| 20,000 | June 27 – 29 | In its sixth year, Headwaters Country Jam is the largest country music event in Big Sky Country. The 3-day festival will be headlined this year by Colt Ford, Diamond Rio, and Craig Morgan. The show is supported by Townsquare's leading country stations in Bozeman, Billings, Missoula, and Shelby. |
| 20,000 | June 28 – 29 | El Paso's signature 4th of July celebration, Downtown StreetFest features two days and nights of music and attractions that culminate in the city's 4th of July fireworks celebration. Prior headliners have included Kansas, Candlebox, Saliva, Filter, Blue Oyster Cult, and Theory of a Deadman. So far, the 2013 announced headliner is Bush, with more bands to follow. |
| 16,000 | July 11 | In 2013, we will celebrate the 20th anniversary of this annual one-day country music festival, produced by our market-leading radio station WGNA-FM. 2014 talent lineup included Jake Owen, Montgomery Gentry, Scotty McCreery, John Michael Mongomery and Dan + Shay. Prior artists that have performed at CountryFest include Miranda Lambert, Blake Shelton, Dairus Rucker, Sheryl Crow, and Faith Hill. |
| 10,000 | August 7 – 9 | Ribfest is a three day event at the Arcadia Creek Festival Place in Downtown Kalamazoo. As one of the original festivals held downtown, Ribfest has been taking place for over 20 years.<br>The event features national and local rib vendors that sell ribs and chicken in outstanding barbeque sauces. 2014 Talent includes Dennis DeYoung of Styx, James Wesley and Shenandoah. Past talent has included: Eddie Money, Skid Row, and Travis Tritt. |
| 5,000 | August 9 | Going into its eigth year, DirtFest is mid-Michigan's largest single day hard rock festival presented by Banana 101.5, our market-leading rock station. Past headliners included Clutch, Chiodos, Falling in Reverse, My Darkest Days, and In this Moment. |
| 10,000 | August 3 – 4 | The Beartrap Summer Festival is Wyoming's largest outdoor summer music festival. Held in the beautiful outdoor meadow on Casper Mountain, the Festival combines the best elements of bluegrass, classic country, and rock n' roll in an eclectic talent lineup. Past performers have included the Marshall Tucker Band, Steve Earle, Taj Mahal, and Patty Loveless. |

| | | |
|---|---|---|
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Order 79-14/15
Tab 8 10-20-14



# CITY OF PORTLAND
IN THE CITY COUNCIL



ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Isa LLC d/b/a Isa. Application for Class I FSE License with Outdoor Dining on Private Property at 79 Portland St.**

Suzie St. Pierre
77 Portland St
Portland, ME 04101

September 24, 2014

City of Portland
Portland, ME 04101

Dear Mayor Brennan & City Council Members,

I am writing to inform you of my intention to open a new restaurant here in Portland. Over the last fifteen years I have been working in the industry gaining knowledge and experience as a server, bartender and manager in Maine, Washington D.C., and New York City. After living and working in different cities along the east coast, I have carefully and respectfully chosen Portland to be the home of my first business endeavor Isa, a small 40-seat bistro serving casual and affordable fare, located at 79 Portland Street. With a lease in place and renovation permits approved, I plan to open December 1, 2014. Please accept this letter of intention in consideration for my business license.

Sincerely,

Suzie St. Pierre

**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 1

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

**Business Name (d/b/a):** Isa Phone: 207 590 9388

Location Address: 79 Portland St Portland ME ZIP 04101

If new, what was formerly in this location: New World Kitchens

Mailing Address: 79 Portland St Portland ME ZIP 04101

Contact Person: Suzie St Pierre Phone: 207 590 9388

Manager of Establishment: Suzie St Pierre Home Phone # 207 590 9388

Owner of Premises (landlord): Seventy Nine Portland St LLC

Address of Premises Owner: 165 Klinger Dr Sugarloaf PA ZIP 18249

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

Is any principal officer under the age of 18? _____ Yes X No

Have applicant, partners, associates, or corporate officers ever been *arrested, indicted*, or *convicted* for any violation of law? NO If yes, please explain:

2014 SEP 25 PM 3:59 CITY CLERK

**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: Isa LLC

Corporation Mailing Address: 79 Portland St Portland ME ZIP 04101

Contact Person: Suzie St Pierre Phone Number: 207 590 9388

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

Name Susan St Pierre Title owner DOB 08/11/81 Residence Address 77 Portland St 0410
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)**

Department of Public Safety
Division

Liquor Licensing & Inspection

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.

| BUREAU USE ONLY |
|---|
| License No. Assigned: |
| Class: |
| Deposit Date: |
| Amt. Deposited: |

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL 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: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | |
|---|---|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) ISA LLC DOB: | 2. Business Name (D/B/A) ISA |
| Sitze St. Pierre DOB: 08/11/81 | |
| DOB: | Location (Street Address) 79 Portland St |
| Address 79 Portland St | City/Town Portland State ME Zip Code 04101 |
| | Mailing Address SAME |
| City/Town Portland State ME Zip Code 04101 | City/Town State Zip Code |
| Telephone Number Fax Number | Business Telephone Number Fax Number |
| Federal I.D. # 46-5387240 | Seller Certificate # |

3. If premises are 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 ☐

complete Supplementary Questionnaire ,If YES

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: Estimated 12/1/14
   Requested inspection date: _____ Business hours: _____
9. Business records are located at: 79 Portland St Portland ME 04101
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 |
|---|---|---|
| Suzie St. Pierre | 08/11/81 | Hazleton, PA |
| (SUSAN) | | |
| | | |

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

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then 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: Seventy Nine Portland St LLC / Jack St Pierre Member

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

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☒ NO ☐ Applied for: 09/30/14

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? 0.3 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: Norway Savings Bank

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 (Town/City, State) on 09/24/14 (Date), 20 14

**Please sign in blue ink**

Suzie St Pierre
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Suzie St. Pierre

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

| For Office Use Only: |
|---|
| License #: _____ |
| Date Filed: _____ |

## Supplemental Information Required for Business Entities Who Are Licensees

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:

   ISA LLC

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

   ISA

3. Date of filing with the Secretary of State: 09/24/14 04/15/2014

4. State in which you are formed: Maine

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 % |
|---|---|---|---|
| Susan (Suzie) St. Pierre | 178 Congress St Apt 2 Portland ME<br>9 Oak St Kennebunk ME | 08/11/81 | 100% |
| | 240 Union Ave 4B Brooklyn NY<br>9 Oak St Kennebunk ME | | |
| | 186 W 9th St Apt 2 Brooklyn NY | | |
| | | | |

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:**

Susan St Pierre
Signature of Duly Authorized Person

09/30/14
Date

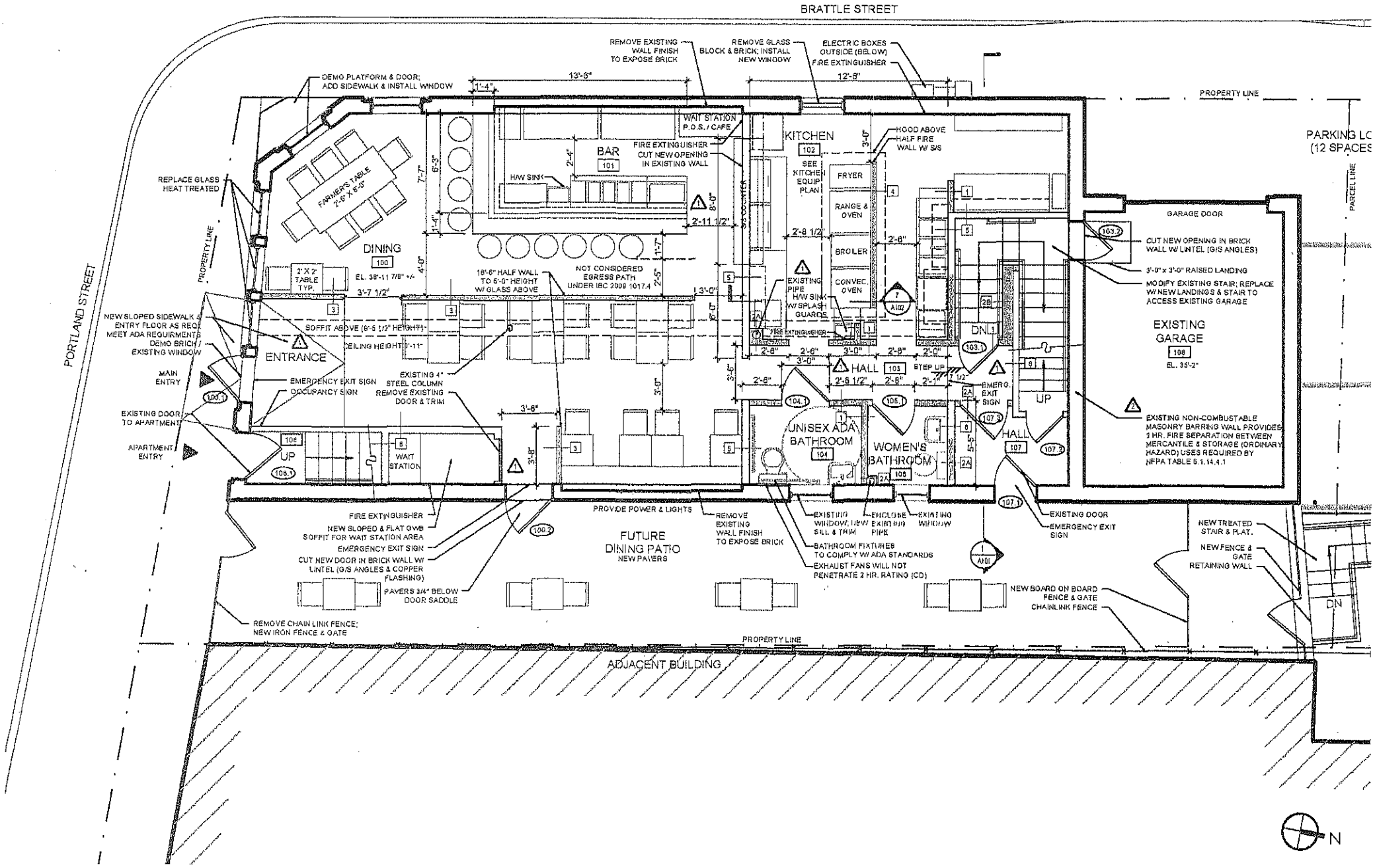
Susan St. Pierre
Print Name of Duly Authorized Person

---

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:

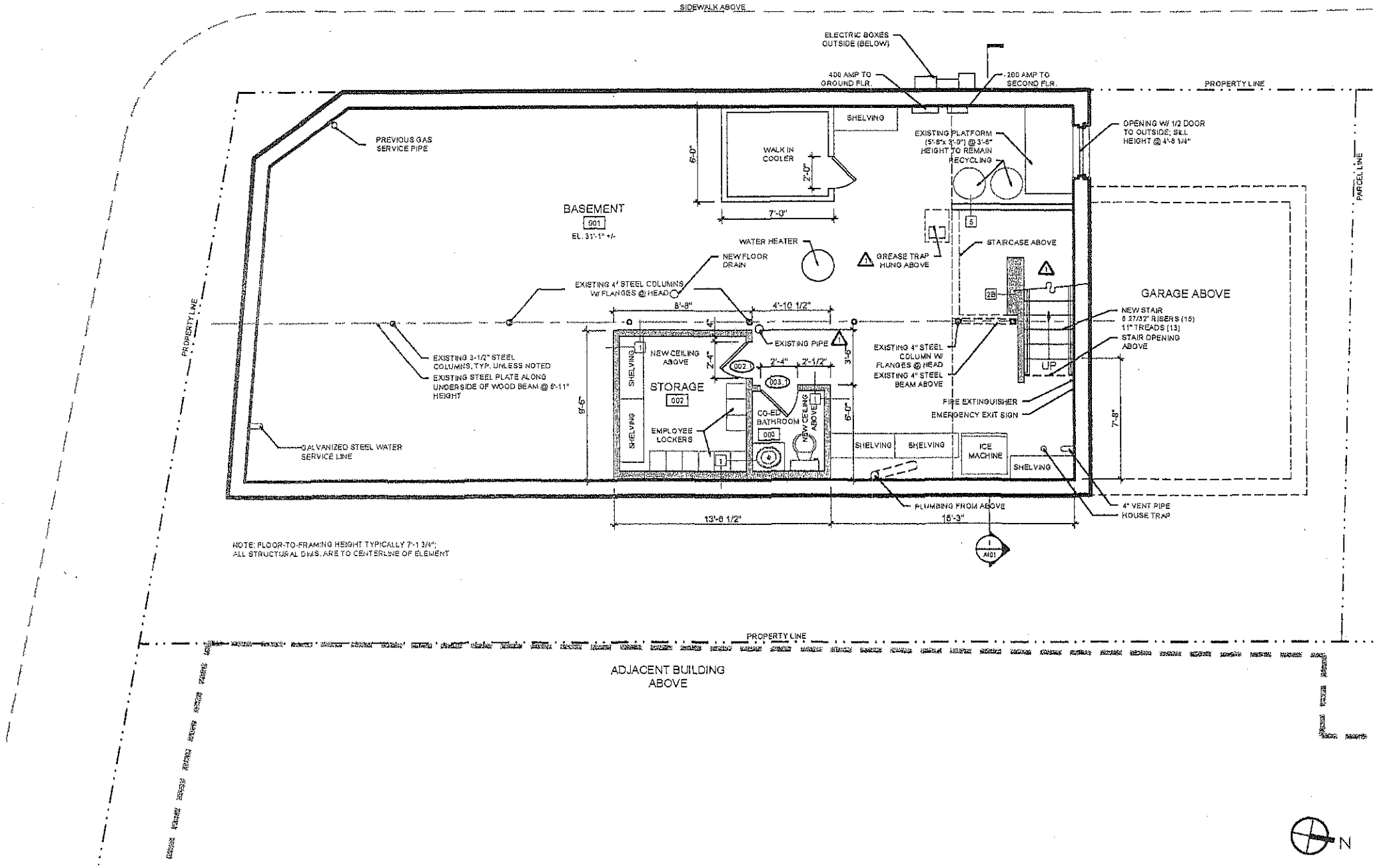
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov




Scale: 1/8" = 1'-0" at 8.5x11"

Proposed New Restaurant

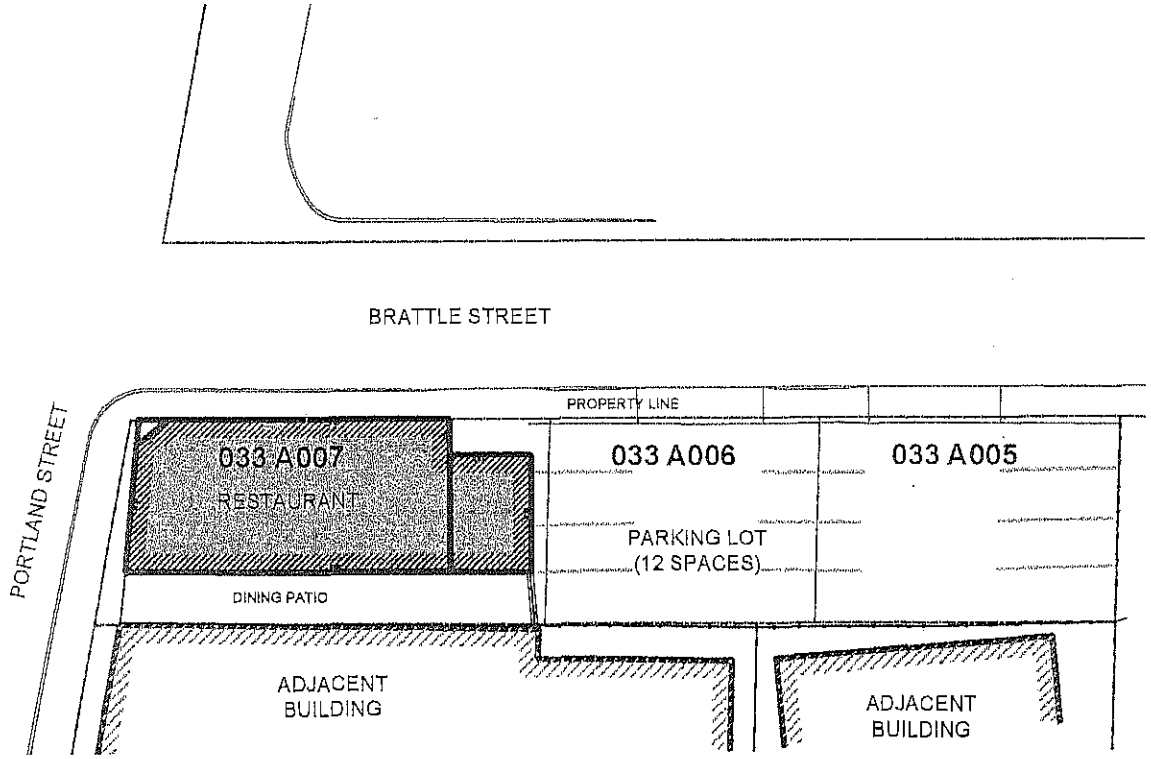
Ground Floor Plan




Scale: 1/8" = 1'-0" at 8.5x11"

Proposed New Restaurant

Basement Floor Plan




N

Scale: 1/32" = 1'-0" at 8.5x11"

Proposed New Restaurant

Site Plan - CBL 033 A005, A006, A007

# dinner

## starters

taquitos 6
potato, cheese, piquillo peppers

pork sliders 8
pickled cucumber, onion

grilled octopus 12
chickpeas, grilled lemon

braised rabbit 13
white beans, candied carrots

duck pozole 8
hominy, oregano, radish

crispy potatoes 6
anchovy, tomatillo sauce

cheese plate 9
crostini, olives, housemade jam

## mains

lemon pappardelle 25
lobster, fennel, corn, basil

braised lamb 18
gnocchi, roasted carrots, rosemary

roasted pork chop 22
braised kale, white beans, dijon

ny strip steak 25
bacon potato gratin, chimichuri

seafood stew 22
fingerlings, saffron, toast

seared monkfish 22
parnsip puree, brussel sprouts

roasted chicken 16
escarole, capers, dill

tagliatelle bolognese 16
fennel, olives, pecorino

## salads

shaved apple & celeriac 8
pumpkin seeds, apple cider vin

green salad 8
ricotta salada, basil, sherry vinaigrette

arugula salad 12
plum, blue cheese, citrus vinaigrette

fennel salad 10
grapefruit, pecorino, mint

kale & quinoa 10
feta, golden raisins

## sandwiches

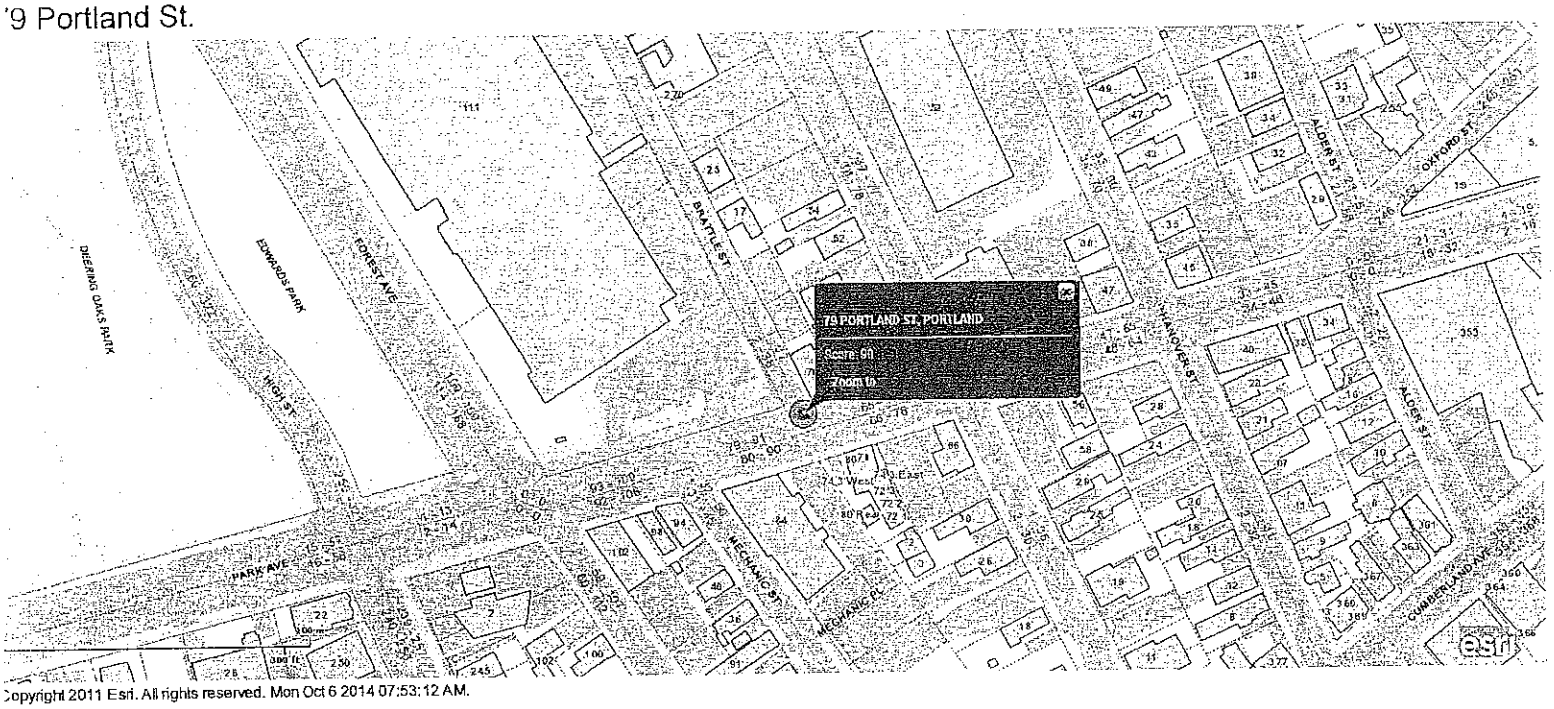
roasted lamb 11
jalapeno aioli, arugula

duck confit 12
pickled onions, orange marmalade

venison burger 13
pickled peppers, greens

sa

'9 Portland St.



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 #: MIQ99C283771

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) SUSAN ST. PIERRE (1981-08-11)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

# Business Licensing - ISA- PENDING Business License Approval

**From:** Gary Hutcheson
**To:** Business Licensing
**Date:** 10/5/2014 1:17 PM
**Subject:** ISA- PENDING Business License Approval

ISA- PENDING is In Review for their Business License Inspection by the Police Dept.

Date:

Zone:
Comments: So long as they abide by the set backs from Codes I approve.

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

137.00

Ad ID 5154393 Date 10/03/2014 Time 2:50 PM

## PUBLIC NOTICE

**Notice of**
**Public Hearing**
**City of Portland**

A Public Hearing will be held on October 20th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Isa LLC d/b/a Isa, 79 Portland St. Application for Class I FSE License with Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

#5154393

Ad shown is not actual print size

Portland, Maine | Yes. Life's good here.

**Office of the City Clerk**
Katherine L. Jones, CCM, City Clerk

October 6, 2014

Isa LLC
Attn: Suzie St. Pierre
77 Portland St.
Portland, ME 04101

Re: Isa LLC d/b/a Isa at 79 Portland St. Application for Class I FSE License with Outdoor Dining on Private Property.

Dear Ms. St. Pierre,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, October 20th at 7:00 p.m.** for the review of the application of Isa LLC d/b/a Isa at 79 Portland St. Application for Class I FSE License with Outdoor Dining on Private Property. 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

# Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

☒ **New** Application for Outside Dining
☐ **Renewal** Application for Outside Dining

**City Clerk signature** for liquor license approval: _____

**Pending Council Date:** 10/20/2014

| | |
|---|---|
| **Location Name & Address:** ISA 79 Portland St Portland, ME 04101 | **Chart** **Block** **Lot** |
| **Owner & Phone #:** Suzie St. Pierre 207 590 9388 | **Total Square Footage of Proposed Seating Area:**[1] 603 |
| **Applicant *must* be owner or lessee**<br>Name: Suzie St. Pierre<br>Address: 77 Portland St<br>City, State & Zip: Portland ME 04101<br>E-Mail: Suzieplb6@hotmail.com | **Annual Fee:** $80<br>Total Sq. Ft.: _____<br>Sq. Ft. Fee: (sq ft x $2) $_____<br>(*Due when issued*)<br>**Total Fees:** $_____<br>(Permit not issued until all fees are paid) |

Current use: _____

Business name: _____

Seating area dimensions: _____

How many chairs? 8 How many tables? 4

☒ **Yes** Alcohol is served.
☐ **No** Alcohol being served.

Who should we contact for the pre-inspection: Suzie St. Pierre

Mailing address: 77 Portland St Portland Phone: 207 590 9388

**Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.**

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: Suzie St Pierre Date: 09/24/14

[1] ***In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.***

**This is not a permit; you may not commence ANY work until the permit is issued.**

Revised 06-14-12

Type of Food Served: American with Mediterranean influences?

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

Percentage of sales – Generated from Food : _____ Generated from Alcohol: _____

Hours and Days of operation: Sun - thur 11AM - 930pm Fri & Sat 11AM - 10pm closed tuesday

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

If no, please explain _____

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes X No _____. If yes, give the distance Next door. Islamic center of Rutland 73 Rutland St.

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

Will you permit dancing on the premises? Yes ____ No X

Will you permit dancing after 1:00am? Yes _____ No X

Will you have outside dining? Yes X No _____. If yes, please indicate location on diagram.
Also, will the outside dining be on PUBLIC _____ or PRIVATE X property?
Have you applied for an Outdoor Dining Permit? Yes X No _____

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No X.

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

What is your targeted opening date? : 12/1/14

---

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 [illegible] Title Owner Date 09/24/14

Revised 7/7/08

Order 80-14/15
Tab 9 10-20-14



# CITY OF PORTLAND
IN THE CITY COUNCIL



ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Tiqa LLC d/b/a Tiqa. Application for a Class XI FSE License with Entertainment with Dance and Outdoor Dining on Private Property at 327 Commercial St.**

CITY CLERK

2014 SEP 24 PM 1:44

TIQA LLC
327 Commercial Street
Portland, Maine 04103
(570) 862-2770
September 22, 2014

Mayor and Members of the City Council
389 Congress Street
Portland, Maine 04101
(207) 874-8557

Dear Mayor Brennan and Members of the City Council,

TIQA LLC is submitting this letter of intent to apply for a liquor license in the city of Portland. The restaurant will be located at 327 Commercial Street.

Please find enclosed the diagram of the layout of the premises, the city application for food & alcohol, the state application for food & alcohol, an overview of the menu, a description of the restaurant, and the required fees.

Mr. Anthony Lindvall is authorized to respond to questions regarding this application. He can be reached at (207) 210-1087 or tony@tiqagrille.com

Sincerely,

Deen N. Haleem
President, TIQA LLC

## General Overview

- TIQA is a 276 seat fine dining restaurant with 5 unique venues
  - 57 seat Lounge/Bar
  - 35 seat outdoor lounge and patio
  - 15 seat Chef's Bar
  - 58 seat fine dining area with two types of seating, private booths or tables.
  - 111 seat Private Dining Area with state of the art audio and visual equipment
- Our Quartet of value includes:
  - Highest quality food
  - Ambience, which focuses on the hospitality of the Mediterranean - warm, comfortable and sincere.
  - Unparalleled service, with the highest level of professionalism
  - Value, serving a great meal at a reasonable price point

- TIQA is committed to being a socially responsible corporate citizen who is dedicated to the community and local businesses.

- The restaurant will start out as a LLC corporation, owned by its founders Carol Mitchell & Deen Haleem. Tony Lindvall will function as the General Manager and Mr. Haleem as managing partner.

- The founders of the company are Carol Mitchell & Deen Haleem. Carol overseas all aspects of marketing, community relations and Deen focuses on the strategic initiatives and financial issues. We will open TIQA by first quarter 2015.

CITY CLERK

Portland, ME 04101
(207) 874-8557

**Application for Food Service Establishment With Alcoholic Beverages**

Type of Liquor License Applying for: Class XI

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

**Business Name (d/b/a):** TIQA Phone: 570-862-2770

Location Address: 327 Commercial Street, Portland, Maine ZIP 04101

If new, what was formerly in this location: empty space

Mailing Address: 172 Eastern Promenade Portland, Maine ZIP 04101

Contact Person: Deen N. Haleem Phone: 570-862-2770

Manager of Establishment: Deen N. Haleem Home Phone # 570-862-2770

Owner of Premises (landlord): J.B. Brown & Sons

Address of Premises Owner: 36 Danforth St. Portland, Maine ZIP 04101

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

Is any principal officer under the age of 18? _____ Yes x No

Have applicant, partners, associates, or corporate officers ever been *arrested, indicted,* or *convicted* for any violation of law? No If yes, please explain:

2011 SEP 28 PM 1:45 CITY CLERK

**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: Tiqa, LLC

Corporation Mailing Address: 172 Eastern Promenade, Portland Maine ZIP 04101

Contact Person: Deen N. Haleem Phone Number: 570-862-2770

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

| Name | Title | DOB | Residence Address |
|---|---|---|---|
| Deen N. Haleem | President | 9/24/63 | 172 Eastern Promenade, Portland, Maine 04103 |
| Carol L. Mitchell | Vice-President | 12/26/55 | 172 Eastern Promenade, Portland, Maine 04103 |
| | | | |
| | | | |
| | | | |
| | | | |

Type of Food Served: Pan Mediterranean

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

.rcentage of sales – Generated from Food : 60% Generated from Alcohol: 40%

Hours and Days of operation: 7 Days a week, 11am - 1am

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

If no, please explain Meal service will end at 10:00 pm each night, but drinks will be served until close

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

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

Will you permit dancing on the premises? Yes x No _____

Will you permit dancing after 1:00am? Yes _____ No x

Will you have outside dining? Yes x No _____. If yes, please indicate location on diagram.
Also, will the outside dining be on PUBLIC _____ or PRIVATE x property?
Have you applied for an Outdoor Dining Permit? Yes _____ No x

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No x.

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

'hat is your targeted opening date? : December 15, 2014

---

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

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

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

Signature _____ Title President Date 9/22/14

Revised 7/7/08

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):** TIQA

Location Address: 327 Commercial St. Portland, ME ZIP 04101 Phone 570 862 2770

Will music be electric or acoustical or both? both

Will amplification used? Yes _____ No x

If yes, where and at what level ? _____

Will you permit dancing on the premises? Yes x No _____

Will you permit dancing or entertainment after 1:00AM? Yes _____ No x

Will recorded music be played: Inside x 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? 6 stories above 327 commercial

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

TIQA is a restaurant, we plan on Light Jazz music including saxaphone, harp, piano in the lounge area

If new applicant, what is your targeted opening date? : December 15, 2014

Does the issuance of this license directly or indirectly benefit any City employee? Yes ___ No x
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** _____ **Title** President **Date** 9/22/14

Revised: 7.7.2008

# Outdoor Dining Permit Application

**If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.**

☑ **New** Application for Outside Dining
☐ **Renewal** Application for Outside Dining
**City Clerk signature** for liquor license approval: _____
**Pending Council Date:** 10/20/14

| **Location Name & Address:** | **Chart** **Block** **Lot** |
|---|---|
| TIQA, 327 Commercial st. Portland, ME | |
| **Owner & Phone #:** J.B. Brown & Sons (207) 774- 5908 | **Total Square Footage of Proposed Seating Area:**[1] 843 |
| **Applicant *must* be owner or lessee**<br>Name: Deen N. Haleem<br>Address:<br>City, State & Zip:<br>E-Mail: dhaleemny@yahoo.com | **Annual Fee:** **$80**<br>Total Sq. Ft.: _____<br>Sq. Ft. Fee: (sq ft x $2) $_____<br>(*Due when issued*)<br>**Total Fees:** $_____<br>(Permit not issued until all fees are paid) |

Current use: Restaurant

Business name: TIQA

Seating area dimensions: 47' x 20'

How many chairs? 35 How many tables? 8

☑ **Yes** Alcohol is served.
☐ **No** Alcohol being served.

Who should we contact for the pre-inspection: ANTHONY LINDVALL

Mailing address: 74 concord st. portland, ME 04103 Phone: 207 210 1087

**Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.**

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: _____ Date: 9/23/14

[1] ***In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.***

**This is not a permit; you may not commence ANY work until the permit is issued.**

# Menu

Offering Pan Mediterranean menu focusing on the cuisines of all the Mediterranean countries (Portugal, Spain, France, Italy, Greece, Albania, Turkey, Syria, Lebanon, Palestine, Israel, Egypt, Libya, Tunisia, Algiers and Morocco) with kabobs/kefta as a centerpiece.

The menu will be inspired from different Mediterranean countries' specialties and spices. We will have bread made onsite and will offer the finest of Mediterranean pastries and desserts. We will use local ingredients that are in season and of the highest quality, allowing for a changing seasonal menu.

TIQA's cuisine will be comprised of the freshest proteins and produce to include beef, lamb, chicken and a wide variety of seafood.

Ideally our menu will consist of 9 entrees, 8 appetizers, 3 soups, 3 salads and a full dessert menu.

## Department of Public Safety Division

## Liquor Licensing & Inspection

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.

| BUREAU USE ONLY |
|---|
| License No. Assigned: |
| Class: |
| Deposit Date: |
| Amt. Deposited: |

**PRESENT LICENSE EXPIRES** _____

**INDICATE TYPE OF PRIVILEGE:** x MALT x SPIRITUOUS x VINOUS

**INDICATE TYPE OF LICENSE:**

- ☐ RESTAURANT (Class I,II,III,IV)
- ☐ HOTEL-OPTIONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)
- x RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☐ OTHER: _____

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

| | |
|---|---|
| **1. APPLICANT(S)** –(Sole Proprietor, Corporation, Limited Liability Co., etc.) TIQA, LLC **DOB:** | **2. Business Name (D/B/A)** TIQA |
| **DOB:** | |
| **DOB:** | **Location (Street Address)** 327 Commercial St |
| **Address** 172 Eastern Promenade | **City/Town** Portland **State** Maine **Zip Code** 04101 |
| | **Mailing Address** 172 Eastern Promenade |
| **City/Town** Portland **State** Maine **Zip Code** 04101 | **City/Town** Portland **State** Maine **Zip Code** 04101 |
| **Telephone Number** 570 862 2770 **Fax Number** | **Business Telephone Number** 570 862 2770 **Fax Number** |
| **Federal I.D. #** 46-5266285 | **Seller Certificate #** |

3. If premises are a hotel, indicate number of rooms available for transient guests: n/a
4. State amount of gross income from period of last license: ROOMS $ n/a FOOD $ n/a LIQUOR $ n/a
5. Is applicant a corporation, limited liability company or limited partnership? YES x NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES x NO ☐
7. If manager is to be employed, give name: Anthony P. Lindvall
8. If business is NEW or under new ownership, indicate starting date: 4/10/14

   Requested inspection date: _____ Bnsiness hours: 11am - 1pm
9. Business records are located at: 327 Commercial St. Portland, ME 04101
10. Is/are applicants(s) citizens of the United States? YES x 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 |
|---|---|---|
| Deen N. Haleem | 9/24/64 | Kuwait City, Kuwait |
| Carol L. Mitchell | 12/26/55 | Waterville, Maine |
| Anthony P. Lindvall | 10/14/86 | Portland, Maine |

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

Deen N. Haleem: Quincy, MA, Shirley, MA, Covington Township, PA

Carol L. Mitchell: Quincy, MA, Key Biscayne FL, Portland, ME

Anthony P. Lindvall: Portland, ME

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

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 ☐ x If **Yes**, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☐ x If **No** give name and address of owner: _____
J.B. Brown & Sons, 36 Danforth St. Portland, ME 04101

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
7,000 sq/ft restaurant seating 250 patrons, outdoor patio, bar/ lounge, dining room, Private function room

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☐ x 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? 0.5 miles Which of the above is nearest? church

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 ☐ x NO ☐

If YES, give details: commercial loan from TD Bank

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 np to $2,000 or both."

Dated at: Portland, ME (Town/City, State) on 9/22 (Date), 20 14

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)
Deen N. Haleem

Signature of Applicant or Corporate Officer(s)
Carol L. Mitchell

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

**For Office Use Only:**

License #: _____

Date Filed: _____

## Supplemental Information Required for Business Entities Who Are Licensees

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:

   TIQA, LLC

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

   TIQA

3. Date of filing with the Secretary of State: 04/10/2014

4. State in which you are formed: Maine

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 % |
|---|---|---|---|
| Deen N. Haleem | 7 Whaler Ln. Quincy, MA 02171 | 09/24/1964 | 50 |
| | 10 Carriage Ln. Shirley, MA 01464 | | |
| Carol L. Mitchell | 7 Whaler Ln. Quincy, MA 02171 | 12/26/1955 | 50 |
| | 172 E. Promenade Portland, ME 04103 | | |

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:**

_____ 9/22/14

Signature of Duly Authorized Person Date

Deen N. Haleem

Print Name of Duly Authorized Person

---

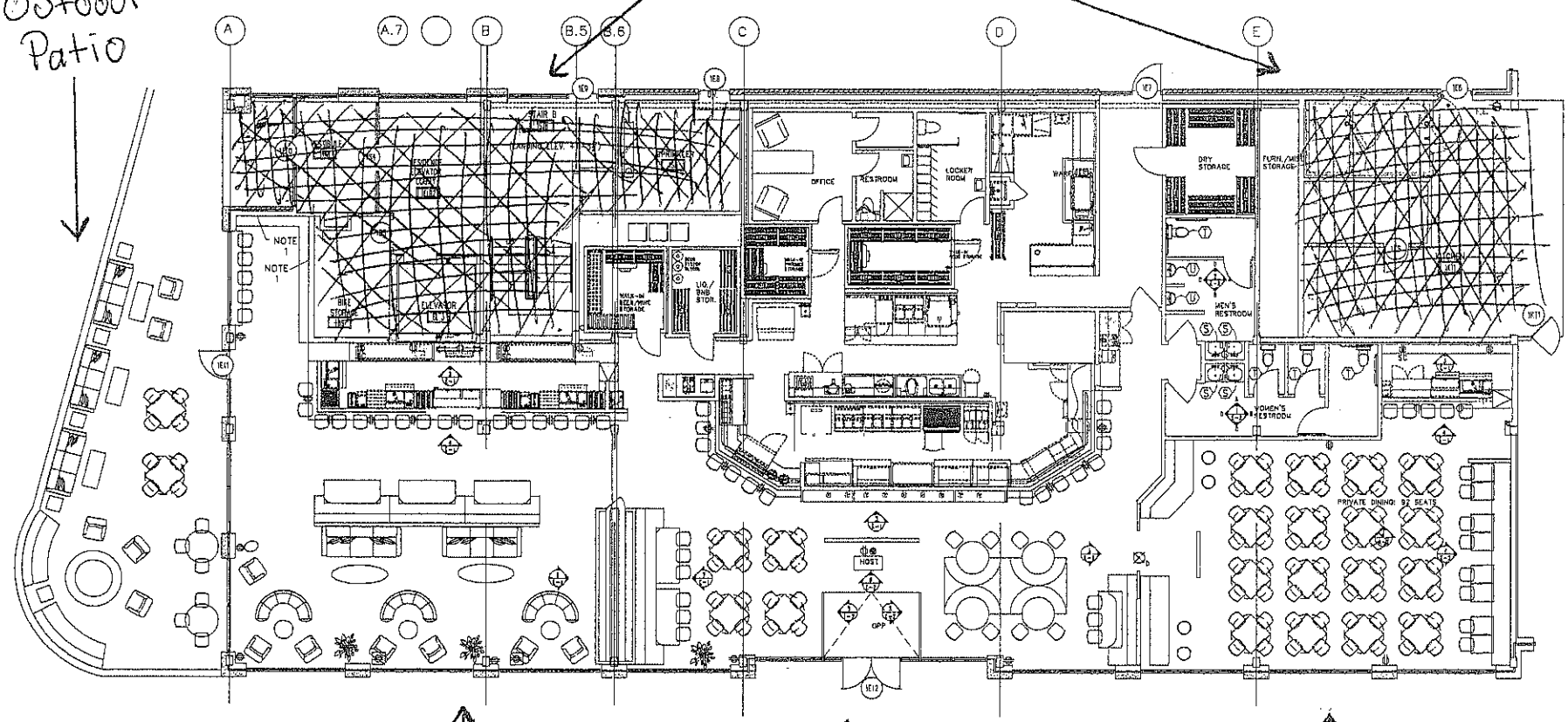
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this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

Marriott

Outdoor Patio




1 GROUND FLOOR FF&E PLAN
Scale: 1/4"=1'-0"

FF&E PLAN LEGEND

| | |
|---|---|
| | NEW FIXTURE - ADVANCED REPAIR QUALITY |
| | NEW IMPROVEMENT NOT PART OF SCOPE |
| | NEW GROUND FAULT CIRCUIT INTERRUPTER OUTLET |
| SC | NEW SPACE CONDITIONER OUTLET |
| | NEW INTERNET/WIFI OUTLET |
| | NEW WALL COPPER CAPPED WATER VALVE, MAINTAINS ISOLATION & DRAIN REMAINING RESTORED |
| | NEW SINGLE 1" TYPE CLASS B/C FIRE EXTINGUISHER |
| | NEW TOILET FLANGES, BACKSAW FLANGES FOR TOILET SEAL, VERIFY SIZE AND REPAIR ADD OR REPAIR |

NOTE:
FF&E IS TO INSTALLED NEW FURNISHED BY MOCA UNLESS OTHERWISE SPECIFIED AND/OR PAID, VIA THIRD PARTY DESIGNER BUT REVIEWED BY OWNER.

Bar/Lounge

Dining Room

Private Dining Room

TIQA
COMMERCIAL S
PORTLAND, ME

ISSUES

| NUMBER | DATE | DESCRIPTION OF ISSUE | BY |
|---|---|---|---|
| 1 | 00/00/ | [illegible] | [illegible] |
| 2 | 00/00/ | [illegible] | [illegible] |
| 3 | 00/00/ | [illegible] | [illegible] |
| 4 | 00/00/ | [illegible] | [illegible] |
| 5 | 00/00/ | [illegible] | [illegible] |
| 6 | 00/00/ | [illegible] | [illegible] |

APPROVAL

- APPROVED AS SUBMITTED
- APPROVED AS NOTED
- NOT APPROVED/RESUBMIT

SIGNATURE DATE

GENERAL NOTES

A.

B.

C.

D.

INTERIOR DESIGN

Ground Floor FF&E Plan

| | |
|---|---|
| PROJECT # | TIQA |
| PHASE # | * * * * * * |
| DRAWN BY: | JRB |
| DESIGN BY: | JRB |
| PROJECT MGR: | JRB |
| DRAWING SCALE: | 1/4"=1'-0" |

SHEET NUMBER

A-1

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 #: MIQ99C283769

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) DEEN N HALEEM (1964-09-24)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

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

Transaction Response #: MIQ99C283767

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) CAROL L MITCHEL (1955-12-26)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

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

Transaction Response #: MIQ99C283765

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) ANTHONY P LINDVALL (1986-10-14)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

# Business Licensing - TIQA- PENDING Business License Approval

**From:** Gary Hutcheson
**To:** Business Licensing
**Date:** 10/5/2014 1:18 PM
**Subject:** TIQA- PENDING Business License Approval

TIQA- PENDING is In Review for their Business License Inspection by the Police Dept.

Date:

Zone:
Comments: I approve as long as they abide by the setbacks.

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

Ad ID 5154381 Date 10/03/2014 Time 2:33 PM

## PUBLIC NOTICE

**Notice of**
**Public Hearing**
**City of Portland**

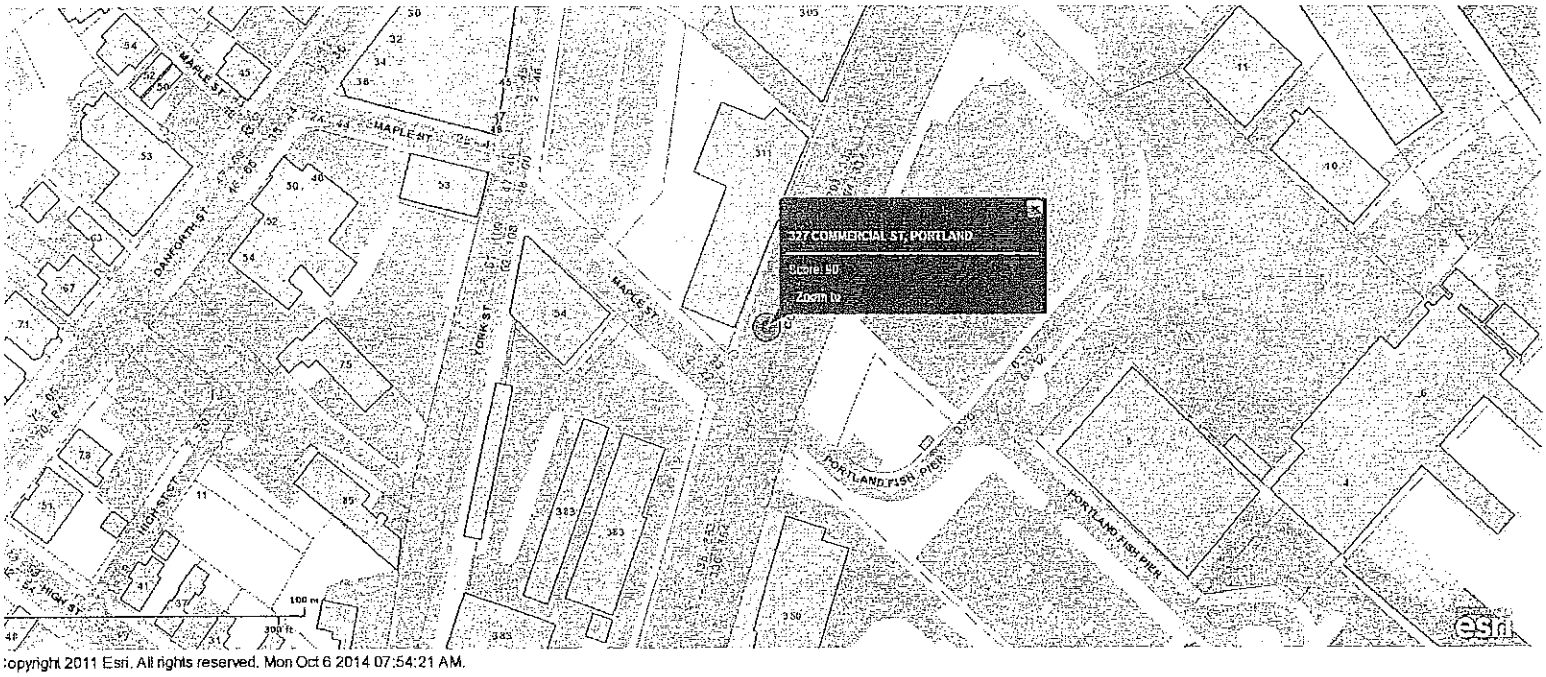
A Public Hearing will be held on October 20th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Tiqa LLC d/b/a Tiqa, 327 Commercial St. Application for Class XI FSE License with Entertainment with Dance and Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

#5154381

Ad shown is not actual print size

# Tiqa

327 Commercial St.



Portland, Maine | Yes. Life's good here.

**Office of the City Clerk**
Katherine L. Jones, CCM, City Clerk

October 6, 2014

Tiqa LLC
Attn: Deen N. Haleem
172 Eastern Promenade
Portland, ME 04101

Re: Tiqa LLC d/b/a Tiqa at 327 Commercial St. Application for Class XI FSE License with Entertainment with Dance and Outdoor Dining on Private Property.

Dear Mr. Haleem,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, October 20th at 7:00 p.m.** for the review of the application of Tiqa LLC d/b/a Tiqa at 327 Commercial St. Application for Class XI FSE License with Entertainment with Dance and Outdoor Dining on Private Property. 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

Order 81-14/15
Tab 10 10-20-14



# CITY OF PORTLAND
IN THE CITY COUNCIL



ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Gorgeous Gelato, LLC d/b/a Gorgeous Gelato. Application for a Class II (Spirits) license at 434 Fore St.**

Gorgeous Gelato, LLC
434 Fore Street
Portland, ME 04101
donato@gorgeousgelato.com

September 25, 2014

**Mayor and Members of the City Council of Portland, ME**

CITY OF PORTLAND, ME
389 Congress Street
Portland, Me 04101

Dear Mayor and Members of the City Council,

We'd like to apply for a food service establishment with alcoholic beverages.

Our business, Gorgeous Gelato, opened almost four years ago and quickly became well known all over southern Maine. We sell Gelato, (Italian ice cream), espresso coffee, cannoli, cookies, paninis, pasta plates, water and sodas.

For three years in a row (2012, 2013 and 2014), we got the Certificate of Excellence from TripAdvisor and we are actually ranked #1 restaurant in Portland on this review-based website.

We'd like to apply for a Class II license (Spirits only), because we'd love to add some liquors to our existing menu.
Espresso coffee and certain Gelato sundaes become really exquisite when some liquor is added. We would also love to serve our customers a very small selection of famous Italian liquors, such as : Lemoncello, Grappa and Sambuca.

We are aware of the Maine Liquor Liability Act and of the Negligent Service of Liquor rules and regulations.

Sincerely,

Donato Giovine (member of Gorgeous Gelato, LLC)

received 9/25

**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 II (Spirits Only)

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

**Business Name (d/b/a):** GORGEOUS GELATO Phone: (207)(699 4309)

Location Address: 434 FORE STREET ZIP 04101

If new, what was formerly in this location: _____

Mailing Address: Same ZIP _____

Contact Person: DONATO Phone: 207-329 7960

Manager of Establishment: DONATO Home Phone # 207-899 3429

Owner of Premises (landlord): DREAM PORT 3, LLC

Address of Premises Owner: c/o BONLOS ONE CANAL PLAZA PORTLAND ZIP 04101

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):
GORGEOUS GELATO 434 FORE ST PORTLAND, ME 04101

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? NO If yes, please explain: _____

**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: GORGEOUS GELATO, LLC

Corporation Mailing Address: 434 FORE STREET PORTLAND, ME ZIP 04101

Contact Person: _____ Phone Number: _____

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

| Name | Title | DOB | Residence Address |
|---|---|---|---|
| DONATO GIOVINE | MEMBER | 08/15/66 | 94 OLD OCEAN HOUSE RD |
| MARIAGRAZIA ZANARDI | MEMBER | 09/11/66 | CAPE ELIZ. |
| | | | ME, 04107 |
| | | | |
| | | | |
| | | | |
| | | | |

**(Please see reverse side)**

Type of Food Served: GELATO, PANINI, CANNOLI, PASTA, TART, ESPRESSO COFFEE

Please check all that will be served: Beer _____ Wine _____ Liquor ✓

Percentage of sales – Generated from Food : 100 % Generated from Alcohol: _____

Hours and Days of operation: SUN - THU 9am - 10pm FRI - SAT 9am - 11pm

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? : in October

---

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

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

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

Signature _____ Title MEMBER Date 09/25/2014

Revised 7/7/08

Department of Public Safety
Division

Liquor Licensing & Inspection

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.

| BUREAU USE ONLY |
|---|
| License No. Assigned: |
| Class: |
| Deposit Date: |
| Amt. Deposited: |

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☑ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☑ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL 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: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | |
|---|---|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) GORGEOUS GELATO, LLC DOB: | 2. Business Name (D/B/A) GORGEOUS GELATO |
| DOB: | |
| DOB: | Location (Street Address) 434 FORE STREET |
| Address 434 FORE STREET | City/Town PORTLAND State ME Zip Code 04101 |
| | Mailing Address 434 FORE STREET |
| City/Town PORTLAND State ME Zip Code 04101 | City/Town PORTLAND State ME Zip Code 04101 |
| Telephone Number (207) 699 4309 Fax Number / | Business Telephone Number (207) 6994309 Fax Number / |
| Federal I.D. # 27-2573993 | Seller Certificate # 1145374 |

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS $ / FOOD $ 340,000 LIQUOR $ /
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

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: /
   Requested inspection date: _____ Business hours: _____
9. Business records are located at: 94 OLD OCEAN HOUSE RD CAPE ELIZ. ME 04107
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 |
|---|---|---|
| DONATO GIOVINE | 08/15/66 | MILANO, ITALY |
| MARIAGRAZIA ZANARDI | 09/11/66 | PARMA, ITALY |
| | | |

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

CAPE ELIZABETH, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then 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:
DREAM PORT 3, LLC c/o BOULOS ONE CANAL PLAZA PORTLAND, ME 04101

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

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? 0.4 MILES Which of the above is nearest? CHURCH

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: LOAN from BANGOR SAVINGS BANK

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 (Town/City, State) on 09/25/2014 (Date), 20____

**Please sign in blue ink**

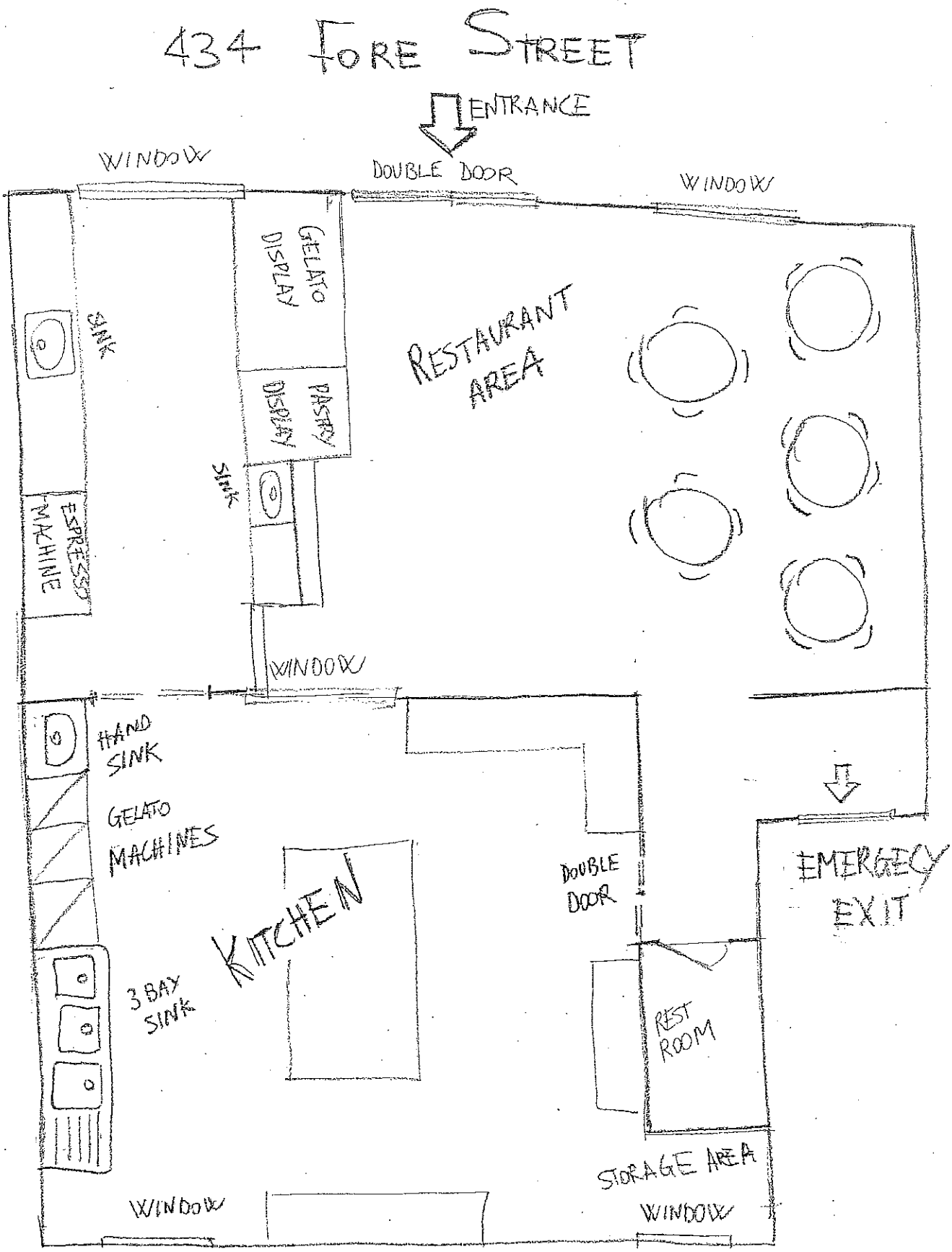
Signature of Applicant or Corporate Officer(s)

Mariagrazia Zanardi

Signature of Applicant or Corporate Officer(s)

DONATO GIOVINE

**PREMISE DIAGRAM**



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

| For Office Use Only: |
|---|
| License #: _____ |
| Date Filed: _____ |

## Supplemental Information Required for Business Entities Who Are Licensees

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. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:
   GORGEOUS GELATO, LLC

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

3. Date of filing with the Secretary of State: 05/12/2010

4. State in which you are formed: MAINE

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 % |
|---|---|---|---|
| MARIAGRAZIA ZANARDI | 94 OLD OCEAN HOUSE RD CAPE ELIZ. ME | 09/11/66 | 60 |
| DONATO GIOVINE | same | 08/15/66 | 40 |
| | | | |
| | | | |

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 8, 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 09/25/2014

DONATO GIOVINE

Print Name of Duly Authorized Person

Submit Completed Forms To: Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220

Gorgeous Gelato, LLC
434 Fore Street
Portland, ME 04101
donato@gorgeousgelato.com

September 25, 2014

CITY OF PORTLAND, ME
389 Congress Street
Portland, Me 04101

**Menu**

Caprese Panini ---> Bread, Fresh Mozzarella, Tomatoes, Oregano, Sea Salt and Basil

Rustico Panini ---> Bread, Black Forest Ham, Fontina Cheese, Grilled Peppers and Lettuce

Tirolese Panini ---> Bread, Smoked Italian Ham, Brie Cheese, Tomatoes and Lettuce

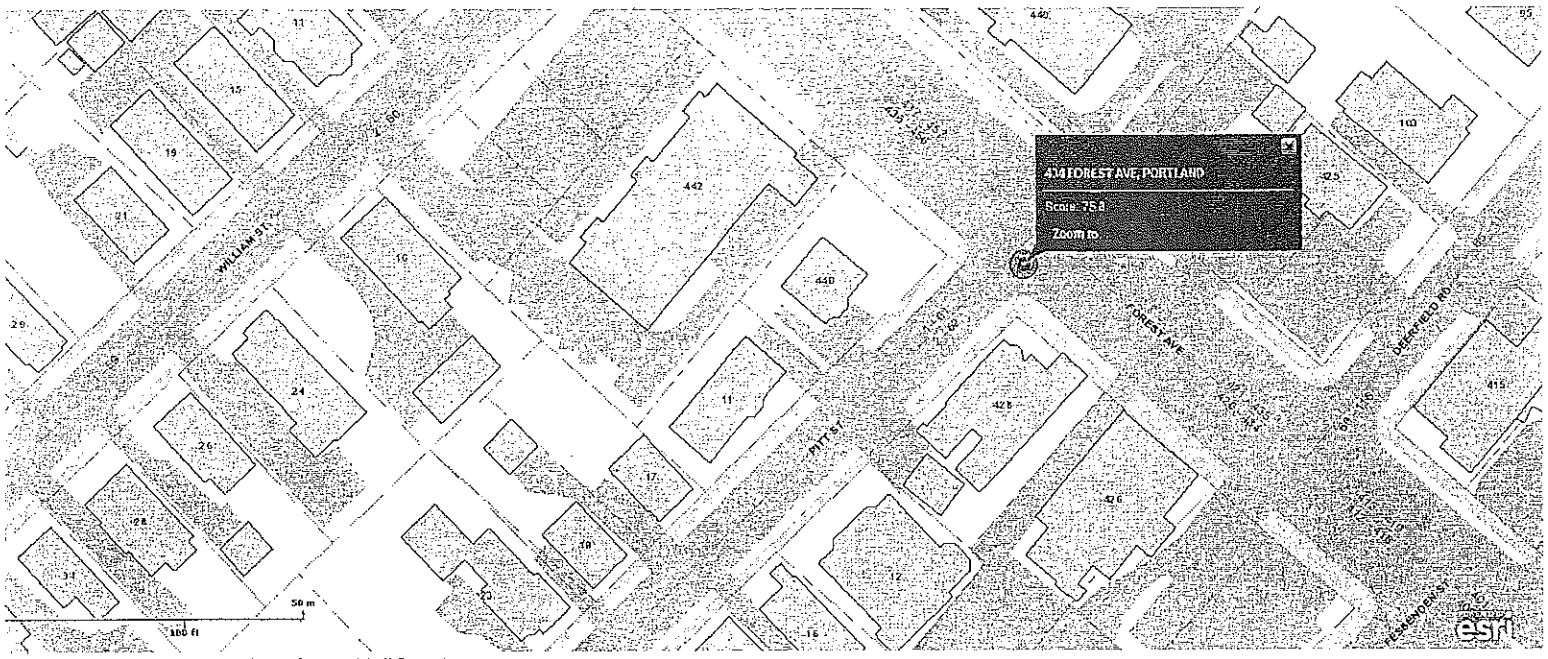
Pasta Plate ---> Barilla Penne, Fresh Cherry Tomatoes, Mozzarella, Oregano, Basil and Sea Salt

Sincerely,

Donato Giovine (member of Gorgeous Gelato, LLC)

# Gorgeous Gelato

:34 Fore St.



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 #: MIQ99C283766**

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) DONATO GIOVINE (1966-08-15)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

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

Transaction Response #: MIQ99C283768

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-29 ) :**

Inquiries Name(s) MARIAGRAZIA ZANARDI (1966-09-11)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

# Business Licensing - GORGEOUS GELATO Business License Approval

**From:** Gary Hutcheson
**To:** Business Licensing
**Date:** 10/5/2014 1:09 PM
**Subject:** GORGEOUS GELATO Business License Approval

GORGEOUS GELATO is Approved for their Business License Inspection by the Police Dept.

Date: 10/5/2014

Zone:
Comments: Liquor.

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

October 6, 2014

Gorgeous Gelato, LLC
Attn: Donato Giovine
434 Fore St.
Portland, ME 04101

Re: Gorgeous Gelato, LLC d/b/a Gorgeous Gelato at 434 Fore St. Application for a Class II (Spirits) license.

Dear Mr. Giovine,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, October 20th at 7:00 p.m.** for the review of the application of Gorgeous Gelato, LLC d/b/a Gorgeous Gelato at 434 Fore St. Application for a Class II (Spirits) license. 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 5154389 Date 10/03/2014 Time 2:50 PM

**PUBLIC NOTICE**

**Notice of**
**Public Hearing**
**City of Portland**

A Public Hearing will be held on October 20th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Gorgeous Gelato, LLC d/b/a Gorgeous Gelato, 434 Fore St. Application for a Class II (Spirits) license. Sponsored by Katherine L. Jones, City Clerk.

#5154389

Ad shown is not actual print size

Order 82-14/15
Tab 11 10-20-14



# CITY OF PORTLAND
IN THE CITY COUNCIL



ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**JLR Restaurant Group LLC d/b/a Unwined Lounge. Application for a Class III & IV (Wine & Beer) license with unamplified entertainment without dance at 569 Congress St.**

Attended for; The Mayor of the City of Portland and it's Council,

UnWINEd is a simple concept wine bar, featuring local and imported fine wines, artisan craft beer, appetizers and petite plates. As Portland's first bar-less bar, UnWINEd will spotlight a relaxed atmosphere, with calming acoustic music, leather couches and scattered tables and chairs. Our Goal is to provide Portland with a calm, relaxing environment where people can gather and UnWINEd.

Slight modifications will need to be done within the space to accommodate our concept, including, an additional restroom, a small office and a kitchen.

Our menu has been hand crafted by our feature Chef, Mike Duncanson, and will include an array of appetizers, petite plates and platters. Although UnWINEd will be serving light meals, minimal cook wear will be needed to create our signature menu.

With hard work and determination we are hopeful that we will open another UnWINEd within two years of our Portland location and soon after begin franchising our concept.

Thank you for your time and consideration,

Jared L Rice 9/29/2014

Jared Lawrence Rice
19 Lisbon Street
Lisbon, Maine 04250
Phone: (207) 713-6211
E-Mail: jlr.jaredrice@gmail.com

**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 III + IV (Beer + Wine)

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

**Business Name (d/b/a):** Unwined Lounge Phone: 207-713-6211

Location Address: 569 Congress Street, Portland, Maine ZIP 04101

If new, what was formerly in this location: Madgirl Custom

Mailing Address: 19 Lisbon Street, Lisbon Maine ZIP 04250

Contact Person: Jared Lawrence Rice Phone: 207-713-6211

Manager of Establishment: Jared Lawrence Rice Home Phone # 207-713-6211

Owner of Premises (landlord): Pachios Brothers I LLC + Laconia LLC c/o ~~Lobsterfront~~ Maine

Address of Premises Owner: 14 Maine St. Box 67, Brunswick Maine ZIP 04011

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):

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? N/O If yes, please explain: _____

**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: JLR Restaurant Group LLC

Corporation Mailing Address: 19 Lisbon Street, Lisbon Maine ZIP 04250

Contact Person: Jared Lawrence Rice Phone Number: 207-713-6211

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

Name Jared Lawrence Rice Title CEO DOB 3/21/1983 Residence Address 19 Lisbon St. Lisbon Maine 04250
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: Sandwiches, Salads, appetizers, small entrees, and desserts

Please check all that will be served: Beer ✓ Wine ✓ Liquor _____

Percentage of sales – Generated from Food : 70% Generated from Alcohol: 30%

Hours and Days of operation: Sunday 10Am-8pm Monday - Thursday 3pm-11pm Friday- Saturday 3pm-12:30am

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? : 11/12/2014

---

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 acconnts 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 Jarad L. Rice Title CEO Date 9/28/14

Revised 7/7/08

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):** Unwined Lounge

Location Address: 569 Congress Street ZIP 04101 Phone 207-773-62

Will music be electric or acoustical or both? acoustical

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? 0.1 mile

Please describe in detail the type and nature of the business and proposed entertainment: Small plate eatery that will be serving beer + wine in a relax atmosphere

If new applicant, what is your targeted opening date? : 11/12/14

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** CEO **Date** 9/26/14

Revised: 7.7.2008

Unwined Menu

- Port wine Cheese spread made in house
- Local Cheese plate (Cheddar, brie, goat, havarti dill, & a mini cheese ball)
- Cheese ball
- Warm brie with tomatoes chutney
- Seasonal Compote Spreads (Sweat, tart, savory or Salty)
- Three grape salad with walnuts goat cheese, with a apple vinaigrette dressing
- Spiced Pear salad with red onions, chilled chutney, station, tossed in a sherry vinaigrette dressing
- Local Tomato and mozzarella salad balsamic reduction and basil pesto
- Panzanella salad with red onions, tomatoes, shredded dill havarti cheese, and roasted red peppers
- Roasted Turkey Foccia with pesto aoli, tomatoes, and fresh mozzarella
- Wine Down grilled cheese with our port wine spread, brie and roasted pear chutney
- Havarti dill grilled cheese with roasted red peppers and goat cheese
- Chicken salad with tomato chutney, red onion and aged cheddar on a Portuguese roll
- Meat & Cheese Board
- Blueberry Pie
- Apple Pie
- Cheese Cake
- Chocolate Mousse
- Small Assorted Desserts

# 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: _____

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

| | |
|---|---|
| **1. APPLICANT(S)** –(Sole Proprietor, Corporation, Limited Liability Co., etc.)<br>Jared Lawrence Rice **DOB:** 03/21/1983 | **2. Business Name (D/B/A)**<br>Unwined Lounge |
| **DOB:** | |
| **DOB:** | **Location (Street Address)**<br>569 Congress street |
| **Address** 19 Lisbon Street | **City/Town** Portland **State** Maine **Zip Code** 04101 |
| | **Mailing Address**<br>19 Lisbon Street |
| **City/Town** Lisbon **State** Maine **Zip Code** 04250 | **City/Town** Lisbon **State** Maine **Zip Code** 04250 |
| **Telephone Number** 207-713-6211 **Fax Number** | **Business Telephone Number** 207-713-6211 **Fax Number** |
| **Federal I.D. #** 47-1946247 | **Seller Certificate #** |

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 $ N/A FOOD $ N/A LIQUOR $ N/A
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: 11/12/14
   Requested inspection date: 11/4/14 Business hours: Sun. 10 AM - 8pm Mon. - Thurs. 3pm - 11pm Fri. - Sat. 3pm - 12:30a
9. Business records are located at: 569 Congress Street, Portland, Maine 04101

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 |
|---|---|---|
| Jared Lawrence Rice | 03/21/1983 | Lewiston Maine |
| | | |
| | | |

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

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then 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: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 1800 sqft brick building w/ 2 bathroom, office, + kitchen in back seating area in front please see diagram

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☑ Applied for: Food + Liquor

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? 0.5 mile Which of the above is nearest? parish house

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: Ed + Tonia Gilkey

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, Maine (Town/City, State) on 9/29/14 (Date), 20 14

**Please sign in blue ink**

Jared L Rice
Signature of Applicant or Corporate Officer(s)

_____
Signature of Applicant or Corporate Officer(s)

Jared Lawrence Rice
Print Name

_____
Print Name

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

| For Office Use Only: |
|---|
| License #: _____ |
| Date Filed: _____ |

## Supplemental Information Required for Business Entities Who Are Licensees

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:

   JLR Restaurant Group LLC

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

   Unwined Lounge

3. Date of filing with the Secretary of State: 9/29/14

4. State in which you are formed: Maine

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 % |
|---|---|---|---|
| Jared Lawrence Rice | 19 Lisbon St., Lisbon, Maine 04250 | 03/21/1983 | 100 |
| | | | |
| | | | |
| | | | |

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:**

Jared L. Rice
Signature of Duly Authorized Person

9/29/14
Date

Jared Lawrence Rice
Print Name of Duly Authorized Person

---

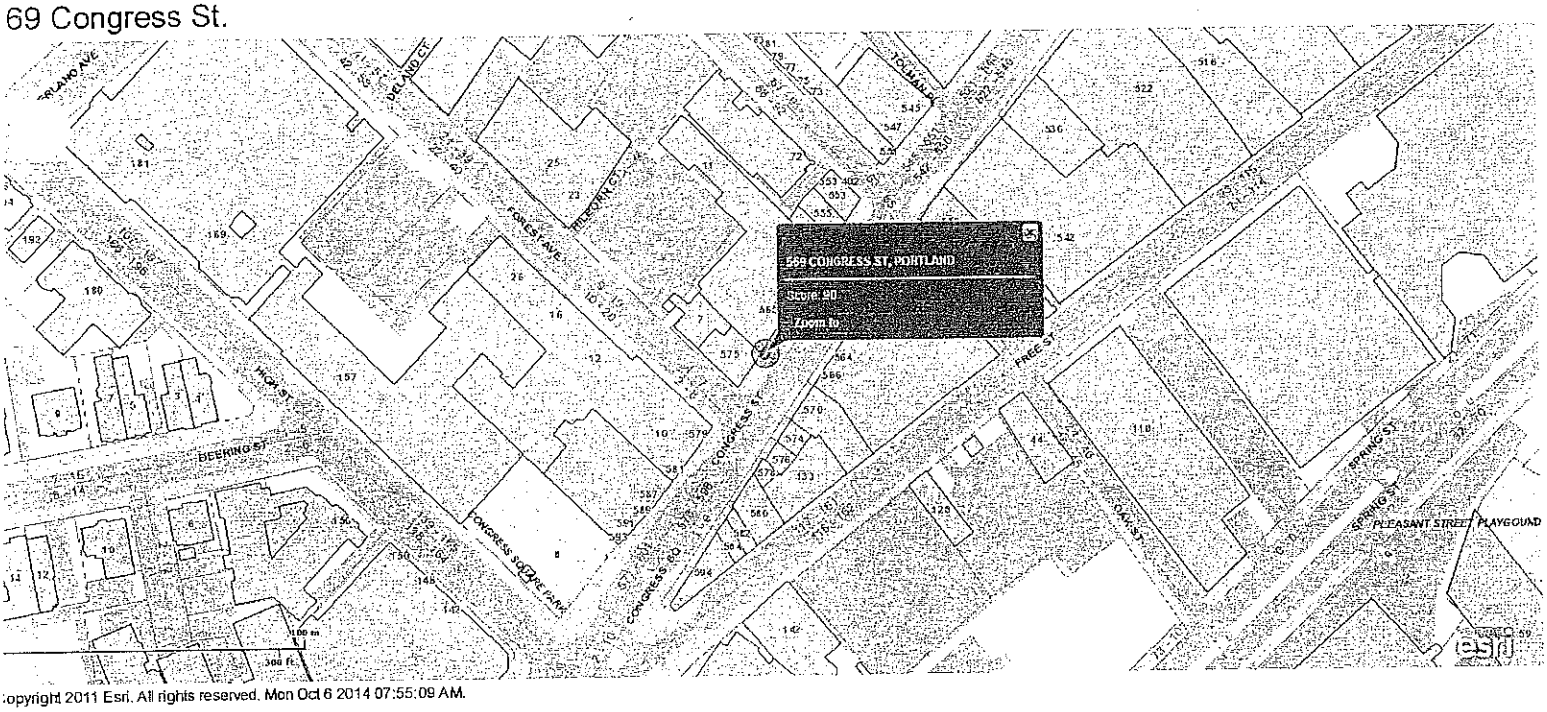
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this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

Submit Completed Forms To:

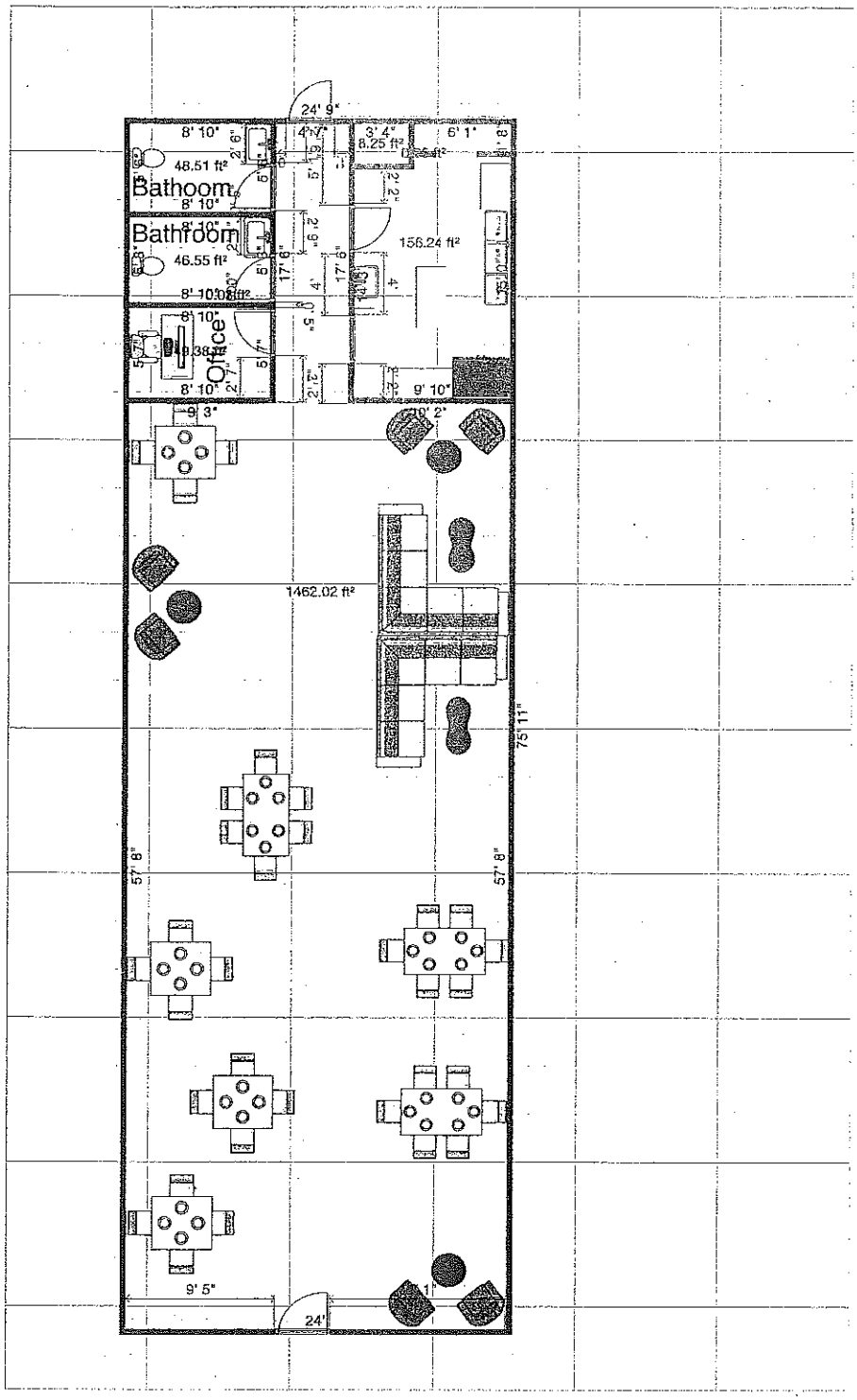
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

# Jnwined Lounge

69 Congress St.



# 569 Congress Street, Portland, Maine




Floor 1

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 #: MIQ99C285744

# Criminal History Record

## Introduction

**This rap sheet was produced in response to the following request ( Produced on 2014-09-30 ) :**

Inquiries Name(s) JARED L RICE (1983-03-21)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**

# Business Licensing - UNWINED LOUNGE - PENDING Business License Approval

**From:** Gary Hutcheson
**To:** Business Licensing
**Date:** 10/5/2014 1:19 PM
**Subject:** UNWINED LOUNGE - PENDING Business License Approval

UNWINED LOUNGE - PENDING is In Review for their Business License Inspection by the Police Dept.

Date:

Zone:
Comments: Approved.

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

October 6, 2014

Unwined Lounge
Attn: Jared Lawrence Rice
19 Lisbon St.
Lisbon, ME 04250

Re: JLR Restaurant Group LLC d/b/a Unwined Lounge at 569 Congress St. Application for a Class III & IV (Wine & Beer) license with unamplified entertainment without dance.

Dear Mr. Rice,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, October 20th at 7:00 p.m.** for the review of the application of JLR Restaurant Group LLC d/b/a Unwined Lounge at 569 Congress St, application for a Class III & IV (Wine & Beer) license with unamplified entertainment without 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

169.62

Ad ID 5154384 Date 10/03/2014 Time 2:49 PM

## PUBLIC NOTICE

**Notice of**
**Public Hearing**
**City of Portland**

A Public Hearing will be held on October 20th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of JLR Restaurant Group LLC d/b/a Unwined Lounge, 569 Congress St. Application for a Class III & IV (Wine & Beer) license with unamplified entertainment without dance. Sponsored by Katherine L. Jones, City Clerk.

#5154384

Ad shown is not actual print size

Com 3 - 14/15
Tab 12 10-20-14

PORTLAND POLICE DEPARTMENT

MEMORANDUM

October 10, 2014

TO: Mayor Michael F. Brennan
Councilor Edward J. Suslovic, Chair, Public Safety, Health and Human Services Comm.
Councilor Cheryl A. Leeman, Vice Chair
Councilor Jill C. Duson
Councilor John R. Coyne

FR: Michael J. Sauschuck, Chief of Police

RE: City Ordinance 17-113

On November 5, 2013, Portland voters supported the passage of a City ordinance which allows the possession of up to 2.5 ounces of marijuana by adults age 21 and older. Section 17-113 went into effect on December 6, 2013 and while it allows for the possession of marijuana in a public place, it prohibits people from using marijuana in public or buying or selling it. Section 17-116 requires the Mayor to "report to the City Council annually, during the month of October, as to the implementation and enforcement" of the ordinance.

The possession, use and sale of marijuana remain illegal under Maine state law and it continues to be the responsibility of the police department to enforce those laws. Maine decriminalized the possession of small amounts of marijuana in the early 1970's. The decriminalization of marijuana was further expanded in 2009 and, at present, possession of less than 2.5 ounces of the drug is a civil infraction that is punishable by a fine only.

During the course of the last ten months, the police department's Crime Analyst has tracked and analyzed the civil possession of marijuana summonses issued by officers. During the time period 12/6/13 to 9/30/14, the department issued forty-eight (48) citations to forty-six (46) individuals for civil possession of marijuana. The department has also compared the citations issued from 12/6/13-9/30/14 with the citations issued during the same time period in the previous year (12/6/12-9/30/13).

Of the forty-eight (48) citations, four (4) were issued to juveniles (under 18), nine (9) were issued to minors (18-20) and one (1) was issued for the public use of marijuana. In those fourteen (14) cases, the ordinance would have no effect on that person's possession of marijuana.

Of the remaining thirty-four (34) citations, twelve (12) were issued to adults who were arrested on criminal charges as well. These charges included Domestic Violence Assault, Refusing to Submit to Arrest, Operating under the Influence (in 3 cases), Leaving the Scene of an Accident, Theft, Operating after License Suspension, Eluding a Police Officer, Violation of Bail

Conditions (usually by possessing drugs or alcohol) and Unlawful Possession of Schedule Drugs. In four (4) cases, the person summonsed also had an outstanding arrest warrant for other charges.

Four (4) other adults were issued citations during investigations that led to the arrest of another adult on criminal charges. These charges included Unlawful Possession of Schedule Drugs and Refusing to Submit to Arrest.

Ten (10) citations were issued during the course of a traffic stop during which the operator appeared to be impaired to some degree and/or there was a pronounced smell of marijuana within the vehicle. The reasons for the initial traffic stop include: operating the wrong way on a one way street, speeding, failure to stop for a red light, expired vehicle registration or inspection, and vehicle defects.

Four (4) cases entailed the investigation of suspicious activity; including two (2) situations involving a man passed out behind the wheel of a parked vehicle and one (1) involving a woman who left the scene of an accident and was then discovered passed out in her car in a nearby parking lot.

The final four (4) citations issued to adults involved: the discovery of marijuana during standard screening at the Oxford Street Shelter; an individual trespassing at night on the fire escape of a residential building and a male removed from a hotel at the request of management for suspected drug trafficking. The final case resulted from a human trafficking investigation in which a 19-year-old woman, with the mental capacity of an 11-year-old and missing from her Detroit home, was located in an area motel with a man suspected of forcing her in to prostitution. In a subsequent search of the motel room, marijuana was discovered and the male suspect was summonsed.

Of the thirty-three (33) citations issued from 12/6/12 to 9/30/13 (pre-ordinance), eighteen (18) would not have been impacted by the ordinance. Sixteen (16) of the citations were issued to people under the age of 21 and two (2) were issued for the public use of marijuana. Traffic stops also played a role in the issuance of marijuana citations during this time period with six (6) citations being issued to vehicle operators or passengers. One (1) citation resulted from a false report of a shooting, one (1) from a domestic violence incident, three (3) from the execution of arrest warrants, one (1) from a trespass on private property and three (3) from violations of bail conditions.

After an examination of both the pre- ordinance and post-ordinance citations, I am satisfied that Portland's officers are using their discretion in an appropriate and judicious manner. Officers are not seeking out violations of Maine's civil possession statute nor are they failing to enforce the law when the situation requires it.

Order 43-14/15
Tab 13 10-20-14

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

**MEMORANDUM**

**TO:** Chair Donoghue and Members of the HCDC

**FROM:** Alex Jaegerman, Planning Division Director

**DATE:** October 2, 2014

**SUBJECT:** India Street Sustainable Neighborhood Plan (ISSNP)

On Monday, September 22, 2014, the India Street Neighborhood Advisory Committee voted 9 -1 (Mazer opposed) to recommend the India Street sustainable Neighborhood Plan to the City Council to be adopted as an element of the Portland Comprehensive Plan. A similar vote in August had to be retaken based on a concern that there was insufficient attendance at that earlier meeting. This item is scheduled for the October 20 City Council meeting. Councilor Donoghue has requested that this item be on the HCDC agenda to brief the Committee in advance of the City Council meeting.

The ISSNP is the result of planning for the India Street neighborhood that began in 2013 with a visioning process undertaken through the Sustain Southern Maine regional planning process as a Center of Opportunity. Following that, the ISNAC was established in the fall of 2013 and spent the past year further developing the plan to its final form as recommended to the City Council. The planning process involved five ISNAC working groups: Housing & Equity; Form Based Code; Economic Development; Historic Preservation; and Infrastructure & Landscape. Each of these work groups developed and recommended policies and initiatives to comprise the plan. At the latest stages of plan development, a number of issues relating to policy and proposed regulation generated a great deal of discussion, and were the focus of the final plan modifications to generate a plan recommendation that a strong majority of ISNAC could support.

The major recommendations of the plan are:

- To establish of an India Street Historic District;
- To develop a Form Based Code to replace the myriad zoning districts in this neighborhood, and
- To promote affordable housing City-wide.

**Historic Preservation:** The Historic Preservation Work Group recommended that a historic district be established for a large area of the neighborhood, based on

research and analysis by historic preservation consultants Turk Larry Tracy, Architects. Throughout the discussions, the proprietors of Shipyard Brewery and associated properties expressed concerns about inclusion of two residential properties on their otherwise industrial block holdings. Toward the end of the planning process, a number of additional property owners expressed opposition to the extent of the proposed historic district and the designation of many older wood frame vernacular buildings as contributing buildings and therefore protected from demolition.

The outcome from the September 22 meeting was to exclude the specific proposed historic district boundary map from the plan, while retaining the policy statements related to historic preservation. It is understood that the specifics of the historic district boundary will be reviewed by the Historic Preservation Board and the Planning Board prior to this specific regulation being recommended to the City Council for enactment. Members of the Historic Preservation Work Group will be invited to participate in the ongoing development of the recommended district. The expectation is that the details and extent of the proposed district will be further debated and refined during that review process.

**Form Based Code:** The plan from its inception anticipated that this neighborhood would be the subject of a new zoning methodology of form based code. This zoning method more effectively addresses the form and massing of development through detailed master planning of blocks and streets. While we made some progress in creating the draft FBC for India Street, the latest version presented to the FBC Working Group did not adequately address member concerns with the scale of building forms that have proliferated in the past several years, which are widely viewed as out of scale with the desired character of the India Street Neighborhood. At the September 22 meeting, ISNAC voted to withdraw the draft FBC regulations from the plan. Remaining in the plan are the core elements of the proposed FBC, namely the Character District Map, which describes in a qualitative way three street/block types and locates them in the neighborhood. This map was endorsed in the plan and will form the basis of ongoing work to develop the Form Based Code zoning provisions for this neighborhood. The Form Base Code Work Group will continue to meet to further develop this ordinance provision recommendation, which will go to the Planning Board for further development and a recommendation back to the City Council.

Finally, regarding the historic preservation and form based code elements, it was directed that these would be advanced for further development by the respective Boards, (HP and Planning Board), and that they would be returned for City Council consideration together as a package.

**Inclusionary Zoning:** Through the planning process the Housing & Equity Work Group was charged with developing recommendations regarding future housing

development in this neighborhood. An issue that formed a core of the policy discussion was the need for a balance of housing types, and concern that new housing development is generally quite a bit more expensive and catering to a wealthier market than the established and historic pattern of affordable and middle income housing that makes up the residential stock. To address this issue an ordinance was drafted to require a percentage of new housing, in projects over a certain size, to be affordable according to middle income parameters. ISNAC struggled with this policy, as to enact such a provision in this neighborhood alone might have the perverse effect of discouraging new housing development that would otherwise be desirable according to the plan. The recommendation therefore evolved to make this recommendation apply city wide, but this many members felt was beyond the purview of ISNAC's charge. It was felt that a major policy such as this should therefore be excluded from the plan, while retaining policies to support a mix of housing types and value ranges. At the September 22 meeting, the plan was amended to remove specific references to inclusionary zoning per se and to refer that policy and regulation issue for further consideration by the HCDC. It is expected that the HCDC will discuss this and consider further direction to the Department to proceed with this program, which would also be referred to the Planning Board for further development and their recommendation back to the City Council.

# India Street

# Sustainable Neighborhood Plan

**Portland, Maine**

—

**Final ISNAC Draft, September 2014**

## Part 1: The Plan

### *Portland Starts Here . . .*

Vision for India Street (at Middle Street) Image Credit: Richardson & Associates, Saco, ME

**[Insert City Council Order as Passed adopting plan]**

# Acknowledgments

**The India Street Sustainable Neighborhood Plan** has been a widely collaborative effort over the course of two years. This report was shaped and informed by many participants who deserve recognition for their efforts, including the India Street Neighborhood Association, Sustain Southern Maine, the India Street Neighborhood Advisory Committee and associated Working Groups, and of course, the community businesses, residents, workers, organizations, institutions, and developers. Especially critical to the formulation of this neighborhood plan is Hugh Nazor, president of the India Street Neighborhood Association. Without his ceaseless efforts to bring attention to the neighborhood, this Plan would not exist.

In 2013, Portland became a participating city in the Urban Sustainability Accelerator (USA) technical assistance grant through Portland State University, Oregon, which is funded through the Summit Foundation, Toulan School of Urban Studies and Planning, Institute for Sustainable Solution at Portland State University, and the participating cities. Special thanks to Robert Liberty for his enthusiastic support and valuable resources provided through the course of this program. Especially valuable was the consulting work of Michele Reeves, Civilis Consulting, Portland, Oregon.

The India Street Neighborhood Advisory Committee convened in the fall of 2013 to guide the neighborhood plan development. City Councilor Kevin Donoghue and neighborhood resident and emeritus professor at the Muskie School of Public Service Richard Barringer graciously offered their time as co-chairs to this Council-appointed committee. Nineteen members were appointed to this group with wide-ranging expertise and areas of insight; without their time and efforts this plan would not have reached its successful conclusion. Many active and enthusiastic members of the community volunteered to participate in Working Groups in order to brainstorm, strategize, and craft recommendations for the final plan. Many thanks again to all of these members of the India Street and greater Portland community who gave of their time and expertise to craft this plan.

Additional resources and support were provided by key neighborhood organizations. One central to this process was the Portland Society for Architecture which hosted meetings, provided professional advice and collaboration, and financial resources that were especially crucial in the City's participation in the USA technical assistance grant and the subsequent consulting services of Michele Reeves. The Maine Jewish Museum generously provided for the use of their facilities throughout the course of the planning process. Professor Yuseung Kim of USM's Muskie School of Public Service and the students in his Planning Workshops made significant contributions to our work with the creation of a 3d model of the neighborhood and the study, *Portland Starts Here: India Street Neighborhood Recommendations*, available at http://www.portlandmaine.gov/1114/India-Street

It must be noted that many dedicated City staff members orchestrated and ushered along this complex process. Recognition is due to Planning Division Director Alex Jaegerman, Senior Planner Bill Needelman (who has since become the Waterfront Coordinator), Urban Designer Caitlin Cameron, and Historic Preservation Program Manager Deb Andrews who led the effort. Additional support was provided by Mary Davis, Housing and Community Development Division Director, Nelle Hanig, Business Programs Manager, Bruce Hyman, Bicycle and Pedestrian Program Coordinator, and Doug Roncarati, Stormwater Program Coordinator.

## India Street Neighborhood Advisory Committee

*Richard Barringer, Co-Chair*
*Councilor Kevin Donoghue, Co-Chair*
*Hilary Bassett*
*Beth Boepple*
*Carol De Tine*
*Tom Federle*
*Bethany Field*
*Arthur Fink*
*Ani Helmick*
*Bobbi Keppel*
*Alan Kuniholm*
*Ethan Boxer Macomber*
*Joe Malone*
*Brandon Mazer*
*Linda Murnik*
*Hugh Nazor*
*Arlin Smith*
*Timothy Wilson*
*Kara Wooldrik*

## City Council

*Michael Brennan, Mayor*
*Kevin Donoghue, District 1*
*David Marshall, District 2*
*Edward Suslovic, District 3*
*Cheryl Leeman, District 4*
*John Coyne, District 5*
*Jon Hinck, At Large*
*Nicholas Mavodones, At Large*
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*Rick Romano, Chair*
*Scott Benson, Vice Chair*
*Bruce Wood*
*Penny Pollard*
*John Turk*
*Ted Oldham*
*Julia Sheridan*

## Working Groups

**Land Development/ Form-based code**
*Staff: Caitlin Cameron, Alex Jaegerman*
*Consultants: Stephanie Carver, GPCOG, and Ken Studtmann, Richardson & Associates*
*Elizabeth Boepple*
*Carol De Tine*
*Tom Federle*
*Arthur Fink*
*Alan Kuniholm*
*Brandon Mazer*
*Hugh Nazor*
*Jay Waterman*

**Historic Preservation**
*Staff: Deb Andrews*
*Consultant: Julie Larry, Turk Tracey & Larry Architects*
*Hilary Bassett*
*Pamela Cummings*
*Ed Gardner*
*Ani Helmick*
*Joe Malone*
*Linda Murnik*

**Infrastructure/ Landscape Planning**
*Staff: Caitlin Cameron*
*Jennifer Claster*
*Bobbi Keppel*
*Kara Wooldrik*

**Equity/ Housing**
*Staff: Mary Davis, Alex Jaegerman*
*Councilor Kevin Donoghue*
*Jill Danaher*
*Bethany Field*
*David Loranger*
*Ethan Boxer Macomber*

**Economy**
*Staff: Nelle Hanig, Alex Jaegerman*
*Consultant: Michele Reeves, Civilis Consulting*
*Richard Barringer*
*Rachelle Curran*
*Susie Kendeigh*
*Brandon Mazer*
*Hugh Nazor*
*Arlin Smith*
*Tim Wilson*

## City of Portland, Maine

**Department of Planning and Urban Development**
*Jeff Levine, Department Head*
*Alex Jaegerman, Planning Division Director*
*Caitlin Cameron, Urban Designer*
*Deb Andrews, Historic Preservation Manager*
*Mary Davis, Housing and Community Development Division Director*
*Bruce Hyman, Bicycle and Pedestrian Program Coordinator*

**Department of Economic Development**
*Nelle Hanig, Business Programs Manager*

**Department of Public Works**
*Doug Roncarati, Stormwater Program Coordinator*

## Sustain Southern Maine

*Rebeccah Schaffner, Program Manager, GPCOG*
*Carol Morris, President, Morris Communications*
*Evan Richert, Town Planner, Richert Planning*
*Todd Richardson, Landscape Architect, Richardson & Associates*

# Table of Contents and Executive Summary

## Part 1: The India Street Sustainable Neighborhood Plan

# Part 2: Implementation Tools

# Background – The Planning Process

The India Street neighborhood is situated on the burgeoning Portland peninsula, a beautiful waterside location nestled between the Old Port and Munjoy Hill. As explained below, this area was the nucleus of the birth of Portland as a colonial city, and the City has grown up around India Street. In the years following 2010, this area began to experience development as the recession gradually gave way to resurgent growth. Many large projects were proposed pre-recession that did not come to fruition, and several sizable projects – two hotels, a parking garage, and housing , to name a few – were constructed that began to change the face of this neighborhood. Heavily influenced by downtown and the waterfront, India Street emerged as a magnet for new development, and the community responded with a request for focused planning to guide the future of the area, lest the market forces bring about change that many observers and residents feared would be of a scale and character that does not reflect the community's aspirations.

Community leaders approached the City with this concern, that planning has focused all around this neighborhood, along the waterfront, and in the downtown, but not on this neighborhood as a distinct place, to explore its character and establish a vision for its growth and development. An effort to address the specific issue of building heights along India Street was considered by the Planning Board in June of 2012, and led to the recognition that a comprehensive planning initiative was the more appropriate approach to take. The Planning Office was charged with leading this effort, in partnership with the India Street Neighborhood Association. This planning process has proceeded in two phases.

The first phase began in earnest in January, 2013, with the selection of the India Street neighborhood as a *Center of Opportunity* within the Sustain Southern Maine (SSM) regional planning program, a consortium of Cumberland and York County communities that came together with funding from the U.S. Department of Housing & Urban Development to create a sustainable growth plan for the region. India Street was selected as a pilot community that represents opportunities for regional growth to occur in established urban centers as a strategy to combat sprawl and revitalize our city centers. With a small planning grant from SSM through the Greater Portland Council of Governments, we engaged with the India Street community to create a vision for the India Street neighborhood. Highlights of this effort included a Public Open House at the Jewish Heritage Museum in March, 2013, followed by a day-long workshop of three stakeholder small groups in April, 2013, to convert the ideas from the Open House in to neighborhood planning concepts. This input was then synthesized by the planning and consulting team into a series of reports and nine graphic products presenting an emergent neighborhood vision, form, transportation, street systems, landscape, and open space. These were presented in two public forums in June, and later in September, 2013.


Emerging Vision: Sustain Southern Maine Conceptual Plan - June, 2013

The fall of 2013 marked the transition from the visioning work aided by SSM, to the planning production phase marked by the collaboration with another technical assistance resource called the *Urban Sustainability Accelerator (USA)*, a new program created to help mid-sized and smaller urban areas implement sustainability projects, to move their proposals from a concept to reality. This program was made possible through support of Portland State University's Toulan School of Urban Studies and Planning, the Institute for Sustainable Solutions, and a grant from the Summit Foundation. The timing of this technical resource coincided with our ongoing efforts to create a plan for India Street. In November, 2013 we established a stakeholder advisory committee, the India Street Neighborhood Advisory Committee (ISNAC) appointed by the City Council, along with other interested citizens to assist the Planning Office to complete the plan. ISNAC established five work groups to flesh out the plan: Housing & Equity; Land Development & Form-Based Code; Economic Development; Historic Preservation; and Infrastructure & Landscape. These Work Groups met continuously from January through July of 2014 to investigate issues and develop policy and implementation recommendations within their assigned areas. The majority of the substance of this plan is credited to the hard work of these citizen teams with their staff support. Each Work Group reported to the ISNAC on a monthly basis on their findings and recommendations.

The technical assistance through the USA program was ongoing during this period and helped inform the Work Groups in their areas of interest. Highlights include the three-day consulting visit from Michele Reeves, of Civilis Consultants, on February 11 – 13, 2014. Ms. Reeves generated a strong recognition of the stage of India Street's development, and the attributes that lend unique value to the economy of the neighborhood as well as its intrinsic character. True to form, on the night of her final presentation we experienced blizzard-like conditions, so many who could not be there in person viewed the video online. Other highlights included a week-long visitation from a University of California, Davis team headed by Professor Stephen Wheeler and three Landscape Architecture graduate students, who studied the neighborhood and issued a report in December, 2013, *Recommendations for a Sustainable Neighborhood Plan* that focused on environmental sustainability measures for India Street. Also during this intensive working period, we had the benefit of our own University of Southern Maine through Professors Yuseung Kim and Richard Barringer, whose Planning Workshop class produced a May, 2014 report, *Portland Starts Here*, which addresses place branding, economic development, and streetscape recommendations.

In summary, this process relied on our own in-house planning expertise, and the hard work of many very dedicated neighborhood stakeholders who volunteered countless hours to the task. We had some outside consulting and technical resources, where available and as needed, to round out and inform the effort. We are very pleased to convey this plan, which is a tangible product with realistic objectives grounded in an engaged community process.

Finally, several concurrent planning efforts will have direct but still undetermined impacts on the India Street neighborhood and this Plan.

Public Planning Processes:

- **The Franklin Street Redesign Phase II** is underway, the objective of which is to narrow the roadway, redesign intersections, and employ Complete Streets policies making the street safe and useable for all modes. The street will ideally take on a more active and urban character but the final results of this process remain to be determined. Considering the feedback received throughout the India Street planning process the neighborhood is most affected by the topics of connectivity and the reposition of the right-of-way. The Transportation Plan of the Comprehensive Plan states, "The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto." In keeping with the policy for an interconnected street network, the neighborhood would benefit from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely. If it is determined that no vehicular connection is to be provided at Federal or Newbury streets, remaining public space would be well-suited as a public open space. It is not likely that the neighborhood would be satisfied to have no additional connections to Franklin Street. ISNAC assumes the premise that the neighborhood (and city) would benefit most from increasing the development opportunities within the neighborhood. The neighborhood would also benefit from active, urban uses along Franklin Street. Priority locations for development opportunities include the blocks between Middle and Congress Streets.
- **Lincoln Park** is undergoing a master plan process with future restoration and improvements proposed. The park is a potential open space asset to the India Street neighborhood. Currently, there is a lack of connectivity between the neighborhood and the park and an absence of liveliness and activity. ISNAC supports solutions that balance expansion of Lincoln Park with opportunities for development along the India Street neighborhood edge at Franklin Street. The ISNAC advocates for improved connections between the neighborhood and park, especially pedestrian and bicycle.

Private Development Projects:

- **The Portland Company** complex is undergoing a master plan process with proposed significant redevelopment and adaptive reuse of the historic property. Details about the uses and forms are undetermined at the adoption of this plan. As a large neighboring property, what happens on that site will impact the India Street neighborhood, potentially increasing the resident population, office and amenities, and foot and vehicular traffic past and through India Street.
- **Munjoy South Townhouses** is a low-income housing development adjacent to the India Street neighborhood to the East. Developed post-war as part of a city redevelopment strategy, this complex may be redeveloped in the future. It is not known whether future development on this site will remain affordable housing and what form and density it will take. This development is one of the larger affordable housing developments near the India Street neighborhood; its size, proximity, and affordability impact the development of the neighborhood in terms of growth, services, and transportation needs.

# Why a *Sustainable* Neighborhood Plan?

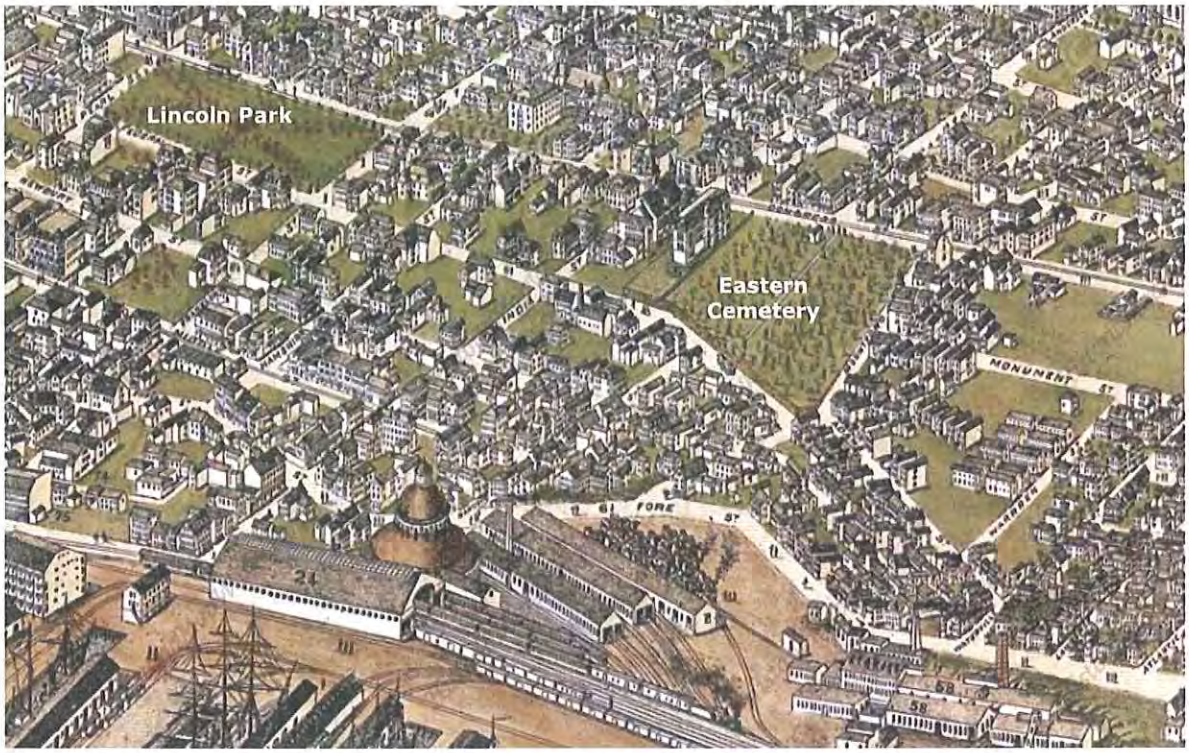
We have proposed this plan as a sustainable neighborhood plan. To understand this approach, it is necessary to review the sustainability principles of Community, Economy, and Environment. Since the City Council adopted the *Sustainable Portland Plan* in 2009, as part of our comprehensive plan, we have endeavored to use the sustainability model in planning and policy making. *Sustainable Portland* offered the final challenge to future policy makers:

> **"To become a sustainable community, the City of Portland must commit to a continuous process of self-assessment and adaptation. When faced with decisions, our City government, residents, institutions, and businesses should ask a series of questions:**
>
> - **Is this decision good for the environment, the economy, and the community?**
> - **Is this good for the long-term?**
>
> **If the answers are "yes," then the decision will move us toward becoming a more sustainable city."**
>
> **Sustainable Portland – Incorporating Sustainability into Everyday Decision Making City of Portland, 2009, Portland Comprehensive Plan**

Sustainability principles are imbedded throughout this planning process and plan. We have incorporated the work by Sustain Southern Maine, which looks to urban neighborhood growth as vital to a sustainable region. We have had the technical assistance from the Urban Sustainability Accelerator, which, as the name suggests, seeks to promote sustainable practices in small cities across America. We have looked deep into the neighborhood itself, to examine what is needed to sustain a vibrant, healthy, prosperous future. We could call this a neighborhood development plan, or a neighborhood master plan, or comprehensive plan. The title could change, but the imperative to plan affirmatively for a healthy community, economy, and environment is paramount as we face the challenges and changes to come. This plan touches upon these three factors and presents a balanced set of recommendations that address each of them appropriately for this stage of development in this India Street neighborhood.

As a City Council-adopted neighborhood plan, the India Street Sustainable Neighborhood Plan becomes an adopted element of the city-wide Comprehensive Plan. A Comprehensive Plan is a long-range plan that provides a policy framework to guide municipal decisions. Portland has conducted numerous long-range planning activities that have produced a variety of components of the Comprehensive Plan, which include functional elements, such as the Transportation Plan, and strategic or geographic area plans, of which this plan is an example.

# History – The India Street Neighborhood




India Street Neighborhood in 1871

India Street has the distinction of being the first street in Portland and the center of the city's earliest settlement. Although little remains from this early chapter in the area's history, the story of what followed is compelling and unlike any other neighborhood in the city. The India Street and waterfront area was the main commercial district of Portland prior to the Great Fire of 1866, when the core of the downtown moved to the Old Port. As early as the 1820's, the India Street Neighborhood was home to a large community of African Americans. Later, it became the point of entry and first home to many of the city's newly-arriving immigrant groups, including Irish, Italian, Jewish, and Scandinavian populations. The neighborhood was the hub of intermodal transportation where shipping and ferries, trains, and land transportation converged around the waterfront generating a center of activity. Newcomers found stability working as laborers on the city's waterfront, Grand Trunk Railroad, and nearby Portland Company. As they became established, each group made its mark on the area, building impressive churches and synagogues and launching a wide range of small businesses and institutions. Public health facilities, including a milk dispensary and medical school, were built on India Street to address the needs of the residents. North School, the largest elementary school in the state when it was built, responded to the transitional nature of the

North School (1867)

neighborhood by offering occupational training and other innovative programs designed specifically to help the immigrant and first generation children it served.

The historic buildings that remain today tell the story of who lived here and how this neighborhood evolved and functioned. Landmark structures such as North School, the India Street Firehouse, and numerous churches and synagogues are very important to the story. So, too, are the modest wood frame houses owned by the founders of the Abyssinian Meeting House, the triple-deckers that housed immigrant families, and the small commercial structures that were built to serve the needs of a self-contained neighborhood. Just as the neighborhood's remaining historic structures provide tangible evidence of its history, they also establish the strong and appealing visual character of the area.

Abyssinian Meeting House (1828)

Since the mid-20th century, the neighborhood has lost a number of key landmarks, including the Grand Trunk Station and the house where Henry Wadsworth Longfellow was born, at the corner of Fore and Hancock streets. Once-dominant population groups have moved on to other parts of the city, leaving the neighborhood with just a few hundred households. Insensitive alterations to historic structures and the clearing of older buildings for surface parking lots and discordant new construction have diminished the character of the neighborhood. The most dramatic change, of course, was the construction of the Franklin Arterial, which entailed the removal of many homes and commercial structures at the western end of the neighborhood, and severed what had been a seamless transition to the downtown core. The removal of homes and construction of Munjoy South public housing on Mountfort Street created another abrupt boundary to the neighborhood where there previously had been none.

Franklin Arterial (1967) changes the neighborhood, creates disconnected conditions


A mix of different building types on Congress St

Notwithstanding these losses, the neighborhood retains numerous elements of its past that warrant recognition and preservation. This historic building fabric could also inform the scale and character of new development, which would result in a lively mix of new and old within a distinctive, human scale, mixed-use neighborhood.

An older, downtown adjacent neighborhood such as India Street has assets that significantly outweigh its challenges. In addition to the cultural significance of the historic neighborhood, today's market values historic architectural fabric that provides a human-scale foundation for future development. Significant parcels, including those formerly in industrial use, are vacant or underused and inviting for redevelopment. As an existing urban neighborhood, it enjoys a relatively complete infrastructure that is ripe to support revitalization. The historic street grid is walkable and contributes both to quality of life and to market value for the land uses served by it. Multi-modal transportation services, both existing and potential, create choices for those who want to live or work in or to visit the neighborhood. This mixed-use neighborhood with proximity to downtown already has a core mix of residential and commercial uses, including long-standing uses that are well recognized and loved, and may serve as springboards to additional development. The most important characteristic of all, however, is the prevalence and importance of *people*; the neighborhood is the product of the people who have been here, past and present, and this plays a key role in shaping the future of the India Street neighborhood.

## India Street Neighborhood Identity Past and Present

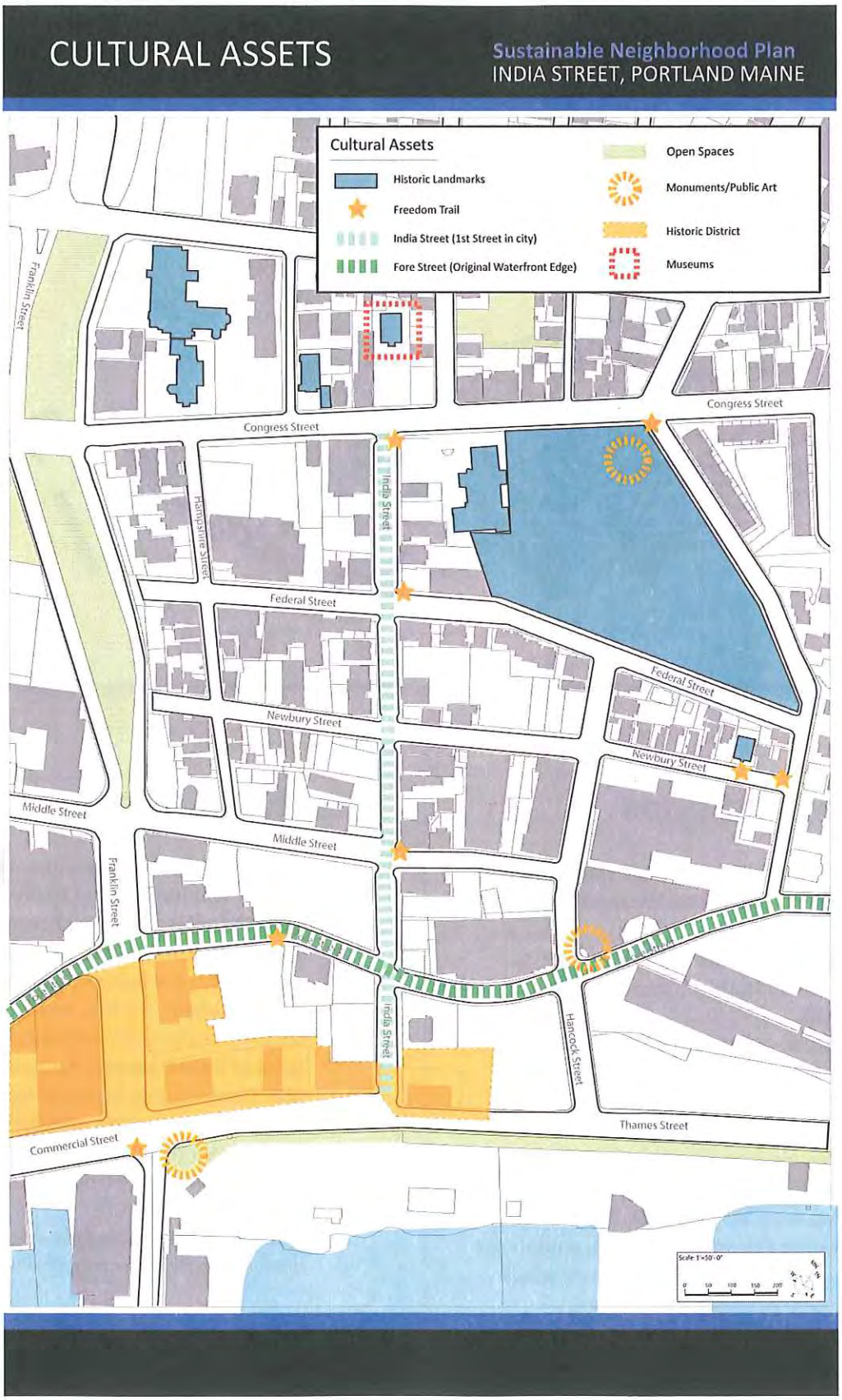
From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consulting, February 2014

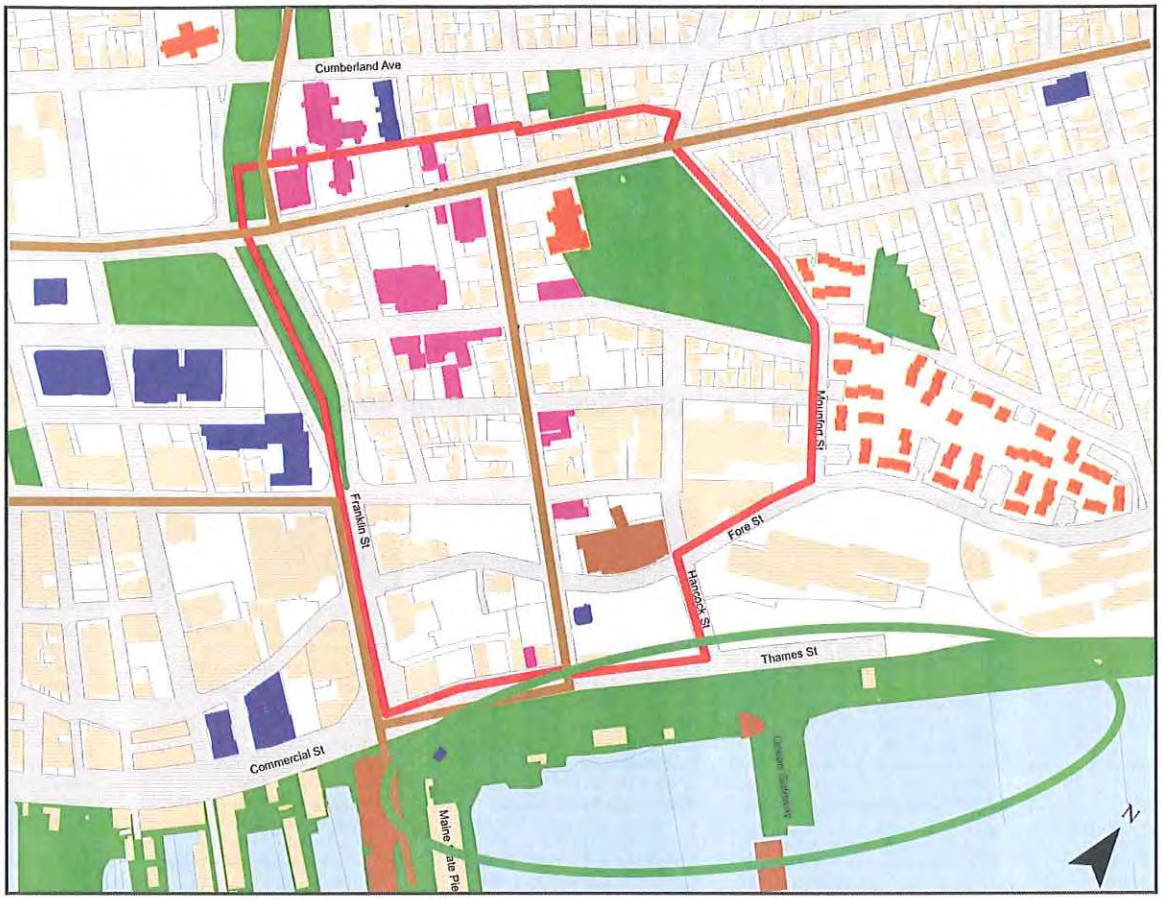
## Assets to Build Upon

- **Cultural Heritage** – Portland starts here!
- **Historic** – Landmark buildings and a historic building fabric
- **Adjacent** – Waterfront, Residential neighborhoods, Downtown, Ferry and Cruise terminals
- **Shop Local** – Destination and landmark stores; Small, independent business and entrepreneurial culture; Truly mixed-use
- **Food Destination** – Many restaurants that draw people from all over the city and region
- **Accessible** – Walkable, bus connections, ample parking, good biking streets, ferry terminal
- **Geographic Advantage** – The neighborhood slopes to the waterfront, providing views
- **Development Possibilities** – Many development opportunities of varying scale

## Challenges to Face

- **A Lack of Clear Identity** – The neighborhood lacks a clear identity and has never before been the subject of a neighborhood plan
- **The Constraints of Past Land Uses** – Industrial uses, many now defunct, were common in neighborhoods like this, with brownfield and clean-up costs associated with them
- **Scale of Development** – Large development sites have resulted in recent redevelopment that does not comport well with the desires of neighborhood residents and businesses, historic buildings, and neighborhood character in height or scale
- **Disconnected** – The neighborhood edges have been seriously altered and/or sealed off


CULTURAL ASSETS
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
Cultural Assets
Historic Landmarks
Freedom Trail
India Street (1st Street in city)
Fore Street (Original Waterfront Edge)
Open Spaces
Monuments/Public Art
Historic District
Museums
Franklin Street
Congress Street
Congress Street
India Street
Hampshire Street
Federal Street
Federal Street
Newbury Street
Newbury Street
Middle Street
Middle Street
Franklin Street
India Street
Hancock Street
Thames Street
Commercial Street




## Physical/Land Assets
- Waterfront (views and physical access)
- Parks and open space
  - Playgrounds – Peppermint Park, Adams Street
  - Public open spaces
  - Trails
  - Recreational facilities – Basketball at Adams Street
- Vacant Land – 21 parcels

## Transportation & Mobility
- Bus Routes - 4 bus lines (1, 6, 7, and 8)
- Ocean Gateway Terminal
- Casco Bay LInes Terminal
- Parking Garages

## Community, Health, and Resources
- Religious Institutions
- Community groups, Neighborhood Associations
- Advocacy groups and centers
- Clinics and counseling centers
- Community Meeting Spaces
- Hospitals, clinics, and health offices
- Grocery Stores

## Local Institutions
- Schools, colleges, and universities
- Fire/Police and other emergency services
- Federal Agencies

## Affordable Housing

Assets in the India Street neighborhood and surrounds

# Goals and Vision Statements

## The India Street Sustainable Neighborhood Plan is framed by five Goals and six Vision Statements . . .

### GOALS
### for the India Street Neighborhood

#### Vitality

- The vision for the India Street neighborhood includes vibrant streets. Improvements to the street level environment, public realm, and open spaces will encourage and attract activity.
- Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects.
- Improving the connectivity (of all modes) to and from the neighborhood will elevate the "adjacent" status of the neighborhood by making it a destination.
- A vital neighborhood also considers its future; the neighborhood seeks to reduce its vulnerability to climate change and embrace strategies that consider future quality of life including transportation, energy, and sea level rise.
- Economic prosperity is a crucial part of neighborhood vitality - strategies around economic development are a high priority.

#### Good Quality Design

- People are attracted to neighborhoods with good quality design. This includes not only the materials and aesthetics of new development but also the street presence and longevity of a project.
- Compatibility , especially in terms of building scale, is essential in a historic and mixed-used neighborhood such as this one.
- In this neighborhood, good quality design also includes good quality rehabilitation of existing and historic buildings.
- Infrastructure improvements shall be included in this goal - the public realm and streetscape are of equal importance to the quality of life as buildings are. Standards for high quality design shall also be held true for infrastructure changes or improvements.

#### Strong Neighborhood Identity that Builds on its Heritage

- India Street was the first street in Portland and the neighborhood is rich in cultural history. These qualities are at the heart of the neighborhood identity and should be at the forefront of any strategy that deals with neighborhood character, objectives, relationships, or environment.
- Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourists, and adjacent neighborhoods as a destination.
- The historic fabric and landmarks tell a story about this neighborhood and are critically important to its identity.

#### Diversity

- The India Street neighborhood has always hosted a diverse resident population. The neighborhood plan should encourage and maintain that diversity of residents (age, race, ethnicity, gender, family size, income, etc.)
- Quality of life for a diverse population will include considerations such as food access, transportation choices, access to open space, and diversity of residential unit types and ownership models.
- The built environment of the neighborhood is diverse; a dynamic urban neighborhood keeps a diverse mix of building types by including contemporary and historic buildings, and varying building scales.

#### Enhance Mixed-use Nature of Neighborhood

- The India Street Neighborhood is truly a mixed-use neighborhood with residences, business, offices, hotels, retail, and restaurants. The neighborhood plan should allow this mixed-use nature of the neighborhood to continue and to expand.
- New development and the built environment should continue to support and enhance mixed uses.
- The neighborhood plan should especially support existing businesses and attract new businesses to the neighborhood, but especially those that provide services and amenities to neighborhood residents and workers.


**Aspirations for the India Street Neighborhood**

**From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consultants, February 2014**

## Vision: Cultivating the Future of the India Street Neighborhood

**Vision Statement 1: Sustainable Growth and Development** - The India Street neighborhood is on the cusp of substantial growth and development that will firmly establish its place in the city and region for decades to come. It is poised for growth, and has chosen to shape that growth to its singular character and heritage. It is fitting that this neighborhood welcomes a share of the growth that is happening in greater Portland, given its adjacency to downtown and the waterfront, its walkability, its access to transit, its in-place infrastructure, and its strong mix of and immediate proximity to housing, jobs, commerce, and services. Over the course of more than two years, this neighborhood has pulled together property owners, residents, and associated stakeholders and community members who care deeply about *how* this neighborhood will evolve and develop. This plan is the result of their efforts and hard work. It presents the vision, principles, and strategies to welcome the right form and shape of growth and development that will bring this transitioning neighborhood to maturity.

**Vision Statement 2: A Neighborhood of Diverse Peoples** – India Street is and always has been diverse, and we wish it to remain so. Histories of immigrant communities – landing here and gaining a foothold, and making their way in America – have left a durable imprint that we celebrate. Maintaining diversity means conscious efforts to welcome all kinds of new arrivals: whether they be move-up urbanists who can live anywhere and choose India Street for its location; or new arrivals continuing the traditional role of this neighborhood, welcoming new immigrants who above all need affordable housing and convenient access to jobs and services; young singles and small households who are embarking on adult life and value the social landscape and access to all that Portland has to offer; working families striving to live responsibly by choosing a compact urban neighborhood where one can afford to live and maintain a low carbon footprint; or an aging population wishing for an active life and access to Portland's amenities, activities, restaurants, and services. Any and all of these are welcome to make India Street home, and become part of our community.

**Vision Statement 3: An Authentic Neighborhood True to its Heritage** – Portland's *first street* was India Street, and it is a point of pride and identity that this neighborhood set the stage for Portland's growth and development. Vestiges of this history abound, from the religious institutions to the civic and industrial buildings, to the vernacular working class houses on Federal and Newbury and Hampshire streets. These features distinguish the neighborhood from others, adding to the mix of peninsula neighborhoods with a unique community fabric. This heritage creates a sense of responsibility to protect the traces of the past as well as positing a form and pattern for future growth that is recognizable as India Street. We invite development into our neighborhood, as it is essential to its vitality and to fill its voids, particularly in the southern section below Middle Street where there is much vacant land and surface parking. And we will insist that new development add to the indigenous structure of this neighborhood by demonstrating an incremental and varied street, lot, and block pattern. The scale of development may grow but the form must reflect the attributes that typify and reinforce the fabric of this neighborhood.

**Vision Statement 4: A Fun, Industrious, Creative, Artisanal, and Prosperous Neighborhood** – The sidewalks are full of life and commerce. Within a five minute walk multiple food products are prepared, sold, consumed, and savored. Local businesses are mostly home grown and provide authenticity to the neighborhood - the regional brew house, the bakers, the textile and furniture designers, the grocers, the coffee houses, and restaurants. Amato's, one of Maine's few chain establishments, was founded here on India Street around 1902. We will build on this cluster of commercial activity on the core retail streets and create a continuous "trail of crumbs" for visitors and residents to follow from the Old Port and the waterfront, from Commercial Street to Congress Street. We expect that in this area all of the buildings and businesses will engage with the community both visually and functionally, that there will be a "conversation with the street," and people will enjoy being here and engaging in this dialogue.

**Vision Statement 5: A Healthy, Connected, and Active Neighborhood** – The India Street Neighborhood provides opportunities for health and well-being ranging from health-related services to recreation amenities. Within a short walk are many recreation and open space assets: historic Lincoln Park; the Eastern Promenade Trail that caters to children, runners, bikers, strollers, bladers, boarders, and those just out for a scenic stroll; and a playground tucked into edge of Munjoy Hill off Mountfort Street. These gems are now somewhat hidden from view and access; but with some thoughtful interventions – including generous and well-designed sidewalks and passageways, good lighting and streetscape furnishings, public art, and intuitive wayfinding strategies – we will embrace these assets and enlist them more fully into the life of the neighborhood. Street connectivity remains a fundamental challenge especially in connecting to and across Franklin Street for all modes, with a pedestrian and bicycle priority. Pedestrian connections throughout the neighborhood need improvements that will enable visitors and residents alike to feel comfortable navigating the area and accessing surrounding amenities.

**Vision Statement 6: A Neighborhood of Strong Identity** – We have learned a lot about ourselves and our place within the larger community during this planning exploration of the India Street Neighborhood. Our heritage, our diversity, our industriousness, our unique physical character, and our location on Portland's marvelous peninsula all constitute the unique and authentic identity, charm, and spirit of this community. These qualities and characteristics contribute to our pride of place, sense of belonging, and conception of an exceptional community. *Portland Starts Here.* We celebrate this and all it implies. We will share this heritage and identity with the larger community, for us to enjoy, and for others to appreciate.

# Thirteen Development Principles

## 1. Strong Neighborhood Identity

Portland starts here in the India Street neighborhood; the spirit of this place will be reflected in its identity and character, distinct from Old Port and the Downtown. The story of India Street is long and compelling; now is the time to tell and celebrate it.

The India Street Neighborhood presents a human-scale, downtown-adjacent neighborhood with commerce, light industry, authenticity, and community. What visitors and others are less aware of is its distinctive history – Portland's first street and first neighborhood, early maritime connections, later industrial development, period architecture, religious and cultural diversity. The key principle here is to bring these unique characteristics and assets into closer connection and a cohesive neighborhood identity that will permeate the built environment as well as associated housing and business – all serving to strengthen and enhance the community.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
5. *Create a Local Historic District*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Code*
11. *Create a Recreation Hub at the foot of India Street*

## 2. Diversity of Residents

People are at the very heart of all that India Street Neighborhood is about. It is characterized by diversity, past and present, in all meanings of the word – race, ethnicity, age, religion, ability, household size, and socio/economic status. For the future, the India Street neighborhood will continue to be a place known for its authentic diversity; and diversity of residents and activities will be encouraged and maintained.

Two major factors contribute to neighborhood diversity: housing choice and affordability. The recent housing development trend in the neighborhood has been toward large condominium units, often catering to empty-nester couples and part-year residents. Left to themselves, market forces alone will provide more of this housing type, while a balance of housing types is desired. The City is especially interested in development that will provide homes for families with children, and young, single workforce households. This should include rental units and a mix of efficiencies, one, two, and three-bedroom units. As the neighborhood residential base grows, so too will the *type* of housing remain varied. Affordability will likewise be considered in development and policy decisions.

*Related Critical Actions:*

2. *Adopt policies that promote the creation of affordable housing*
3. *Take advantage of existing housing programs and resources*
4. *Build affordable housing on the City-owned property at Franklin and Middle*
10. *Improve neighboring recreation amenities and connections to them*

## 3. Neighborhood Heritage and Historic Preservation

Unlike many other neighborhoods on the peninsula, the India Street neighborhood grew to become a strikingly diverse and self-contained neighborhood, with its own "main street," houses of worship, institutional buildings, and workshop industries that provided employment for minority groups that populated the area. While the neighborhood has lost significant elements of its past, much remains to tell its compelling story. The historic buildings that remain not only tell the story about how this neighborhood has evolved and functioned, but also contribute significantly to its unique character, scale, and patterns.

Protecting and enhancing India Street's historic building stock is essential if the area is to retain its authenticity and build a strong sense of place. Alterations to existing buildings, both historic and non-historic, will be carefully considered so the neighborhood's character will not diminish over time. Infill construction will be a clear product of its own time, and respect established development patterns that characterize the neighborhood.

Opportunities to tell the neighborhood's story, through interpretive signage or other means, will be fully explored and implemented. Understanding the history of the neighborhood will foster pride among local residents and businesses, and will enhance the visitor's experience.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
5. *Create a Local Historic District*
8. *Adopt a Form-based Code*

## 4. Mixed-Use Neighborhood

The India Street neighborhood is today truly a mixed-use neighborhood with residences, businesses, offices, hotels, retail, and restaurants. The neighborhood plan should allow the mixed-use nature of this neighborhood to continue and expand, with the goal of providing a fair and high quality of life for all manner of people.

Fostering a desirable and diverse neighborhood requires a certain level of services and neighborhood amenities. Important and interesting destinations, from places that supply necessities to those that supply entertainment, are within walking and bicycling distances. Real estate developments, policies, and economic development plans that maintain or grow the level of service and amenities for the neighborhood will be encouraged.

*Related Critical Actions:*

6. *Create and maintain business and resident relationships*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Cade*
11. *Create a Recreation Hub at the faot of India Street*

## 5. Vibrant Local Economy

Businesses are important to the success of a mixed-use neighborhood, and the vitality of the India Street Neighborhood economy impacts the city as a whole. The economic goals for the neighborhood are to grow employment opportunities and enhance economic vitality and sustainability.

The India Street neighborhood draws people who recognize and enjoy its unique character and heritage. Those who visit or live in the neighborhood appreciate its authenticity, local artisan retail and eating establishments, and diverse cultural history. Building on these strengths through

communication of identity, concentration of commercial uses, protection of the historic and human-scaled built fabric, and stronger relationships within the neighborhood will attract greater numbers of visitors, residents, and businesses to the area and move the neighborhood towards its economic goals.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
5. *Create a Local Historic District*
6. *Create and maintain business and resident relationships*
7. *Prioritize India Street as the Main Street*
8. *Create a Recreation Hub at the foot of India Street*

## 6. Retail Corridors

The India Street Neighborhood is home to destination food and retail businesses, among Portland's most popular. The beginnings of a retail corridor exists on India Street , the neighborhood's main street, as well as on Congress and Commercial streets, and commercial uses are dispersed across the neighborhood. The neighborhood's vitality will be heightened with more concentrated commercial activity – particularly restaurants and retail – along India and on Congress, Commercial, and Middle streets.

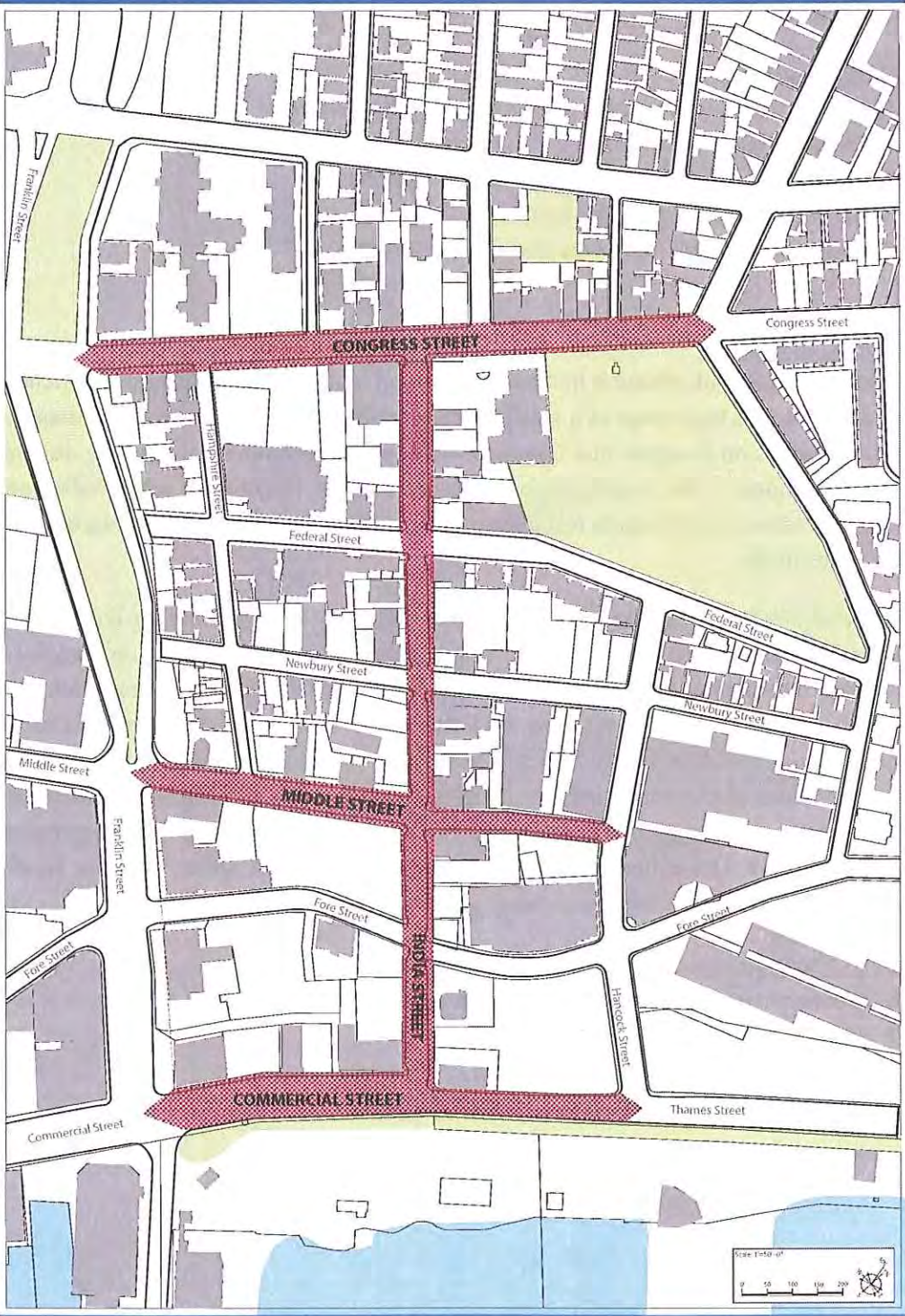
Commercial Street is a popular pedestrian route and entry into Portland for cruise ship and ferry passengers. Enticing people to the India Street Neighborhood will depend, in part, on creating a continuous "chain of crumbs" leading from Commercial up India Street. This will require a phased approach, focusing first on recruiting to India Street new retail shops and restaurants, from Commercial up to Middle streets; and then continuing this effort along India all the way to Congress Street. People attract more people; by concentrating retail to strategic corridors the streets become more active and boost economic vitality. This strategy for the neighborhood retail environment will strengthen existing businesses and attract more visitors, residents, and businesses.

*Related Critical Actions:*

6. *Creote and maintain business and resident relationships*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Code*
11. *Create a Recreation Hub at the foot of India Street*

# RETAIL CORRIDORS

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE




RETAIL CORRIDOR CONCENTRATION

## 7. Guided Growth

The India Street neighborhood is an ideal place to target sustainable growth due to the availability of development sites and existing urban infrastructure. Sustainable growth is growth that occurs in an already-established urban neighborhood, taking advantage of existing infrastructure and services. In the case of India Street, the vision is also for residential growth that supports the neighborhood. The district will accommodate a reasonable share of regional growth over the next 25 years, based on its size and proximity to downtown; and gain critical mass that will support a diverse, vibrant, and mixed-use urban neighborhood. The neighborhood desires a healthy mix of uses. The type of growth will be primarily residential with a substantial increase in housing units;there is already an ample supply of hotels developed. Growth will also come from increased density of smaller units of development rather than increased height. All of this growth will only add to its activity and vitality, promoting it as a vibrant neighborhood center within Portland.

There are several areas in which this growth will be located. Due to availability and size of land, significant growth will occur on large redevelopment sites toward the waterfront. As an urban avenue, Franklin Street has valuable frontage along which new development will redefine the neighborhood's edge and contribute to its identity as a desirable residential/mixed-use district. Smaller infill developments will be strongly encouraged as a way to expand the capacity for neighborhood growth and test prospective housing unit types.

*Related Critical Actions:*

2. *Adopt policies that promote the creation of affordable housing*
8. *Adopt a Form-based Code*

## 8. Form of Development

Neighborhood growth will carefully consider of form and scale, with an emphasis on "human scale" development and good quality design. Graduation of form will vary by location so that future new development is appropriate to its surrounding context. Within intact historic streets, form is modulated to approximate surrounding building forms. In larger blocks presently dominated by surface parking, new buildings will be scaled proportionately to allow larger buildings with mass and scale designedto achieve a human scale street presence, protection of street view corridors, and varied and permeable block faces. The intended outcome will be a harmonious composition of new and old buildings that fit well together to create a lively fabric of modern and traditional building forms.

**The Importance of Form** – The identity of a downtown adjacent neighborhood is dictated in large part by its scale and pedestrian-friendly design. Critical elements include[1]:

[1] These are drawn from the India Street Neighborhood workshop discussion, the City's design manual, and reference materials such as Ewing and Bartholomew, *Pedestrian- and Transit-Oriented Design* (2013).

- Relatively high residential density within a relatively small district, putting many people within walking distance of many activities and, for trips outside of the district, regular and reliable bus service with bus stops;
- A fine-grained mix of uses – both horizontal and vertical – that invite a flow of people at different times of the day, seven days a week;
- A street pattern with pedestrian-scaled blocks. Longer blocks and larger buildings will be interrupted and made permeable by mid-block pedestrian ways, alleys, or streets;
- Continuous sidewalks designed with universal access and widths scaled to the pedestrian activity of the street, to allow two couples walking in opposite directions to comfortably pass each other;
- Strong street walls with development placed close to the property line at street frontage
- Street-oriented buildings, with commercial and mixed use buildings with "permeable" facades – front entrances and fenestration that relate to the street;
- Human-scale buildings – neither so tall as to block a pedestrian's cone of vision at four stories, nor so horizontally large or dominated by a single use as to discourage the casual interaction between pedestrians and a mix of uses along the street.

*Related Critical Actions:*

5. *Create a Local Historic District*
8. *Adopt a Form-based Code*

## 9. Compassionate and Supportive Community

The India Street neighborhood continues a history of welcoming. A walk around the neighborhood reveals a plethora of services and resources ranging from immigrant and elderly services at Catholic Charities, resources for the homeless population at the Cathedral complex and Milestone, low-income housing for the elderly at North School, education opportunities at the Portland Adult Education building, and abundant medical and mental health practices. The compassionate and supportive nature of this neighborhood will be encouraged to prosper; it will continue to be a hospitable landing place for those seeking opportunity in Portland whether it be a new immigrant resident or a fledgling economic enterprise. Efforts to make it accessible with connectivity, transit, and streetscape improvements will go a long way to foster this kind of community.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
9. *Support Transportation Infrastructure initiatives*

## 10. Connected Neighborhood

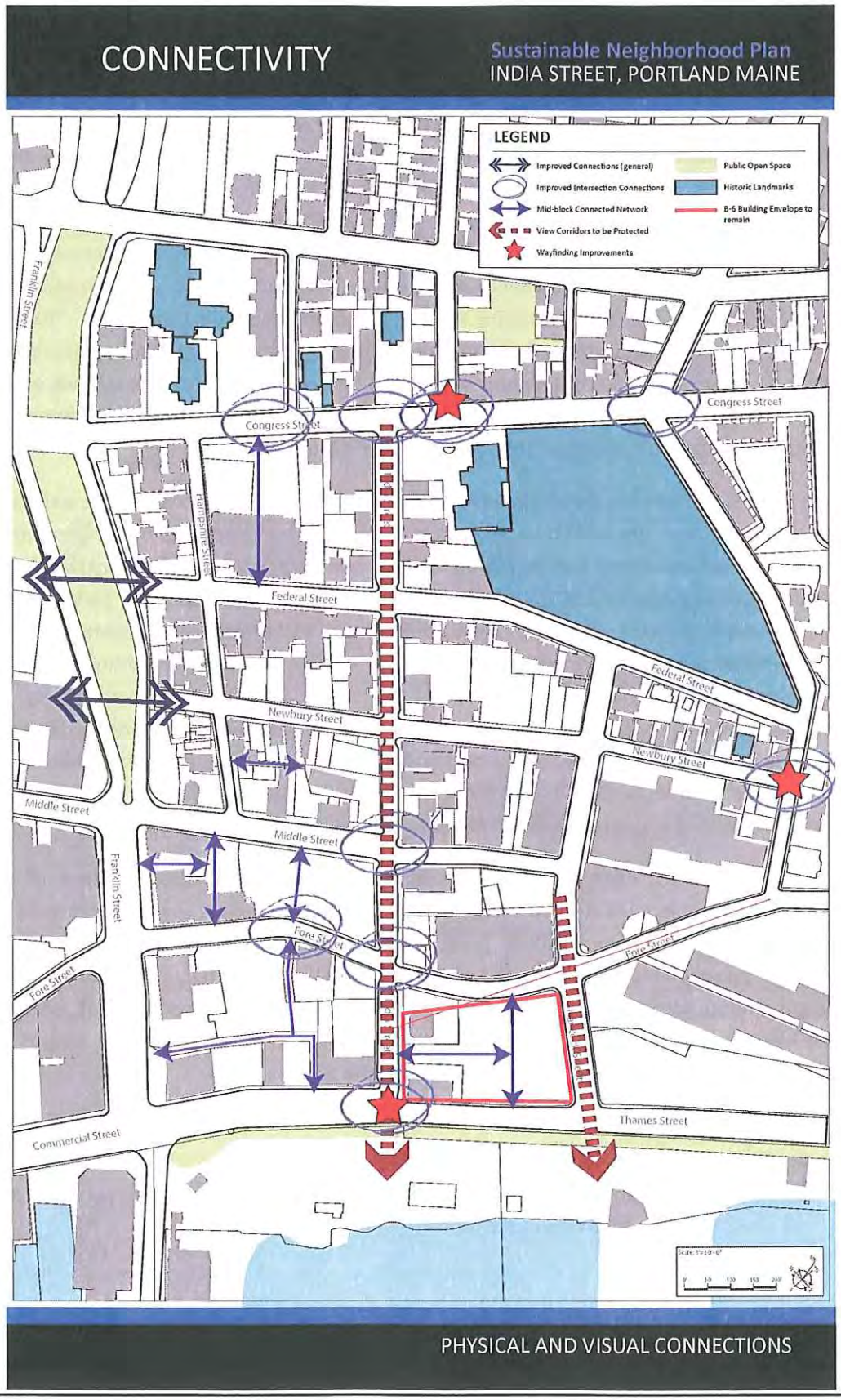
A downtown-adjacent neighborhood that is disconnected from its downtown is an undervalued and underutilized asset. The *adjacent* nature of this neighborhood is both unique and full of potential. India Street abuts many wondrous assets and resources – residential neighborhoods, the downtown district, and the waterfront. *Connections* to these nearby assets and amenities are fundamental to its economic vitality and greater quality of life. Services and opportunities – from jobs to entertainment to governmental services – will be improved by strengthening the connectedness of the neighborhood. From the point of view of the India Street neighborhood, the redesign of Franklin Street is driven in large part by the desire to re-connect this neighborhood and the Downtown. The Transportation Plan of the Comprehensive Plan states, "The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto." Reconnecting dead-end streets and formalizing well-loved but informal connection points will help to knit the India Street neighborhood into the city.

The India Street neighborhood already has the fundamental characteristics of a walkable, bikeable neighborhood and the additional advantage of being a transportation hub. The combination of neighborhood adjacency and increased density reinforce the use of alternative transportation modes, reducing dependency on automobiles and allows for the relaxing of parking requirements. Improvements to the local street system, trail system, and transportation system will give priority to connectivity on multiple scales - connectivity to surrounding neighborhoods, connectivity to neighboring assets such as Lincoln Park and the waterfront, and connectivity within the neighborhood, itself. Emphasis will be on pedestrian, bicycle, and transit modes. The walkability of the neighborhood, proximity to jobs on the Portland peninsula, and the availability of bus service will reduce auto dependency. Increased density will support public transportation with shorter time intervals, which, in turn encourages use and viability of the transit system.

Visual connections, especially to the waterfront, are another important type of connection. Wherever possible, access to the waterfront – visual and physical – will be provided as a public amenity. New development will be conscientious of its relationship to the water; view corridors through public rights of way to the water will not be obstructed. Visibility to and from the neighborhood, across Franklin Street and from the water and Commercial Street, will contribute to the identity and presence of the neighborhood, serving to attract visitors as well as elevate the relationship of the neighborhood with the rest of the city.

*Related Critical Actions:*

8. *Adopt a Form-based Code*
9. *Support Transportation Infrastructure initiatives*
11. *Create a Recreation Hub at the foot of India Street*


CONNECTIVITY
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
LEGEND
Improved Connections (general)
Improved Intersection Connections
Mid-block Connected Network
View Corridors to be Protected
Wayfinding Improvements
Public Open Space
Historic Landmarks
B-6 Building Envelope to remain
Franklin Street
Congress Street
Congress Street
Hampshire Street
Federal Street
Federal Street
Newbury Street
Newbury Street
Middle Street
Middle Street
Franklin Street
Fore Street
Fore Street
Fore Street
Commercial Street
Thames Street
PHYSICAL AND VISUAL CONNECTIONS

## 11. Quality Infrastructure

The streetscape and landscape play an important role in supporting the neighborhood identity and affording a comfortable, inviting, and human-scaled environment. For infrastructure, emphasis will be placed on the experience one has travelling to and throughout the neighborhood, with Complete Streets as the adopted City strategy. The street grid and transportation infrastructure will be improved with priority given to pedestrian, bicycle, and transit modes. Strategies to improve the streetscape will include increased street trees and plantings, lighting, public restrooms, green infrastructure implementation, wider sidewalks and improved universal access in public right of ways, street furniture deployment, and a neighborhood-wide analysis to evaluate the potential to underground utilities. Neighborhood identity will be reinforced through streetscape design elements with particular priority on India Street which will include street trees, public art, unique and cohesive street furniture, pavement options that have a storytelling or identity component, and gateway elements signaling entrances to the neighborhood.

Vehicle parking, especially surface parking lots, will be de-emphasized. On-street parking, reduced off-street parking requirements, modest off-street lots, structured parking, and car-sharing services will all be needed to satisfy demand. In the India Street neighborhood, the recent structured parking with excess space (as of 2013) was created to relieve some of the constraint that might otherwise exist and to facilitate development of surrounding parcels. Use of shared parking and utility infrastructure strategies will be encouraged.

Finally, improvements to telecommunication infrastructure is crucial to making the India Street neighborhood and the city an attractive place to locate for residents and businesses who increasingly rely on internet access for quality of life and work.

*Related Critical Actions:*

*7. Prioritize India Street as the Main Street*
*9. Support Transportation Infrastructure initiatives*
*10. Improve neighboring recreation amenities and connections to them*
*12. Make India Street a model for stormwater management*

## 12. Ample Recreation and Open Space

Open space is a most precious commodity in the small, urban India Street neighborhood. Open space amenities greatly enhance quality of life for residents and workers, make for a more attractive built environment, and create opportunities for community gathering and interaction. Every opportunity to improve or enhance public open spaces will be pursued. This principle addresses a guiding principle of the existing open space and recreation plan for the City of Portland, *Green Spaces, Blue Edges:*

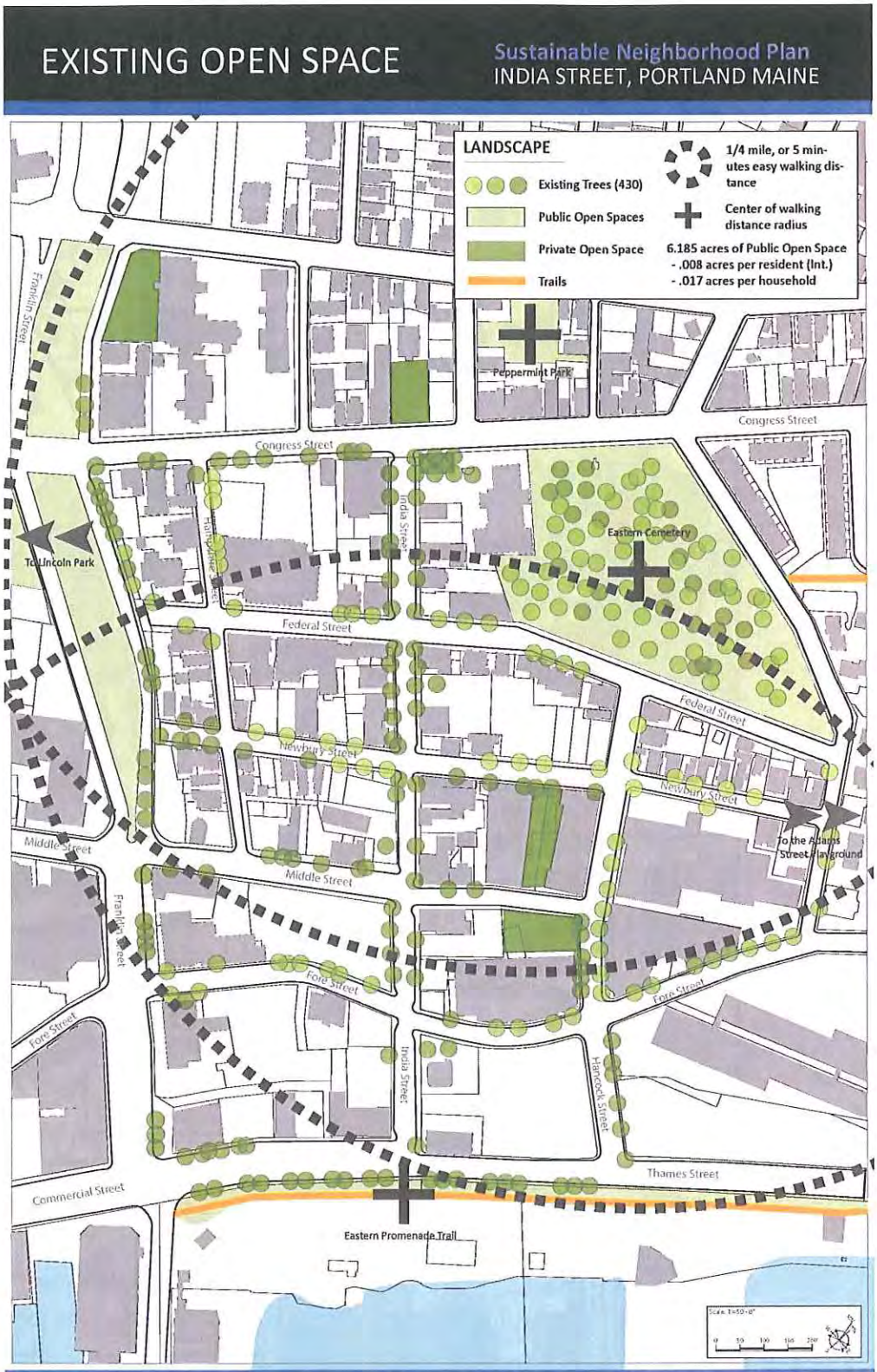
Neighborhoods form the foundation of *Green Spaces, Blue Edges.* The plan exists to serve the health and enjoyment of the neighborhood residents.

- Neighborhoods should have open space focal points
- Recreational opportunities should be available for all ages and genders
- Neighborhood open space should be within walking distance
- Portland residents appreciate their park system

The neighborhood has three avenues to maximize the potential for open spaces of different types and uses: 1) Create new open spaces at the pumping station property, along Franklin Street, and at the foot of India Street, 2) Improve and maintain existing spaces (including private green spaces) within the neighborhood by implementing the Eastern Cemetery Master Plan, for example, and 3) Connect to surrounding open space amenities such as Lincoln Park, playgrounds in Peppermint Park and Adams Street, and the Eastern Promenade Trail.

*Related Critical Actions:*

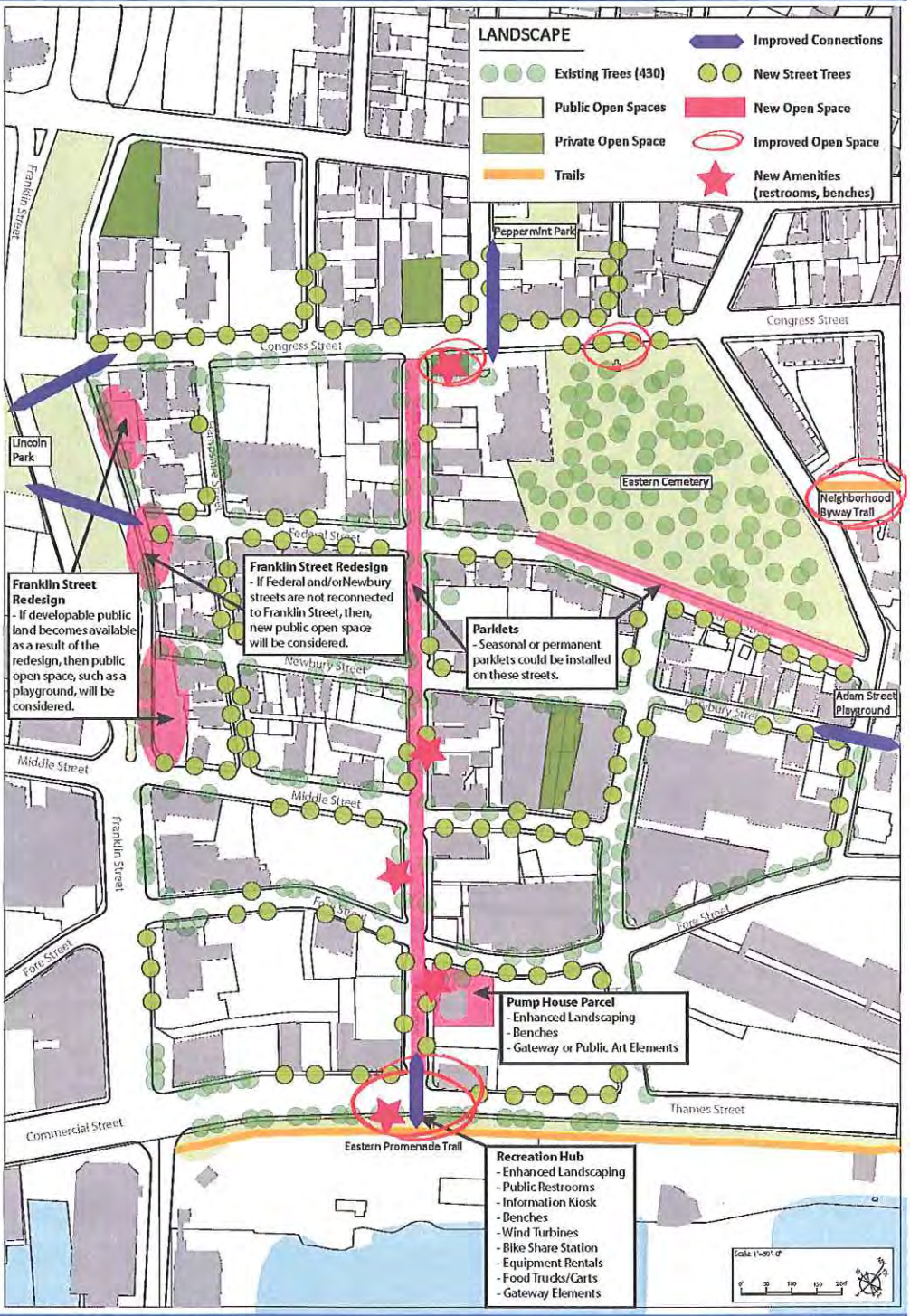
9. *Support Transportation Infrastructure initiatives*
10. *Improve neighboring recreation amenities and connections to them*
11. *Create a Recreation Hub at the foot of India Street*




Existing Open Space, Recreation, and Landscape Plan

# PROPOSED OPEN SPACE

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE




Proposed Open Space, Recreation, and Landscape Plan

## 13. Responsive to Climate Change

As a waterfront-adjacent district, climate change is especially compelling to the India Street neighborhood. Adapting to sea-level rise, reducing stormwater runoff, and mitigating heat island effect are especially important to address, as the neighborhood continues to develop and improve. Future plans for this district will consider such features as low-impact design in public and private development, reduction in impervious surfaces and subsequent opportunity to increase greenery and street trees, flexible ground floor designs, and treatment of roof surfaces to reduce heat island effect and solar reflectance. Incremental changes, including modifying structures and facilities on the water's edge to be more resilient to sea-level rise, will be pursued by both public and private interests. The future India Street neighborhood will be a model to demonstrate that planning for climate change is a benefit to residents', visitors', and workers' quality of life and the quality of the built environment.

*Related Critical Actions:*

*7. Prioritize India Street as the Main Street*

*9. Support Transportation Infrastructure initiatives*

*12. Make India Street a model for stormwater management*

# Implementation Plan

Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each Working Group. The **twelve** strategies below meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process, as they are at once:

Specific
Measurable
Attainable
Realistic
Tangible

## Critical Action 1

### Capture the distinctive and authentic neighborhood identity

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

## Critical Action 2

### Adopt policies that promote the creation of affordable housing

It is in the public interest to promote an adequate supply of housing that will keep the India Street neighborhood livable for a diverse mix of residents. To promote the creation of affordable housing the City should review, amend, and adopt regulatory policies that encourage developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing; and, by doing so, promote the health, safety, and welfare of citizens. The regulatory review should include parking requirements, height bonuses, residential density restrictions, and the consideration of new affordable housing policies.

# Critical Action 3

## Take advantage of existing housing programs and resources

The India Street neighborhood is eligible to take advantage of various programs and resources, local and federal, that will expand and diversify housing choices. The critical action will be to identify the neighborhood as a focus area for programs such as:

- Community Development Block Grants (CDBG)
- HOME Program investment
- HUD 5-year (2015-2020) Consolidating Plan Process to conduct market study
- City of Portland Housing Replacement Ordinance
- Hire a Housing Planner for the Housing & Community Development Office

# Critical Action 4

## Consider building affordable housing on the City-owned property at Middle and Franklin streets

The City has an opportunity to contribute to resident diversity by designating city-owned property for the development of affordable housing. Affordable housing, especially for families with children, is lacking within the neighborhood. The parcel of land at Middle and Franklin Streets has been identified as a potential site to build affordable housing that will serve as a catalyst for other private development in the neighborhood.

# Critical Action 5

## Create a local Historic District

Portland's historic building fabric is a defining characteristic of the city. Designating the India Street Neighborhood as a local historic district will put into place a process to guide change over time. Historic preservation regulations encourage thoughtful rehabilitation of an area's historic buildings as well as compatible infill development. As has been proven in Portland's other commercial and residential historic districts, historic preservation is a successful economic and community development strategy. This land use regulatory program has been shown to instill pride of place, provide a measure of assurance that investment in the district will be protected, and ensure that the area retains an authenticity that attracts locals and visitors alike.

The City will designate India Street and the surrounding neighborhood as a local historic district, subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code) with boundaries developed through a rigorous survey and coordinated with the Maine Historic Preservation Commission. Developers will receive additional benefit from historic designation if the City also secures National Park Service certification for the India Street Historic District, and provide access to state and federal historic rehabilitation tax credits.

# Critical Action 6

## Create and maintain business and resident relationships to strengthen the community

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. Examples of such program are as follows:

- Annual and monthly promotions – events to bring together businesses and residents
- Neighborhood-exclusive soft openings when new businesses open
- Discounts for neighborhood residents/employees (perhaps with a card)
- Cross-business promotions
- Parking validation agreements with City and local providers to make residential, worker, and customer parking more readily available.
- The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

# Critical Action 7

## Prioritize India Street as the Main Street

Because of its mixed-use character, a downtown-adjacent neighborhood needs a "main street" of its own. In this case, India Street is the neighborhood's *de facto* main street with the intersection at Middle Street as a key junction; and strategies will reinforce and strengthen its role as such. Retail activity is encouraged on India Street, and a high level of transparency and activity is expected from future development along the corridor. To assist in this kind of activity, the City's Façade Improvement Program will be targeted on India Street. The streetscape of India Street plays an important role in portraying the unique identity the neighborhood, and streetscape improvements should be focused on India Street. Neighborhood identity will be reinforced through streetscape design for India Street that will include public art, lighting, unique and cohesive street furniture, pavement options with storytelling aspects, and gateway elements. The street should be inviting with continuous street trees and plantings; and infill development is encouraged to build an active street wall. Vacant lots could become sites of temporary installations or pop-up retail to invite activity. Streetscape improvements should be of high quality materials, and designed and coordinated to increase their visual impact.

# Critical Action 8

## Adopt a Form-based Code

Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing

zoning code in place over the extent of the neighborhood boundary.[2] Under the proposed form-based Code, new development and significant renovations will carefully consider the building's relationship with the streetscape and have forms compatible with the existing built fabric. The FBC also will encourage small infill development and dense housing development through height and parking bonuses and by relieving residential density restrictions. An additional goal of the FBC will be to provide a clear and consistent review process to guide development and manage change.

# Critical Action 9

## Support Transportation Infrastructure initiatives to increase connection and mobility within the neighborhood

To reach its goals of connectivity and multi-modal priority, the neighborhood supports city-wide initiatives to improve safety and access to transit, biking, and walking. The neighborhood will be proactive in taking advantage of the following initiatives and programs being planned:

- Transit System (METRO) – Support enhanced service such as the proposed link from the Transportation Center to the Casco Bay Lines Terminal; proposed bus routing changes; and increased frequency and synchronization of service
- Transportation Choices – Support efforts to expand car-share locations, and start a bike share program with stations in the India Street neighborhood
- Franklin Street Redesign – The neighborhood will benefit greatly from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely
- Parking Requirements – Current revisions to the Sustainable Transportation Fund are under review that may have positive impacts on parking requirements for developments, and enable more small, infill projects to be feasible in the India Street Neighborhood
- Complete Streets Design Manual – Support the adoption of Complete Streets and encourage the City to implement these types of improvements within the neighborhood, especially on India Street
- Implement and expand upon the adopted City Wayfinding plan, especially targeted to pedestrian and tourist wayfinding

# Critical Action 10

## Improve neighboring recreation amenities and connections to them

Open space is a precious commodity in India Street as a small, urban neighborhood. One strategy for providing open space to the neighborhood is through improved access to surrounding open space amenities including Lincoln Park, the Waterfront, the Adams Street Playground, and Peppermint Park. An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets.

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[2] Definition from the Form-Based Codes Institute: http://formbasedcodes.org/definition

- Pump Station parcel – This parcel provides an opportunity for prime open space improvements.
- Lincoln Park – Efforts are underway to restore and improve the park and increase neighborhood access, and to encourage new development around the park to enliven its use.
- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

# Critical Action 11

## Create a Recreation Hub at the foot of India Street

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day's excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

# Critical Action 12

## Make India Street Neighborhood a model for stormwater management

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

Strategies include:

- Complete Streets: Development will continue to provide opportunities to create Complete Streets and improve hydrologic function for resilience.
- Reduce Stormwater Runoff: Impervious surfaces of surface parking lots are another major contributor to stormwater runoff quantity and water quality; development will be designed to reduce impact of surface flow across Commercial Street and to mitigate impacts on land-side structures. The City is moving towards adopting a Stormwater Service Charge that will provide economic incentives for developers and property owners to reduce and treat runoff.
- Green Infrastructure: Low-impact design and green infrastructure strategies will be implemented wherever possible.


India Street Neighborhood is directly adjacent to (and uphill from) 4 Combined Sewer Overflow Outfall locations. Reduction of impervious surfaces and improvements to the treatment of stormwater in the neighborhood may have a direct and beneficial impact on this city-wide problem

# India Street

# Sustainable Neighborhood Plan

## Portland, Maine

—

**Final ISNAC Draft, September 2014**

## Part 2: Implementation Tools


**Aspirations for the India Street Neighborhood**

From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consultants, February 2014

# Implementation Plan

Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each Working Group. The **twelve** strategies below meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process, as they are at once:

**S**pecific
**M**easurable
**A**ttainable
**R**ealistic
**T**angible

# Critical Action 1

## Capture the distinctive and authentic neighborhood identity

### Background

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

### Proposal: Identity Strategy Initiative

Develop and release Request for Proposals (RFP) for a branding/marketing firm to develop a strategic plan that promotes the neighborhood's identity. The target audience is people who live, work and visit the neighborhood. The RFP should also include an initial roll out strategy and ongoing marketing plan (print, ISN website, social media, etc.). The values word cloud provides a sense of what is at the core of the neighborhood and will be useful for inclusion in the RFP.

### Potential Issues

- Finding sufficient funds to meet the estimated budget for implementation of this action;
- The timeframe for implementation, given that public process is crucial to ensuring that the neighborhood businesses and residents take ownership of the identity strategy and are committed to supporting it.

### Financial Resources

Budget: $75,000
Sources: Might include grants, CDBG program funds, City Budget, Local business contributions

### Timeframe

Timeline: One year to rollout - June 2015 or 2016 depending upon funding cycle.

### Responsibilities

Responsible Parties: India Street Neighborhood Association lead, assistance from City Staff (Communications Director, Economic Development and Planning)

### Stakeholders

- Business Owners
- Residents
- India Street Neighborhood Association

# Critical Action 2

## Adopt policies that promote the creation of affordable housing

### Background

It is in the public interest to promote an adequate supply of housing that will keep the India Street neighborhood livable for a diverse mix of residents. To promote the creation of affordable housing the City should review, amend, and adopt regulatory policies that encourage developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing; and, by doing so, promote the health, safety, and welfare of citizens. The regulatory review should include parking requirements, height bonuses, residential density restrictions, and the consideration of new affordable housing policies.

### Proposal

This critical action step supports the use of public policy to encourage small infill and rental housing development.

### Potential Issues

Careful attention should be paid to crafting policies that provides incentives so as to not discourage future development in Portland.

### Financial Resources

Budget: While no additional revenue is required to review, amend, and adopt regulatory policies, revenue may be generated by fees associated with these policies that could be used to create affordable housing.

### Timeframe

Timeline: 6-8 months

### Responsibilities

Responsible Parties: Planning and Urban Development Department Staff, including staff from the Planning Division and the Housing and Community Development Division under the direction of the City Council and the Housing and Community Development Committee

### Stakeholders/Partners

- Residents and Property Owners
- For-Profit and Non-Profit Real Estate Developers

# Critical Action 3

## Take advantage of existing housing programs and resources

### Background

The India Street neighborhood is an eligible Community Block Grant Neighborhood (CDBG) and is positioned to take advantage of various programs and resources, local and federal, that will expand and diversify housing choices. Programs include the Community Development Block Grant Program (CDBG), the HOME Investment Program (HOME), and the HUD 5-year (2015-2020) Consolidating Plan process.

### Proposal

The critical action will be to identify the neighborhood as a focus area for programs such as:

- Community Development Block Grants (CDBG)
- HOME Investment Program
- HUD 5-year (2015-2020) Consolidating Plan Process to conduct a housing market study
- City of Portland Housing Replacement Ordinance

Action items to leverage CDBG funds:

1. Identify the neighborhood as a focus area and bonus points and scoring incentives would be provided to eligible neighborhood-based applications.
2. Use Federal HOME Program funds to encourage affordable housing development in the area.
3. Conduct a housing market study of the City, including the India Street neighborhood, using the HUD 5-year (2015-2020) Consolidating Plan process.
4. Hire a Housing Planner for the Housing & Community Development Office.

The results of the housing market study and the addition of a Housing Planner in the Housing & Community Development Office will help to craft a plan on the most efficient use of locally administered resources such as the Housing Trust Fund and Affordable Housing Tax Increment Financing.

### Potential Issues

Since 2010 CDBG funds have been cut by nearly 22% and HOME has been cut by 34% which significantly impacts the level of resources available and increases the competition for these resources. Other funding sources and partners will be required.

### Financial Resources

Budget: N/A
Sources: The City has access to financial resources that can be utilized in the implementation many of the Critical Action steps identified in this Plan. CDBG and HOME Program resources will be used to complete the housing market study. Salary and other administrative costs for the Housing Planner position are covered by CDBG and HOME Program resources as well as city general fund.

## Timeframe

Timeline:

- Implement funding source focus area into FY15/16 funding cycle (CDBG, HOME, Housing Trust Fund)
- Market study completed for HUD 5 year Consolidated Plan by May 2015
- Housing Planner on staff in the Fall of 2014

## Responsibilities

Responsible Parties: Housing and Community Development Division under the direction of the City Council and the Housing and Community Development Committee

## Stakeholders/Partners

- Maine State Housing Authority
- U.S. Dept. of Housing and Urban Development
- Local Banks
- Residents and Property Owners
- Non-Profit Social Service Providers
- City of Portland Public Works Department
- For-Profit and Non-Profit Real Estate Developers

# Critical Action 4

## Consider building affordable housing on the City-owned property at Middle and Franklin streets

### Background

The City has an opportunity to contribute to resident diversity by designating city-owned property for the development of affordable housing. Affordable housing, especially for families with children, is lacking within the neighborhood. The parcel of land at Middle and Franklin Streets has been identified as a potential site to build affordable housing that will serve as a catalyst for other private development in the neighborhood.

### Proposal

The development of new housing is expensive. The high cost of land in Portland is often identified as the main impediment in the development of affordable housing. The City can incentivize the development of affordable housing by offering City-owned property as development sites. 83 Middle Street has been identified as a potential development site.

### Potential Issues

The 83 Middle Street site is currently used by the Police Department for employee parking. In order to utilize this parcel for housing development, alternative parking for the Police Department would need to be identified.

### Financial Resources

Budget: $277,800

- The 83 Middle Street site has an assessed value of $277,800. As a City-owned parcel, it does not generate real estate tax revenue.

Sources: HOME and/or the City's Housing Trust Fund may provide additional revenue

### Timeframe

Timeline: FY15/16 funding cycle (CDBG, HOME, Housing Trust Fund)

### Responsibilities

Responsible Parties: Housing and Community Development Division in partnership with the Police Department and Parking Office under the direction of the City Council and the Housing and Community Development Committee

### Stakeholders/Partners

- Maine State Housing Authority
- U.S. Dept. of Housing and Urban Development
- Local Banks
- Residents
- For-Profit and Non-Profit Real Estate Developers

# Critical Action 5
## Create a Local Historic District

### Background
Portland's historic building fabric is a defining characteristic of the city. Designating the India Street Neighborhood as a local historic district will put into place a process to guide change over time. Historic preservation regulations encourage thoughtful rehabilitation of an area's historic buildings as well as compatible infill development. As has been proven in Portland's other commercial and residential historic districts, historic preservation is a successful economic and community development strategy. This land use regulatory program has been shown to instill pride of place, provide a measure of assurance that investment in the district will be protected, and ensure that the area retains an authenticity that attracts locals and visitors alike.

The City will designate India Street and the surrounding neighborhood as a local historic district, subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code) with boundaries developed through a rigorous survey and coordinated with the Maine Historic Preservation Commission. Developers will receive additional benefit from historic designation if the City also secures National Park Service certification for the India Street Historic District, and provide access to state and federal historic rehabilitation tax credits.

### Proposal
Designate the historic core of the India Street study area as a local historic district, subject to the provisions of Article IX (Historic Preservation) of the Land Use. The proposed district boundary will be based on the findings of an in-depth historic resource survey, consultation with the Maine Historic Preservation Commission, and analysis by ISNAC's Historic Preservation Working Group. Potentially contributing buildings and landmarks are indicated in the map below.

### Potential Issues
It is likely that some property owners will object to designation based on concerns that historic preservation regulations will limit future redevelopment options for their property. Other property owners may have concerns about complying with historic preservation ordinance requirements.

### Financial Resources
Budget: No anticipated expenses associated with designation. The historic resources inventory completed as part of this initiative was funded through an FY'13 Certified Local Government grant awarded by the Maine Historic Preservation Commission. The Planning Department's Historic Preservation staff will complete the final documentation necessary for Historic Preservation Board, Planning Board, and City Council consideration of the proposed historic district designation.

### Timeframe
Timeline: Under the requirements set forth in the historic preservation ordinance, a proposed historic district must be reviewed by the Historic Preservation Board, Planning Board, and City Council. Factoring in the time needed to conduct informational meetings with affected property owners as well as the requirement to schedule at least one workshop and one formal public hearing with three City

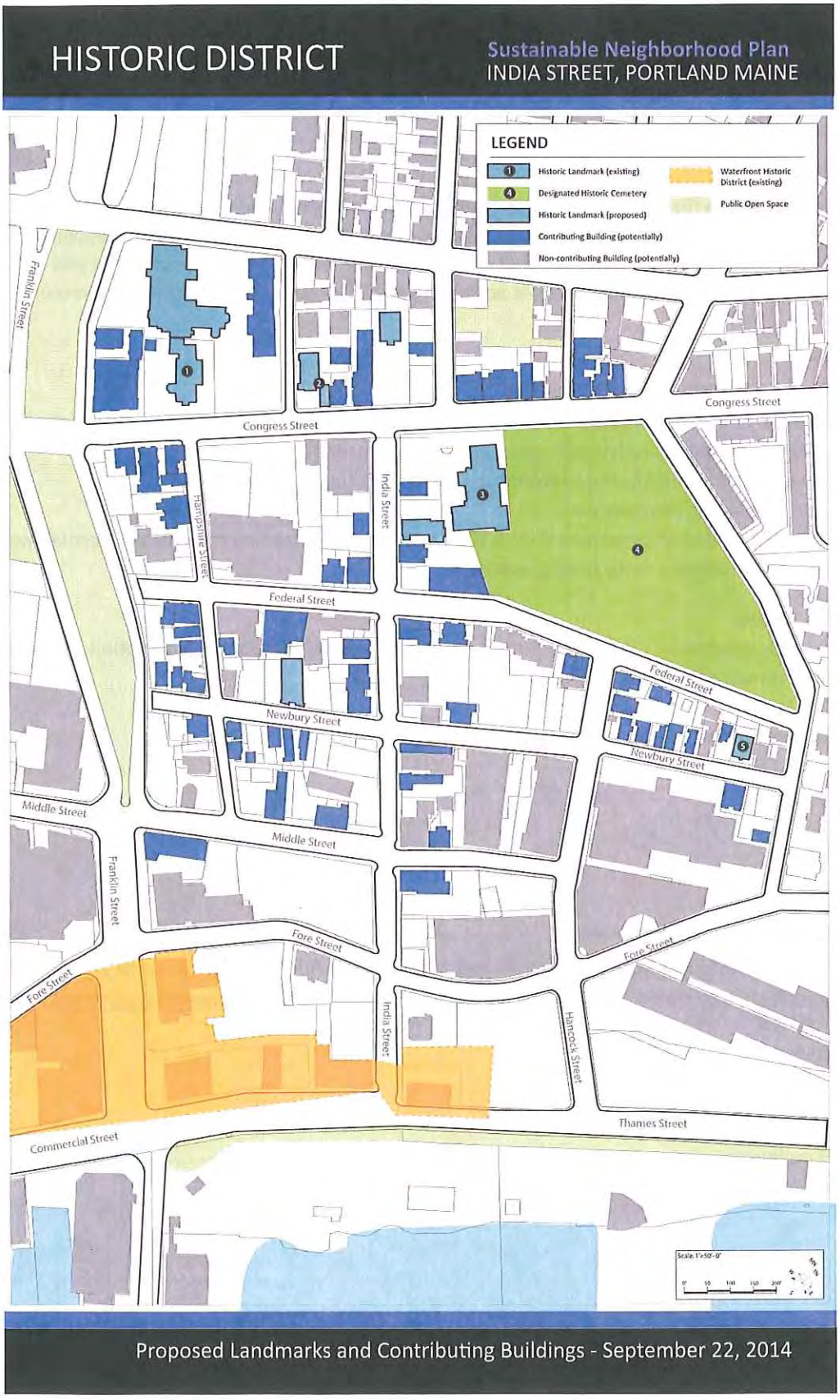
review entities, it is likely that this nomination/designation process will take a minimum of 4-5 months to complete.

### Responsibilities

Responsible Parties: Historic Preservation Program staff

### Stakeholders

- Residents
- Property Owners
- Real Estate interests
- Business owners
- India Street Neighborhood organization
- Greater Portland Landmarks
- Cultural organizations within the neighborhood, e.g. The Committee to Restore the Abyssinian


HISTORIC DISTRICT
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
LEGEND
Historic Landmark (existing)
Designated Historic Cemetery
Historic Landmark (proposed)
Contributing Building (potentially)
Non-contributing Building (potentially)
Waterfront Historic District (existing)
Public Open Space
Franklin Street
Congress Street
Hampshire Street
India Street
Federal Street
Newbury Street
Middle Street
Fore Street
Hancock Street
Thames Street
Commercial Street
Proposed Landmarks and Contributing Buildings - September 22, 2014

# Critical Action 6

## Create and maintain business and resident relationships to strengthen the community

### Background

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

### Proposal

Examples of such programs are as follows:

- Annual and monthly promotions/events to bring together businesses and residents;
- Neighborhood-exclusive soft openings for when new businesses open;
- Discounts for neighborhood residents/employees (perhaps with a card);
- Cross business promotions;
- Parking validation agreements with the City and local providers to make residential, worker, and customer parking more readily available.

### Potential Issues

There will be a substantial time commitment of India Street Neighborhood Association (ISNA) members and local businesses for ongoing implementation.

### Financial Resources

Budget: $2,000

Source: ISNA Budget

### Timeframe

Timeline: Ongoing

### Responsibilities

Responsible Parties: India Street Neighborhood Association; Additional support for parking validation agreements from City staff in the Parking Division and Economic Development Department.

### Stakeholders

- Business Owners
- Residents
- Employees

# Critical Action 7

## Prioritize India Street as the Main Street

### Background

Because of its mixed-use character, a downtown-adjacent neighborhood needs a "main street" of its own. In this case, India Street is the neighborhood's *de facto* main street with the intersection at Middle Street as a key junction; and strategies will reinforce and strengthen its role as such. Retail activity is encouraged on India Street, and a high level of transparency and activity is expected from future development along the corridor. To assist in this kind of activity, the City's Façade Improvement Program will be targeted on India Street. The streetscape of India Street plays an important role in portraying the unique identity the neighborhood, and streetscape improvements should be focused on India Street. Neighborhood identity will be reinforced through streetscape design for India Street that will include public art, lighting, unique and cohesive street furniture, pavement options with storytelling aspects, and gateway elements. The street should be inviting with continuous street trees and plantings; and infill development is encouraged to build an active street wall. Vacant lots could become sites of temporary installations or pop-up retail to invite activity. Streetscape improvements should be of high quality materials, and designed and coordinated to increase their visual impact.

### Proposal 1: Façade Improvement Program

Prepare and submit application to City's CDBG Program to fund a Façade Improvement Program that would assist businesses and property owners to enhance their storefronts. The targeted area would be India Street from Congress to Commercial Street. Should funding be approved, implement program.

### Potential Issues

Implementation would depend upon funding from the CDBG Program. Also, implementation is dependent on business and property owners' agreement to participate.

### Financial Resources

Budget: $100,000

Sources: Downtown TIF District

### Timeframe

Timeline: Application – October 2014; Implementation – July 2015

### Responsibilities

Responsible Parties: Economic Development staff lead, assistance from India Street Neighborhood Association

### Stakeholders

- Business Owners
- Real Estate Developers
- Portland Society for Architecture

### Proposal 2: Underground Electric/Communications Infrastructure

Requisition a feasibility study for the undergrounding of electric and communications utilities. Commission a preliminary engineering, cost estimating, phasing, and funding plan.

### Potential Issues

There may be a high cost associated with undergrounding utilities. As a waterfront neighborhood, the feasibility study should consider whether sea level rise and stormwater runoff will be of concern for underground utilities. The benefits must be carefully weighed with the costs and challenges.

### Financial Resources

Budget: $75,000 for preliminary engineering/phasing/funding plan

Sources: Downtown TIF District

### Timeframe

Timeline: Dependent on the adoption of the Downtown TIF district; likely to be FY2016.

### Responsibilities

Responsible Parties: Planning and Urban Development Department Staff, including staff from the Planning Division and the Economic Development Department under the direction of the City Council and the Transportation, Sustainability, and Environment Committee

### Stakeholders

- Residents
- Property Owners
- Real Estate Developers

### Proposal 3: Implement Complete Streets Design Guidelines

Comprehensive application of Complete Streets design guidelines shall be used whenever changes to the public right-of-way in the India Street neighborhood is proposed. Streetscape and right-of-way improvements such as street tree-planting, curb adjustments, and paving should be prioritized on India Street and eventually applied throughout the neighborhood.

### Potential Issues

Although a Complete Streets policy has been adopted by City Council, the Design Guidelines are not, yet, complete and have not been vetted through the City process. Most improvements in the public right-of-way occur when required by Site Plan approval for individual projects; in order to have a more comprehensive, street-wide improvement, the City will have to approve the project as part of a CIP budget year.

### Financial Resources

Budget: per-project basis

Sources: Downtown TIF District, CIP FY16, Street Tree fund

### Timeframe

Timeline: per-project basis; Complete Street Design Guidelines complete and adopted end of 2014 (projected)

### Responsibilities

Responsible Parties: Department of Public Services staff lead, Planning Division support, review

### Stakeholders

- City of Portland, Department of Public Services
- City of Portland, Parking Office
- Maine Department of Transportation
- Residents

### Proposal 4: Portland Bricks Project on India Street

Portland Bricks is a brick paver project that incorporates storytelling and wayfinding being proposed by a local ceramics artist and storyteller. The project would place brick pavers in the sidewalk of India Street that intimate stories of the neighborhood's past. The

### Potential Issues

The project has been vetted by Department of Public Services and seeking funding to proceed.

### Financial Resources

Budget: $20,000

Sources: non-profit organizations, grants, Portland Public Art Committee Community Art funding, Kickstarter

### Timeframe

Timeline: Installation in Spring/Summer 2015

### Responsibilities

Responsible Parties: Artists lead, Portland Public Art Committee Community Art funding and approval, Department of Public Services staff for installation and approval

### Stakeholders

- City of Portland, Department of Public Services
- Portland Public Art Committee
- City of Portland, Parking Office
- Maine Department of Transportation
- Residents

# Critical Action 8
## Adopt a Form-based Code

### Background

Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing zoning code in place over the extent of the neighborhood boundary.[1] Under the proposed Form-based Code, new development and significant renovations will carefully consider the building's relationship with the streetscape and have forms compatible with the existing built fabric. The FBC also will encourage small infill development and dense housing development through height and parking bonuses and by relieving residential density restrictions. An additional goal of the FBC will be to provide a clear and consistent review process to guide development and manage change.

### Proposal

Proposal and support of a new zoning code based on form and building character rather than use is proposed for the India Street neighborhood as defined by the district boundary in the FBC addendum X. A goal of the FBC will be to provide a clear and consistent review process to guide development and manage change. A draft of the Character District Plan is below.

### Potential Issues

The City has never before implemented a form-based code; ample time and consideration should be taken to ensure that this new type of zoning is well-crafted and feasible. Some property owners and developers may also show concern about zoning changes that affect height and development potential.

### Financial Resources

Budget: N/A

### Timeframe

Timeline: Review and public process – Fall 2014, Adoption by City Council – Winter 2015

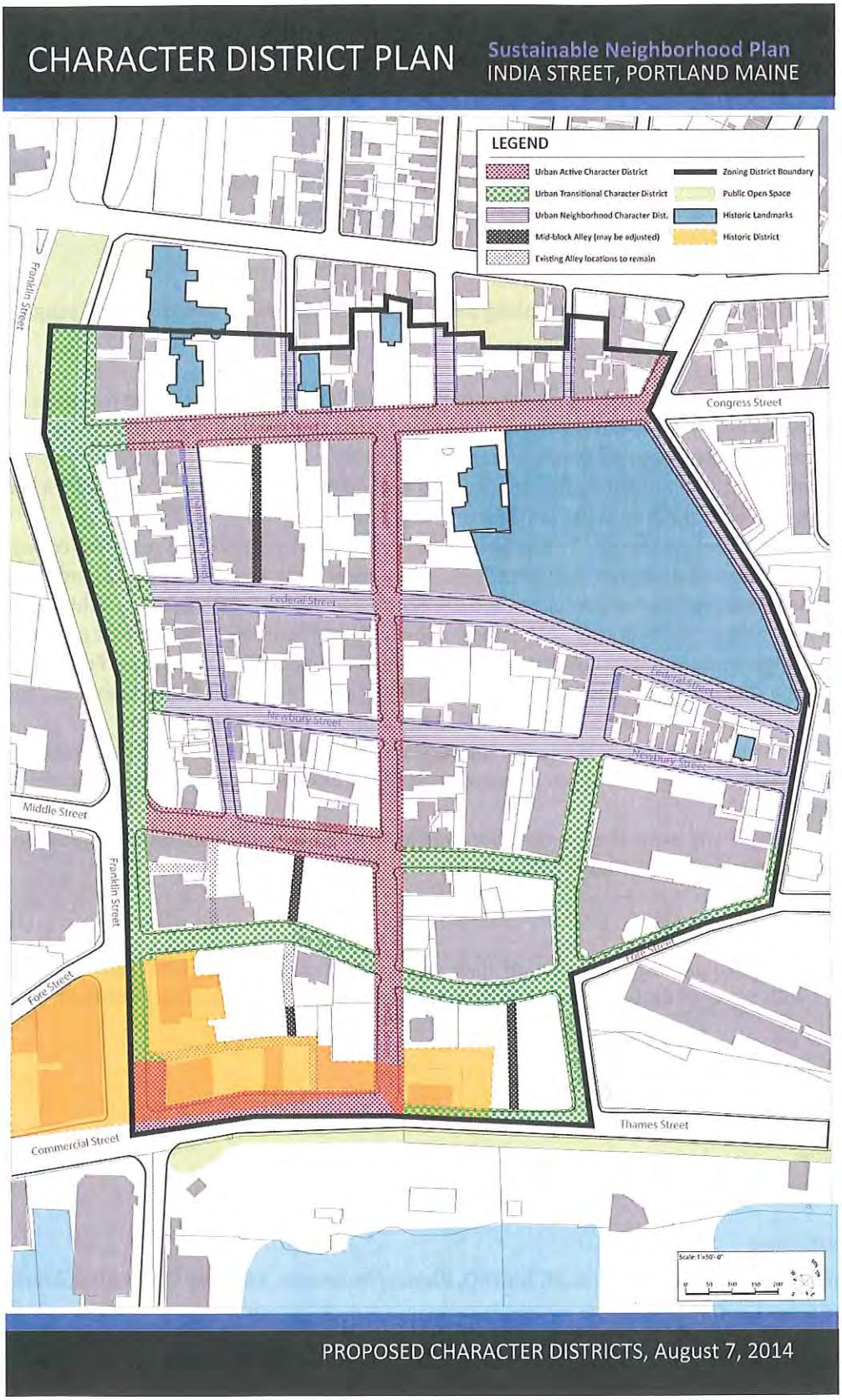
### Responsibilities

Responsible Parties: Planning Division staff

### Stakeholders

- Residents
- Property Owners
- Real Estate Developers
- Portland Society for Architecture/Architecture community
- Greater Portland Landmarks

[1] Definition from the Form-Based Codes Institute: http://formbasedcodes.org/definition


CHARACTER DISTRICT PLAN
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
LEGEND
Urban Active Character District
Urban Transitional Character District
Urban Neighborhood Character Dist.
Mid-block Alley (may be adjusted)
Existing Alley locations to remain
Zoning District Boundary
Public Open Space
Historic Landmarks
Historic District
Franklin Street
Congress Street
Federal Street
Newbury Street
Middle Street
Franklin Street
Fore Street
Commercial Street
Thames Street
PROPOSED CHARACTER DISTRICTS, August 7, 2014

# Critical Action 9

## Support Transportation Infrastructure initiatives

### Background

To reach its goals of connectivity and multi-modal priority, the neighborhood supports city-wide initiatives to improve safety and access to transit, biking, and walking.

### Proposal

The neighborhood will be proactive in taking advantage of the following initiatives and programs being planned:

- Transit System (METRO) – Support enhanced service such as the proposed link from the Transportation Center to the Casco Bay Lines Terminal; proposed bus routing changes; and increased frequency and synchronization of service
- Transportation Choices – Support efforts to expand car-share locations, and start a bike share program with stations in the India Street neighborhood
- Franklin Street Redesign – The neighborhood will benefit greatly from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely
- Parking Requirements – Current revisions to the Sustainable Transportation Fund are under review that may have positive impacts on parking requirements for developments, and enable more small, infill projects to be feasible in the India Street Neighborhood
- Complete Streets Design Manual – Support the adoption of Complete Streets and encourage the City to implement these types of improvements within the neighborhood, especially on India Street
- Implement and expand upon the adopted City Wayfinding plan, especially targeted to pedestrian and tourist wayfinding

### Potential Issues

Proposed changes to parking requirements have shown to be contentious in Portland. The greatest challenges with many of these initiatives will be funding and cross-organization coordination.

### Financial Resources

Budget: varies

### Timeframe

Timeline: varies

### Responsibilities

Responsible Parties: varies – City staff, METRO, Bicycle/Pedestrian Advisory Committee, Franklin Street Public Advisory Committee

**Stakeholders**

- Residents
- Employees
- Business Owners
- Real Estate Developers
- Tourists
- Health services users
- Island commuters
- METRO

# Critical Action 10

## Improve neighboring recreation amenities and connections to them

### Background

Open space is a precious commodity in India Street as a small, urban neighborhood. One strategy for providing open space to the neighborhood is through improved access to surrounding open space amenities including Lincoln Park, the Waterfront, the Adams Street Playground, and Peppermint Park. An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets.

### Proposal

An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets:

- Pump Station parcel – This parcel provides an opportunity for prime open space improvements.
- Lincoln Park – Efforts are underway to restore and improve the park and increase neighborhood access, and to encourage new development around the park to enliven its use.
- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

### Potential Issues

Securing the funding for each of these projects will be a challenge.

### Financial Resources

Budget: unknown
Sources: CDBG, CIP, grants

### Timeframe

Timeline: varies

**Responsibilities**

Responsible Parties:

- Lincoln Park: Historic Preservation Program staff, Department of Public Services staff, Friends of Lincoln Park
- Adams Street Playground: Planning & Urban Development staff, Department of Public Services staff
- Peppermint Park: Planning & Urban Development staff, Department of Public Services staff
- Eastern Promenade Trail: Planning & Urban Development staff, Department of Public Services staff, Portland Trails
- Neighborhood Trail Byway: Planning & Urban Development staff, Department of Public Services staff, Portland Trails
- Pump House Parcel: Planning & Urban Development staff, Department of Public Services staff, Public Water Commission

**Stakeholders**

- Residents
- Employees

# Critical Action 11

## Create a Recreation Hub at the foot of India Street

### Background

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day's excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

### Proposal

The creation of a Recreation Hub at the foot of India Street will include infrastructure improvements, economic development, and events and promotion. Possible implementation strategies should include:

- Public open space improvements adjacent to trail
- Gateway and wayfinding elements (public art, wind turbines)
- Bicycle share stations
- Enhanced bicycle amenities - Bicycle corral on Commercial at Crema Café installed Fall 2014
- Information kiosk
- Public restrooms
- Car-free Street events (eg Sundays on the Boulevard)
- Recreation-related businesses/kiosks/carts (rentals, gear, food)
- Improved and safe connections across Commercial/Thames Street
- Programs, tours, and events
- Improved/additional streetscape features including lighting, seating, and trash receptacles

### Potential Issues

This effort will require a great deal of coordination and promotion efforts between the City, Portland Trails, the Convention and Visitors Bureau, and neighborhood business. An incremental approach is likely.

### Financial Resources

Budget: unknown

Sources: Downtown Infrastructure TIF, CIP, grants, public/private partnerships

### Timeframe

Timeline: ongoing

### Responsibilities

Responsible Parties: Planning and Urban Development staff design, Department of Public Services staff implementation – bicycle share, city land improvements, information and public restroom kiosks, pedestrian crossing improvements; India Street Neighborhood Association and Economic Development Department staff – recreation-based business attraction and programs, promotion; Portland Trails and Convention and Visitors Bureau – coordination on public land and trail improvements, promotion

### Stakeholders

- Residents
- Tourists
- Sail Maine
- Business Owners (especially mobile and recreation-based retail)
- Portland Trails
- Ocean Gateway Terminal
- Casco Baylines

# Critical Action 12

## Make India Street Neighborhood a model for stormwater management

### Background

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

### Proposal

Requisition a study on the stormwater needs and potential implementation throughout the neighborhood on public and private property. Based on the recommendations of the study, an implementation plan and budge will be created. Implementation strategies will likely include: green infrastructure, Stormwater Service Charge, Low-impact design, decrease impervious surfaces, increase in pervious surfaces (sidewalk materials, green roofs, street trees).

Potential strategies include:

- Complete Streets: Development will continue to provide opportunities to create Complete Streets and improve hydrologic function for resilience.
- Reduce Stormwater Runoff: Impervious surfaces of surface parking lots are another major contributor to stormwater runoff quantity and water quality; development will be designed to reduce impact of surface flow across Commercial Street and to mitigate impacts on land-side structures. The City is moving towards adopting a Stormwater Service Charge that will provide economic incentives for developers and property owners to reduce and treat runoff.
- Green Infrastructure: Low-impact design and green infrastructure strategies will be implemented wherever possible.

### Potential Issues

The greatest barrier would be cost of implementation; ideally, public and private interests would both contribute to this goal.

### Financial Resources

Budget: unknown

## Timeframe

Timeline: Stormwater Service Charge Winter 2015 (projected); Study dependent on CIP funding and Downtown TIF District

## Responsibilities

Responsible Party: Stormwater Division, Department of Public Services staff lead , Planning & Urban Development staff

## Stakeholders

- Waterfront industry and property owners
- Residents
- Property Owners
- Real Estate Developers


India Street Neighborhood is directly adjacent to (and uphill from) 4 Combined Sewer Overflow Outfall locations. Reduction of impervious surfaces and improvements to the treatment of stormwater in the neighborhood may have a direct and beneficial impact

# Meeting Notes

# & Minority Report

**Meeting 13 – Notes**
**India Street Neighborhood Advisory Committee**
**8/7/14**

**Attendance**

- 11 (out of 19) ISNAC members attended the meeting - the attendance sheet is attached
- 9 (out of 19) ISNAC members were present for entire meeting – 3 members had to leave before the voting portion of the meeting
    - Two ISNAC members attended the meeting but left before the voting portion
    - Co-chair Donoghue attended the meeting but left after the first vote

**Requested revisions to Plan document:**

- Please see attached Plan document with requested revisions in redline.
- It was further requested that staff check this Plan is not in conflict with existing components of the Comprehensive Plan
- After a proposal and discussion, it was determined that the Form-based Code documents would be separated from the Plan and would not be included as an addendum. The Plan still recommends that a Form-based Code be adopted.
- After a proposal and discussion, it was determined that the Inclusionary Zoning Ordinance would be separated from the Plan and would not be included as an addendum. The Plan recommends evaluation of an Inclusionary Zoning Ordinance and supports policies and efforts that create affordable housing in the neighborhood.

**Votes Taken:**

Vote 1: Mazer moves and Donoghue seconds the motion that building height in the neighborhood shall be controlled by the Form-based Code and not the Historic District. (9-0 in favor)

Vote 2: Mazer moves and Nazor seconds to remove 70 Newbury Street and 12 Mountfort Street (Shipyard properties) from the proposed Historic District. (2 in favor, 5 opposed, 1 abstention)

Vote 3: Nazor moves and Mazer seconds to exclude 36 Federal Street from the proposed Historic District. (1 in favor, 5 opposed, 2 abstention)

Vote 4: Nazor moves and Gardiner seconds to recommend the India Street Sustainable Neighborhood Plan, with proposed revisions, forward to the City Council for consideration. (6 in favor, 2 opposed)

Vote roster on next page.

| Name | Vote 1 | Vote 2 | Vote 3 | Vote 4 |
|---|---|---|---|---|
| 1. Barringer | Y | N | N | Y |
| 2. Bassett (Oldham proxy) | Y | N | N | Y |
| 3. Boepple | - | - | - | - |
| 4. Boxer Macomber | - | - | - | - |
| 5. De Tine | Y | N | N | Y |
| 6. Donoghue | Y | - | - | - |
| 7. Federle | - | - | - | - |
| 8. Field | Y | Abstain | Abstain | N |
| 9. Fink | - | - | - | - |
| 10. Helmick | - | - | - | - |
| 11. Keppel | - | - | - | - |
| 12. Kuniholm | Y | N | N | Y |
| 13. Malone | - | - | - | - |
| 14. Mazer | Y | Y | Y | N |
| 15. Murnik | Y | N | Abstain | Y |
| 16. Nazor | Y | Y | N | Y |
| 17. Smith | - | - | - | - |
| 18. Wilson | - | - | - | - |
| 19. Wooldrik | - | - | - | - |
| **Totals** | | | | |
| Yes | **9** | **2** | **1** | **6** |
| **No** | **0** | **5** | **5** | **2** |
| **Abstain** | **0** | **1** | **2** | **0** |

**Meeting 14 – Notes**
**India Street Neighborhood Advisory Committee**
**9/22/14**

**Attendance:**

- 11 (out of 19) ISNAC members attended the meeting - the attendance sheet is attached
- 10 (out of 19) ISNAC members were present for entire meeting – 1 member (Barringer) left before the voting portion of the meeting concluded.

**Announcements:**

- The Plan, if recommended by the ISNAC at this meeting, will be taken up by the Housing & Community Development Committee on October 8. The committee will review the whole Plan package as recommended by the ISNAC.

**Public Comment:**

- Tony Donovan: Does the Plan that is adopted include the implementation portion or is it being adopted without knowing the implementation tools?
    - Staff responded that the Plan does include part 2 which is the implementation tools.
- Paul Stevens: The Portland Society for Architecture has issued a letter stating its position on the recommendation of a historic district. It does not make sense to move forward with a Historic District ahead of the development of the Form-based Code.
- Ed Hall (sp?): What is being adopted? Will it be a part of the Comprehensive Plan?
    - Staff responded that if adopted by Council then the Plan will become a component of the Comprehensive Plan.
    - In response, Mr. Hall stated that the Plan is too specific in some areas such as the recommendation for the development of affordable housing at a specific lot and that there may be unintended consequences from being too specific.
- Tim Hardy (50 Hancock Street): How does one get removed from the Historic District?
- David Filipos: Also opposed to his property's inclusion in the Historic District as a contributing building. Would like to be able to demolish existing building in the future. The neighborhood architecturally does not merit district status.
- Cathy Lilly (50 Hancock Street): Owners since 1995 and feel the property should not be included in the Historic District or as a contributing building. Concerned about the financial impact and the ability to make changes.
- Jeff Reali: Owns many properties in the neighborhood and would like them removed from the Historic District. These include Amato's, Realty Real Estate, 89 Newbury, and a couple other properties.
- Unknown name: The Amato's property is a new building and should not be included in the Historic District.
- Unknown name (36 Federal Street): There needs to be more noticing about this process and proceedings. Why can't there be a hole in the district where there are no historic buildings.

- Liv Chase (49/51 Hancock Street): Agrees that their property should be removed from the Historic District and from contribution building status so that development opportunities remain.
- Brent Adler (49/51 Hancock Street): Wanted to confirm that his public comments had been received through email.
- Roger Hale: Doesn't feel that the waterfront properties are a part of this neighborhood and that a master plan is not appropriate here.

**Questions and Discussion:**

- Nazor asked which elements of the Historic District will go forward with the Plan. Staff responded that at this time, the proposed district with boundary is included in the Plan document.
- Donoghue asked how the Historic District boundary would be reviewed. What is the Historic Preservation Board process?
    - Andrews responded that the proposed boundaries could change as part of the process. The Historic Preservation Board would start with the proposed boundary and conduct its own analysis and take into consideration public comment. Andrews would be responsible for conveying the public comment received as part of the ISNAC process to the Board.
- Donoghue asked whether all proposed Historic Districts in the past have gone to the Historic Preservation Board with a draft boundary.
    - Andrews answered that it has been done all ways.
- Donoghue further commented that there are two clusters of buildings in the neighborhood that have brought the most public comment.
- Donoghue asked for staff to clarify the Historic District and Form-based Code relationship
    - Jaegerman answered that both would go through the same review process. There is no reason why each cannot go through the process independently but there is an interdependent relationship.
    - Donoghue then asked how the Historic District would be enforced before the Form-based Code went into effect.
    - Jaegerman answered that the underlying zone would apply in that scenario. Levine added that the two policies could go to Council together for adoption to avoid that lag.
- Bassett and Nazor asked staff to clarify the distinction between contributing and non-contributing buildings.
    - Andrews responded that the Historic District would not prohibit removal of a building if non-contributing.
- Mazer asked for what would be the review process for a non-contributing building. And at what point would a building be eligible for historic tax credits.
    - Andrews answered that demolition would be as of right for non-contributing buildings. For new construction within the district, there would be a Historic Preservation Board review, Site Plan review, Design review all in tandem.

- Merill then read the Portland Society for Architecture letter regarding the position on the Historic District.
    - Oldham asked why this statement from the PSA was coming to the ISNAC so late in the process considering Kuniholm's votes at the 8/7 meeting.
    - Oldham also pointed out that there is a factual error in the PSA letter regarding the tax credit threshold.
    - Merrill responded that Kuniholm did vote but the PSA board did not have a chance to discuss these topics until September.
- Malone stated a concern that there has been some mission creep with the proposal of the Historic District. He advocated for a different way of approaching these issues than the typical Historic District. Why can't the Form-based Code be used to accomplish the same thing? New construction should be removed from the purview of the Historic District process. He further stated that he will vote against the district.
    - Cameron replied that a key difference between the Historic District and the Form-based Code is the ability to protect buildings from demolition which the FBC cannot do.
- Nazor stated that he has come across a lot of literature that shows Historic Districts and Form-based Codes to be complementary but one cannot replace the other. Perhaps review could be for contributing buildings only. He further pointed out that no plan is about achieving the highest and best use. Form-based Code and the Historic District need to come together, cannot be separated. The Plan should exclude both of these policies at this time. He further expressed a concern about the gap of time between Plan adoption and the completion of the Form-based Code policy documents and feels that the Plan should be repealed if the FBC is not met by a date certain.
    - Donoghue asked Levine to weigh in on this last point.
    - Levine stated that having a date certain is not common however he agreed that the FBC and Historic District should be presented together to Council. The Inclusionary Zoning ordinance is on a different track because it is citywide. However, we cannot control whether the Council will approve both policies.
- Mazer repeated his question about the thresholds for historic tax credits.
    - Oldham clarified that the property must be income-producing to qualify and that there are both State and Federal tax credits with different standards.
    - Mazer asked how many of the properties listed as contributing would qualify for the tax credits.
    - No one had a definitive answer to that question. Oldham proceeded to explain the tax credit system for both State and Federal processes.
- Bassett pointed out that the Historic District is mentioned as Critical Action relating to four of the Development Principles.

**Motions and Amendments:**

Main Motion: Boxer-Macomber moved and Barringer seconded the motion to send the Plan, parts 1 and 2, as recommendations to Council.

Amendment 1: Mazer moved to remove the recommendation of a Historic District from the plan. No second.

Amendment 2: Mazer moved to remove the proposed Historic District boundary from the Plan and include the text amendment to refer to contributing buildings as "potentially" contributing. Nazor seconded.
Discussion: Bassett then asked whether the plan could reference the Study Area – it was determined that would need to be a separate amendment. Boxer-Macomber reminded staff that this change may also require some text amendments to Critical Action if there is reference to the boundary. (11 in favor, 0 opposed, passes)

Amendment 3: Malone moved that new construction be removed from the purview of the Historic Preservation district and Historic Preservation Board review and that the Form-based Code be the prevailing code for new construction. Mazer seconded.
Discussion: Donoghue asked whether the historic district will be able to be certified if new construction is removed from the district's purview. Andrews confirmed that removing new construction would prevent the district from getting State/National accreditation and would result in the loss of tax credits. Oldham restated the concern that if new construction is removed there will be no opportunity for historic tax credits. Bassett added that new construction is generally reviewed by the Historic Preservation Board so that design details may be considered in context with the district. Mazer asked how the 100' provision will be affected. Andrews answered that the 100' provision is part of the City's Site Plan Ordinance which could be potentially revised but would require a revision process through Council. Nazor is opposed to the motion because Historic Districts and Form-based Codes are not mutually exclusive and are complimentary policy tools. (2 in favor, 9 opposed, fails)

Amendment 4: Mazer moved to table the Plan until the Form-based Code is completed. No second.

Amendment 5: Nazor moved that there be a date certain for the presentation for passage of the Form-based Code and Historic District and if these two policies are not brought up for consideration by that date, the adopted Plan would be repealed. Mazer seconded.
Discussion: Donoghue asked what that date certain would be. Staff responded they would aim for six months. Oldham stated that there is a value to creating a historic district here whether the Plan is adopted or not. Wilson voiced hesitation about dictating dates to the Council as an Advisory Committee only. Murnik asked why it would take so long to get these policy documents completed. Staff responded that they would want to build in some flexibility in case of unforeseen circumstances. (4 in favor, 7 opposed, fails)

Amendment 6: Mazer moved to remove the Inclusionary Zoning ordinance from the Plan completely. Nazor seconded.

Discussion: Donoghue stated that is important for the city to provide for affordable housing and the Plan struck a compromise with this proposal. Nazor stated that he did not want the passage of the Plan to be threatened by an ordinance proposal that may be controversial and is intended for the whole city, not just the neighborhood. Boxer-Macomber reiterated that the process for the Plan would be simpler without the details on Inclusionary Zoning implementation that are currently included in the Plan. (9 in favor, 1 opposed, passes – Barring left by this time)

Amendment 7: Mazer moved for the letter from the Portland Society for Architecture be included as an attachment to the Plan. No second.

Amendment 8: Mazer moved for the 8/27 Minority Report be submitted to Council for the record. No second. Donoghue stated that all public comment will be submitted to the Council as backup material.

Amendment 9: Bassett moved to include the proposed Historic District boundary as an appendix to the Plan. No second.

Amendment 10: Bassett moved that the Historic District Study Area be included in the Plan. Oldham seconded.
Discussion: Mazer and Malone suggested that this document is more appropriated submitted as part of the public record. Nazor felt that any map included in the Plan will be misunderstood. Bassett withdrew the motion.

**Final vote on the Main Motion: (9 in favor, 1 opposed (Mazer will resubmit Minority Report), passed)**

**Minority Report to the India Street Sustainable Neighborhood Plan**

**August 27, 2014**
**Updated September 29, 2014**[1]

In November of 2013, the City Council created the India Street Neighborhood Advisory Committee (ISNAC) and charged it with "providing oversight and input to City staff, Planning Board, Historic Preservation Board, and City Council on the Sustainable Neighborhood Plan." Through countless committee and subcommittee meetings a "Sustainable Neighborhood Plan" (the Plan) was drafted. Although the committee voted to send the plan as written to the City Council for review, there are a number of issues within the plan that the committee did not have consensus on. Many of these issues were discussed within the committee, but did not make it into the plan. This document's goal is to broadly outline how opinions differ on the large issues.

## Neighborhood Boundary

There have been a number of members on ISNAC that have voiced concern surrounding the scope of what is the neighborhood boundary. Although many argued that this boundary was set many months ago under the Sustain Southern Maine study, that does not necessarily make it the best working boundary to achieve the goals under the charge.

The India Street Neighborhood and surrounding area has historically been one of mixed use, ranging from residential to commercial to industrial. It was once home to Jordan's Meats, the Village Café, the Grand Trunk Railroad Station and the Crosby Laughlin Foundry (now Shipyard Brewing Company). Today some of the most developable pieces of property in Portland remain in this area of the city. The boundary should be smaller to include just the already developed residential areas. Much is unknown regarding the properties on the edges of the neighborhood boundary sites and the abutting properties, such as Munjoy South, the Intercontinental property and the Portland Company, that these properties should not be included in the India Street Neighborhood boundary. The Shipyard Brewing Company property should also be excluded due to the fact that it is the last visage of the industrial use in the neighborhood and although this plan works for residential uses it is not good for industrial. All of these properties should be examined as part of the waterfront, not the India Street Neighborhood, and, in fact, many of these properties are part of the Eastern Waterfront Master Plan which was last amended in 2006.

The India Street Neighborhood is described as "downtown adjacent." This description is arguably accurate from today's standards; however, when looking at the neighborhood within the larger scope of what is happening on the peninsula, the neighborhood is in the middle of some of the fastest developing areas of the city and may quickly no longer be "downtown adjacent" but part of the larger downtown. For example, the Portland Press Herald ran an article on August 22nd in regards to the Portland Company complex and rezoning. The developer of the property is looking to rezone from industrial use to mixed use and described it as "if you can grab the Old

[1] This updated Minority Report is based on the presumed edits to Parts 1 and 2 of the Sustainable Neighborhood Plan as discussed in the final ISNAC meeting on September 22, 2014. At the time of this writing, the updated Plan has not been circulated to the ISNAC.

Port and just stretch it and pull it over our project."[2] This "stretching" would be right through the India Street neighborhood and needs to be taken into consideration. The question of how the decisions made in approving this Plan will impact or be impacted by the Portland Company waterfront development must be asked.

**Historic District Boundary**

Similarly to the general neighborhood boundary, there has been much debate surrounding the map containing the Historic District Boundary. The India Street Neighborhood does contain a number of historically relevant properties including the Eastern Cemetery, the North School, and the Abyssinian Meeting House properties that should be protected. However, there are a number of properties that are included as "potentially contributing" in the plan that should be excluded.

Various committee members as well as members of the public raised concern regarding the proposed Historic District and the buildings it includes as potentially contributing. Many residents do not want to see a historic district within the neighborhood at all. Shipyard Brewing Company continuously raised the issue of two buildings that are owned by and abut the brewery. At the time of purchase it was stated by City staff that these buildings were allowed to be demolished. It is in Shipyard's master plan to eventually develop the land where these buildings sit and having them tagged as "contributing" puts in to serious question Shipyard's ability to grow in its current location.

Others have raised the issue that some of the buildings that are near the Abyssinan Meeting House, although old, should not be considered historic. These building are located South of the Eastern Cemetery and, if redeveloped, could handle higher density and height than they currently do.

The proposed Historic District also includes buildings that are already permitted to be demolished and redeveloped. If anything, specific historically significant buildings should be protected, but a complete district is not warranted in this neighborhood.

**Housing**

There was much agreement within the ISNAC that the neighborhood and the City as a whole needed more housing in general. The plan as to how to achieve this goal through the Plan is where committee members differed. In the final version of the plan the reference to Inclusionary Zoning was removed. Any discussion regarding Inclusionary Zoning should be discussed at a city wide level, separate and apart from any discussion surrounding ISNAC.
In the 2002 Housing Component of the City's Comprehensive Plan (the Housing Plan) the document discusses a number of polices having to do with the housing need in Portland and lists a number of policy recommendations. The first policy goal within this document is to "ensure an

[2] http://www.pressherald.com/2014/08/22/zoning-bid-to-redevelop-fore-street-site-sought/?utm_source=Headlines&utm_medium=email&utm_campaign=Daily

adequate and diverse supply of housing for all."[3] It further discusses the "significant shortage of all types of housing" and lists three conditions and a number of suggestions in order to solve the shortage.[4] Condition Three states that "Portland has limited vacant land suitable for new development, thus infill sites and redevelopment options are the primary opportunities for creating new housing," and recommends "higher residential densities to address Portland's housing needs and encourage efficient use of infrastructure and land resources."[5] The references found in the Housing Plan should be used to guide the ISNAC, but were not mentioned once.

The ISNAC plan recognizes and calls for "Guided Growth" that will come from "increased density of development rather than increased height;" however by discouraging height, it lacks one of the primary efficient uses of land resources.[6] In order for the City of Portland to meet the housing needs found within the Housing Plan there must be more comfort with higher buildings. Certain parcels within the India Street Neighborhood could and should be used for higher more dense buildings while balancing impact on the character of the neighborhood through design. This neighborhood has already experienced some of this needed growth through the Bay House development and the Hampton Inn development.

**Form Based Code**

The ISNAC voted to proceed with sending the Plan forward for City Council review with Form Based Code (FBC) not being complete, or included for Council consideration, and needing further development by the subcommittee. Much of the time spent by city staff and the ISNAC was devoted to implementing FBC. The Plan calls for a FBC to be developed countless times throughout both parts of the plan, and some members were concerned that the Plan was supported without knowing what the FBC will look like and how it will interact with the other portions of the plan. The Plan should be viewed as a whole document with all necessary attachments completed, including the FBC.

Residents and property owners should not lose any currently allowed land uses (whether residential, commercial, or industrial) under FBC, nor should they lose the potential for highest and best use of developable pieces of their property (both with height and length).

There are a number of issues with the draft versions of the FBC as they have circulated within the committee and subcommittee. The focus of FBC in general is on style and less concerned about use. Overall concerns are varied depending on where in the neighborhood one looks. Current drafts are contemplating limiting heights of some properties, which, as mentioned above, is counter intuitive to bringing more dwelling units to the city.

There is a possible requirement for Mid-Block Permeability being discussed. Although the length of frontage before a break is still being debated, the fact that FBC calls for full building separations is concerning and arguably poses the question as to whether it is considered a taking.

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[3] Housing: Sustaining Portland's Future, Housing Component of the Comprehensive Plan Adopted November 18, 2002, Page 25.
[4] Ibid, Page 26.
[5] Ibid, Page 27.
[6] India Street Sustainable Neighborhood Plan, Draft 4, August 2014 Page 28.

Although FBC is supposed to be less concerned about use, the current FBC regulations as drafted focus mostly on residential uses. For example it is contemplated that a height bonus would be given to developers if a certain density is met. The drafted density is 150 units per acre, although it is unknown whether this requirement is achievable on any property within the neighborhood. There is also the benefit of no required parking for the first three dwelling units developed, but some have argued this is not aggressive enough of a parking policy for both residential and commercial uses.

Since the original drafting of this document, there has been no further progress on developing a FBC and it is unclear whether the points mentioned above are still relevant or have changed significantly.

**Open Space**

One of the main concerns raised by many on ISNAC was the lack of open space found within the neighborhood. The proposed open space in the plan relies heavily on the redevelopment of Franklin Arterial and the assumption that there will be open space available on the edge of the neighborhood and along the waterfront. The Franklin Arterial redesign is still unknown and at best years away from implementation. Other open spaces shown on the map include private property in the middle of the Bay House Condominiums and a private piece of property on the corner of Middle and Hancock set to be developed.

One actionable step that the City could take in order to increase the amount of open space found within the neighborhood would be to build some sort of park on the City-owned property at Middle and Franklin streets. Although the Plan it was suggests that this land be used for affordable housing, it might be a better use for the neighborhood as some sort of public open space.

**Conclusion**

The India Street Neighborhood is a diverse and key neighborhood to the City of Portland. Its location is in the heart of some of the most development the city has seen in many years. The neighborhood should not be looked at in isolation from the rest of the city and the development that is taking place within a few blocks of its boundaries.

At the final public ISNAC meeting there were a large number of neighbors that voiced their concern with this plan. The ISNAC and now the Council and other committees must take these concerns into consideration.

**Sign-in Sheet - India Street Neighborhood Advisory Committee/Working Groups**

| Last Name | First Name | Meeting 1 | Meeting 2 | Meeting 3 | Meeting 4 | Meeting 5 | Meeting 6 | Meeting 7 | Meeting 8 | Meeting 9 | Meeting 10 | Meeting 11 | Meeting 13 | Meeting 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Barringer | Richard | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Bassett | Hilary | x | x | x | x | x | x | x | x | x | x | x | x (SO) | x |
| Boepple | Beth | x | x | | x | | x | | | | x | | | |
| Boxer Macomber | Ethan | | x | x | | | | x | | | x | | | x |
| Claster | Jennifer | x | | x | | | x | | x | x | x | | x | |
| Cummings | Pamela | | x | x | | x | | | | | | | | |
| Curran | Rachelle | x | | | | | | | | | | | x | |
| Danaher | Jill | x | x | x | | x | x | x | | | | | | |
| De Tine | Carol | x | x | x | | x | x | x | x | | x | | x | x (SO) |
| Donoghue | Kevin | x | x | x | x | x | x | | x | x | | x | x | x |
| Federle | Tom | | x | x | x | | x | x | x | | | x | | |
| Field | Bethany | x | x | | x | x | | x | x | | | | x | |
| Fink | Arthur | x | | x | x | x | x | x | | x | x | | | |
| Gardner | Ed | x | | x | x | x | | x | x | x | x | | x | x |
| Helmick | Ani | x | x | x | | | | | | | | | | |
| Kendeigh | Susie | | | | | x | | x | | | | | | |
| Keppel | Bobbi | | x | x | x | x | x | x | | x | | x | x | |
| Kuniholm | Alan | | | | | x | x | | x | | | | x | x (CM) |
| Loranger | David | | | | | | x | x | | | | | | |
| Malone | Joe | | | x | | x | | x | | | x | | x | x |
| Mazer | Brandon | x | x | x | | x | x | | x | | x | x | x | x |
| Murnik | Linda | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Nazor | Hugh | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Smith | Arlin | | | x | | | x | x | | | x | | | |
| Waterman | Jay | x | x | | | | | | | | | | | |
| Wilson | Tim | | | x | x | x | x | x | | x | x | | | x |
| Wooldrik | Kara | x | x | x | | x | | x | | | x | | | |

[ ] Denotes ISNAC member

# Public Comment

First Name: Brent

Last Name: Adler

Email: brentadler@gmail.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: This is a general comment. I would like to know how the ISNAC have used existing developments and future developments in the neighborhood in their suggestions for any zoning changes, specifically height and scale of the neighborhood. How can the neighborhood create a historical district or limit height when we are shadowed by the Bay House spot zoning development and a Parking Garage blocking the view of the ocean.

Comments/Questions on proposed India Street Historic District: Please remove 49/51 Hancock street from a contributing historical status. As the owner and property manager I do not want a contributing status affecting my ability to make improvements or additions to the multi unit building.

**Caitlin Cameron - FW: India Street Neighborhood -- Simba Lot**

**From:** "Edward MacColl" <emaccoll@thomport.com>
**To:** <ccameron@portlandmaine.gov>
**Date:** 8/7/2014 9:24 AM
**Subject:** FW: India Street Neighborhood -- Simba Lot

Caitlin,

It was a please to meet you at the panel's public hearing, and thank you for your hard work and excellent communications and materials on the project.

As this office represents Simba, Inc. and Roger Hale, the owner and manager of a parking lot on Fore Street, our comments of course focus on the issues related to that property. Still, I was struck by the suggestion that parking should be prohibited within thirty-five feet of streets throughout the neighborhood for the following reasons:

1. The current proposal is for form-, not use-based zoning with the sole exception being the restriction on parking;

2. As your materials note, parking in the area is difficult, especially in the portion of the neighborhood further down the hill;

3. As much as we would like Portland to have greater mass transit, most tourists, commuters and other visitors arrive by car; we'll lose those essential visitors if they can't conveniently park;

4. The reason given for banning parking within 35 feet of a street was to promote a particular use – retail; but since the proposal includes no other use-based restrictions or requirements banning one use does not promote a particular replacement;

5. The restriction would severely limit my client's existing use of its property; certainly, any existing parking facility should be protected (by grandfathering or otherwise) if parking is now to be the one restricted.

Thank you for considering my comments.

Best regards,

To the Council:

Luckily, for the length of your meeting, I am in the south of France and will not be speaking with my usual extensions of the three minute rule. Suffice it to say that the India Street plan before you is that which the Planning Board suggested was needed some two years ago. The India Street Neighborhood Association is generally pleased with the language and structure of the plan. We look forward to participation in the completion of the form based code and the Historic District which are soon to follow.

As you know, the Eastern Waterfront Plan has allowed many massive developments which have greatly altered the character and scale of the neighborhood. Without this plan and the accompanying code the texture of the original small scale traditional neighborhood would be completely lost in a few more years.

On behalf of the ISNA and all in the neighborhood, I ask you to look favorably on this plan.

Hugh Nazor
President, ISNA

**Caitlin Cameron - RE: ISNAC meeting reminder - 6/4**

**From:** "John Bass" <jbass@thomport.com>
**To:** "Caitlin Cameron" <CCameron@portlandmaine.gov>
**Date:** 6/2/2014 11:59 AM
**Subject:** RE: ISNAC meeting reminder - 6/4

Hi,

Thank you for the links to the India Street materials. I represent Simba, Inc., owner of a parking lot at 213-234 Fore Street.

We are concerned with any zoning change that will reduce the current height limits, thereby reducing the value of the property.

The proposed building height map at the sustainesouthermaine.org site shows a permitted height reduction from 6 floors down to 4 and 5 floors.

Will there be opportunity for comments by affected property owners at the June 4 meeting?

John

John R. Bass, II, Esq.
Thompson, Bull, Furey, Bass & MacColl, LLC, P.A.
120 Exchange Street, P.O. Box 447
Portland, Maine 04112-0447
(207) 774 - 7600
(207) 772 - 1039 (fax)
jbass@thomport.com
http://thomport.com

**From:** Caitlin Cameron [mailto:CCameron@portlandmaine.gov]
**Sent:** Monday, June 02, 2014 11:25 AM
**To:** John Bass
**Subject:** RE: ISNAC meeting reminder - 6/4

Can you be more specific about what information you are interested in? We don't really have a "concept plan" - we have a lot of different documents to do with many different topics within the neighborhood plan. Most of this material I can send you or direct you to.

http://sustainsouthernmaine.org/pilot-communities/portlandindiast/

**Caitlin Cameron - RE: India Street meeting reminder - July 2**

**From:** "John Bass" <jbass@thomport.com>
**To:** "Caitlin Cameron" <CCameron@portlandmaine.gov>
**Date:** 6/30/2014 2:40 PM
**Subject:** RE: India Street meeting reminder - July 2
**CC:** <genmarr@aol.com>

Hi Caitlin,

Thank you the notice of the Wed meeting. We looked at the Open Space Plan found on your project page.

Simba, Inc. has a vehicular right of way that runs from Franklin Street along the Simba, Inc. boundary and then turns to Commercial Street. The Open Space Plan appears to depict proposed "Improvements for pedestrian connectivity" on the ROW.

Simba utilizes the ROW from time to time for customer entrance and exit.

I have two questions:

1. Does the proposed Open Space Plan include anything that would affect use by Simba of its vehicular right of way on Bradbury Court? , and

2. If yes, will there be an opportunity for me on behalf Simba, Inc. to discuss our concerns?

Thanks and regards, John

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jbass@thomport.com
http://thomport.com

**From:** Caitlin Cameron [mailto:CCameron@portlandmaine.gov]
**Sent:** Friday, June 27, 2014 2:06 PM
**To:** Caitlin Cameron

First Name: John

Last Name: Turk

Email: johnturk@ttl-architects.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: I am a Portland based architect and have served on Portland's Historic Preservation Board for many years. My firm, TTL Architects produced the written history of the India Street neighborhood commissioned by the City in 2013. As such, I am very happy to support the creation of an India Street District. An India Street Historic District will provide incentives to rehabilitate historic structures and will ensure good quality, compatible new design.

I have two comments regarding the India Street Sustainable Neighborhood Plan:

•I believe the form base code guidelines should be further studied to more closely reflect historic development patterns. This neighborhood has a fascinating range of building type and scale that should be retained and built upon. For instance development within Hampshire Street should be encouraged to match or be similar to the small scale, tight-knit residences found there. Likewise, development along Federal Street should be encouraged to relate to existing building widths and heights.

•I believe we have an exciting opportunity to encourage great compatible new design that reflects historic development patterns. It seems to me encouraging small parcel development would introduce more diversity, vibrancy and would open the neighborhood to a type of urban homesteading. I don't believe we necessarily want to encourage large scale development because we hear that is the only economically viable way to build. Just look to the infill development happening on Munjoy Hill to imagine what is possible within the India Street neighborhood.

Thank you for all the great work to date. I think with a bit more work the neighborhood and the City will have the framework to assure that this section of Portland retains its truly unique character while encouraging dynamic new development.

First Name: Jon

Last Name: Graback

Email: jgraback@gwi.net

Comments/Questions on the India Street Sustainable Neighborhood Plan: I support most of the provisions of the draft India Street Neighborhood Plan, but I agree with Tony Donovan's comment, made near the end of the July 28th public meeting, that the Eastern Waterfront area should NOT be included in the India Street Neighborhood. The area east of Fore Street is already part of the Eastern Waterfront Zoning and Redevelopment plan, and that's where it belongs (although that decade-old plan should probably be revisited and updated in light of the new India Street Neighborhood Plan and the new Franklin Street Plan now being developed).

Tony Donovan makes this point again in the first part of his Guest Opinion piece in today's Portland Press Herald, at: http://www.pressherald.com/2014/08/22/maine-voices-sustainable-portland-the-waterfront-and-the-railroad/?utm_source=Headlines&utm_medium=email&utm_campaign=Daily

While I don't support Tony's concept of passenger rail service to Lewiston-Auburn originating from a station located along the Eastern Waterfront, because of that plan's prohibitively high cost (I think it should originate from the existing Downeaster Station at Thompson's Point, and utilize the Pan Am trackage already upgraded between Portland and Yarmouth, on the existing rail route to Brunswick), I think he's right about the other marine transportation and commercial development uses of the Eastern Waterfront - which are fundamentally different from the predominantly residential and small business uses of the India Street Neighborhood.

As a local business owner, a Trustee at Greater Portland Landmarks, and one of the authors of the history of the India Street neighborhood commissioned by the City in 2013, I am very concerned with the development issues facing the neighborhood. I would like to thank the committee members and staff for their work on assembling this plan with very limited resources in a short period of time. I support the goals and development principles laid out in the India Street Sustainable Neighborhood Plan, although I have some concerns about their implementation as described in the plan and presented at the public meeting on Monday.

I fully support the creation of an India Street Historic District. A historic district will ensure good quality design, support a strong neighborhood identity that builds upon its heritage and diversity, and contribute to the economic vitality and growth of the neighborhood as expressed in the plan's goals. I think a more careful consideration of how the design guidelines of a district would work with the implementation of form based codes as presented should be considered.

I am pleased that the plan recognizes the importance of connections within the neighborhood and through the neighborhood. I support the reconnection of the neighborhood to Lincoln Park, the neighborhood's historic open space, as well as the plans for mid-block permeability like the existing Hampshire Street Stairs and the potential use of the pump house site as a small park.

My primary concerns are with some of the features of the form based code as presented in the draft.

- 7. Guided Growth: States that growth should come from density rather than height, yet the maximum heights appear to be incompatible with the existing historic development and more in scale with the newer development and incompatible with the goals and principles of the plan.
- 8. Form of Development: Identifies the importance of strong street walls, yet the dimensional requirements mandate side yard setbacks and façade breaks that do not appear to be based on existing street rhythms or building patterns in the neighborhood. I believe the specific dimensions in the draft may prevent compatible development that reinforces the character of neighborhood. Possible options might be side yard setbacks that vary based on the height of a proposed structure even within a designated character district (taller buildings set back further to allow light into adjacent structures); requiring multiple entries on long blocks of residential development; or requiring a percentage of publically accessible green space based on SF or street frontage for large building blocks.
- 8. Form of Development: States that graduation of form will vary by location, and it does to an extent between the various character districts. However most of Portland's main corridors, with the possible exception of Commercial Street, are naturally diverse in height and scale. I would support changes to the dimensional codes and regulating plan that allow for variances in the maximum height to be allow for development that is compatible with adjacent development patterns, particularly along Franklin Street and Newbury Streets. Franklin Street should have a different maximum height near historic resources at the intersection with Congress Street than in the blocks in and around Fore Street, where development is taller in height.

Finally I would urge the city to consider subdividing the parcel at Middle and Franklin Streets before selling the publically owned land for redevelopment. Smaller lots owned and developed by several entities will naturally create a diversity in design, use, and character that is more compatible with the character of neighborhood development this plan seeks to build upon.

Thank you for the opportunity to comment on this important plan for the India Street neighborhood.

Julie Ann Larry, ttl-architects

First Name: Liv

Last Name: Chase

Email: livchase@yahoo.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: I think that it is wonderful that so many people and so many organizations are involved in the Neighborhood Plan, such as Portland Landmarks and Sustain Southern Maine. Ultimately though, the people that will be impacted by the new plan and zoning ordinance are the people that own property in the neighborhood. I therefore strongly believe that property owners in the neighborhood should have the majority say in the new neighborhood plan and zoning ordinance.

Comments/Questions on proposed India Street Historic District: I have a Bachelors of Architecture from Carnegie Mellon University. I spent 5 years studying architecture before I went onto designing, building, and creating spaces. I understand that architecture has everything to do with the details and how those details relate to space and scale. As much as I love modern contemporary styles of architecture, I love beautiful old historic buildings just the same.

I have lived in the India St. neighborhood for over 8 years and I have also had the chance to go through many of the buildings. I am the proud owner of a brand new modern building on Federal St. and also 2 older style buildings on Hancock St.

With the exception of the Abyssinian Meeting House, synagogues, and handful of brick buildings on India St., it is my opinion that many, if not most, of the other stock housing in the India Street neighborhood would be classified as "tenement" style architecture. These houses were built quickly and inexpensively after the fire of 1866 in order to house workers that worked on the waterfront. From the buildings I've seen, these homes contain no historic period details.

Therefore, it is my opinion that this is not the place or circumstance for a historic district. A historic district would only glorify the past of a neighborhood, which was extremely poor and (for the most part) destroyed by fire. Many of the buildings that remain today are in major disrepair. A historic district would make it extremely difficult for the owners of these properties to tear down these properties if they weren't salvageable. A historic district makes the cost to do business, the cost to do work, and the time it takes to accomplish these tasks a very trying process. The India St. neighborhood is already proposing new guidelines with the form based code, the last thing that property owners in the neighborhood need is another code (the historic district) on top of an already fairly complicated code.

Comments/Questions on proposed Form-based Code: When the India St. Advisory Committee started their process of defining a new identity for the neighborhood, I was very thrilled by the idea. In school, I studied the concept of human scale as it relates to building heights and density. The process of

developing this new identity involved a huge diversity of people and residents of the neighborhood. The overall outcome and the ideas set forth in the new form based code which are, neighborhood identity, vibrant economy, open space, and mixed used, are ideas that I am very much in support of. The term "human scale" is referenced often in the new code but based on the actual guidelines for new building and construction; it would appear that the definition of this word is not reflected.
Looking at the existing structures in the neighborhood, an objective observer would notice that buildings are typically about 25'-35' tall and 2.5-3 stories in height. Some buildings are even less than this.
The existing heights of buildings are, in my opinion, at the human scale.
The ideas presented for the new code are exactly what anyone could hope for when given the task of creating a new identity for the neighborhood. These great ideas fade drastically in comparison to the actual guidelines and criteria for new construction. Some of the streets in the India St. Neighborhood are proposed to have a maximum building height of 65'. Under the previous zoning, these pieces of land would have only been permitted to have a height of 45'. 65' is also almost twice the height of existing structures that are currently in the neighborhood and not at all to scale with the existing infrastructure. It would appear after close examination of the new form based code and the 3 districts that have been created within the India St. neighborhood zone (UN, UT, and UA), that the code only supports large scale new development (by allowing excessive heights). Property owners that have smaller lots with existing structures are then asked to "preserve" their homes (under the historic district proposal). Additionally, the new code is offering extra height as an incentive to build more density. This seems like a very unfair approach to building and development.

Property owners currently in the B2b zone were recently given relief by a text amendment that changes B2b zone side setbacks from 5' on the right and left side to 0'. The new form based code puts side setbacks into place again as 5' and 10' side setbacks depending on the zone.

The new form based code gives no thought to the fact that the India St. neighborhood borders on the Casco Bay. Many current land/building owners have a current view of the ocean. Allowing for taller buildings that are closer to the water (as the new plan shows), assures that any properties that currently have water views, will no longer have these views in the future. For future value and resale of properties with an ocean view, this is actually a monetary value and the value of the property is therefore decreased if the view is no longer present. It would not seem unrealistic due to the topography of the district that building height would increase the further away one is located from the water. In this scenario, more people would have access to the view of the ocean.

In larger cities, new development is required to show the impact of the new development on the surrounding site. This includes shadow diagrams, wind patterns, impact on view corridors and how these environmental factors will directly impact neighboring properties. None of these are being considered currently with the City of Portland zoning codes and none of these things are considered in the new form based code. I believe that these are all very important factors to consider.

Lastly, there are a number of current projects that are already underway that the new code has not

taken into consideration. The new Bayhouse Phase 2 project on Newbury/Hancock presents a façade that is over 100' of continuous solid façade on Newbury St. The project on the corner of India St. and Middle St. by the developer, Bateman, proposes a 55' building that will actually be 63' tall (including the penthouse areas) with no setbacks. The project on Middle St. next to the Ocean Gate Garage also proposed by the developer, Bateman, is a 65' tall structure. I do realize that these developments are already permitted and they can't be changed, but we can change the guidelines for the infrastructure that surrounds them as time moves forward. Many people might agree that the development of the Ocean Gate Garage at a height of 65' was a mistake, but looking toward the form based code, we are allowing for more buildings to have this same height. It is as if we have already made one mistake, so it is okay to keep doing this over and over.

So to re-cap, I am strongly in agreement with all of the ideas presented in regards to neighborhood identity and human scale. I am strongly opposed to the actual criteria for the form based code as seen in the layout of height restrictions for the 3 zones.

**Caitlin Cameron - Re: Notice - India Street**

**From:** Michael Mertaugh <michaelmertaugh@gmail.com>
**To:** Jennifer Yeaton <JMY@portlandmaine.gov>
**Date:** 7/19/2014 2:30 AM
**Subject:** Re: Notice - India Street
**CC:** Caitlin Cameron <CCameron@portlandmaine.gov>
**Attachments:** CV - April, 2014.doc

Jennifer,

As I am unable to be present for the July 28 Public Meeting, I would like to offer an economist's perspective[1] on the inclusionary zoning (affordable housing) provisions which are included in the India Street Sustainable Neighborhood Plan:

There is no such thing as a free lunch. Inclusionary zoning requires developers of residential housing to set aside a portion of new units as "affordable housing" at below-market rates. Inclusionary zoning may look like a good way to make housing more affordable without raising taxes or requiring state and federal transfers. (These are also taxes that we pay, but out of a different pocket.) But this innocent-looking requirement compels developers to raise the cost of "market-based" units in order to offset the subsidy for "affordable" units. The resulting "market-based" housing is not, in fact, market based; it is above-market housing. Like rent control and public-provided housing, inclusionary zoning involves a major distortion of housing markets. Ironically, it makes housing less affordable for middle-income residents. Another way of describing this is that it makes housing less affordable for the majority of residents in order to make it more affordable for a minority of residents. At the same time, the suppression of prices for "affordable" housing lowers property tax revenues for the city. In a city with as extensive a public housing program as Portland's, this involves a major loss of potential tax revenues.

The experience of affordable housing initiatives throughout the US shows that all programs to improve housing affordability are costly, whether financed from local taxes, state and federal taxes, or implicit subsidies from residents of "market-based" housing. Such a major commitment of taxpayer revenues or housing outlays should not be undertaken without voter approval. If Portland voters agree to pay for more affordable housing, this should be carried out through an approach which is cost effective and avoids distortions in real-estate markets. In general, housing vouchers are a more transparent and less distortionary instrument for achieving agreed housing access goals than inclusionary zoning and publicly provided housing.

A more basic point involves the relevance of the concern for affordable housing in a community as small as Portland. The concern for affordable housing usually arises in the context of large metropolitan areas, in which low-wage workers cannot find affordable housing within a reasonable distance from their work. That is far less true of Portland – a community of 65,000 people, with lower-density settlement in nearby communities. Moreover, higher commuting costs for workers in large metropolitan areas tend to be more-than-fully offset by higher earnings.

Michael Mertaugh

**Caitlin Cameron - Form Based Code**

**From:** Cathy Lilly <cathylilly99@gmail.com>
**To:** <aqj@portlandmaine.gov>, <ccameron@portlandmaine.gov>, <kjdonoghue@portl...
**Date:** 9/18/2014 12:01 PM
**Subject:** Form Based Code

Hello,

We are owners of 50 Hancock St. in Portland, We are very concerned about what is going on with the proposed Historical District. We have owned this building since 1995 and are opposed to being put in this proposed district and also being identified as an historical building.

Our building is just a 3 unit tenement building with vinyl siding and replacement windows. The inside has been extensively rehabbed with nothing historical about it.

We have paid thousands of dollars to the City of Portland in taxes for the last 20 years and feel that we would significantly be financially impacted if this was to be approved and our building specifically marked as historical.

I hope you please take a serious look at our property and reconsider its historical value. Also, I would like to know what criteria was used to come to this conclusion.

Also, has there been any new progress or developments in regards to the Form Based Codes. It is my understanding that this is still a work in progress.

I feel at this time there are still some very substantial and serious issues to be resolved to move this forward.

I appreciate your time.

Regards,
Tim Hardy
Cathy Lilly

50 Hancock St.
Portland, Maine
207-229-9041

Hi:

Some results of the meeting were a surprise to me and others were not. I was hoping to attract more resident rather than development-centered folks but that too did not happen.

On the question of potential city space (most discussion was about the "police lot but would apply equally to future Franklin excess land), The preferences (multiple votes allowed) were: Workforce housing - **16**; Open Space - **14**; parking space (garage or lot) - **0**. The point was made that whether the city were to build or sell (or give) to a developer who would build workforce housing made no difference.

To my surprise, there were **11** votes that public space/green space near the borders of the neighborhood were acceptable with improved connections while only **3** wanted more emphasis on such space within the neighborhood. I hope that this is not seen as making a proper development of the pump house site as unnecessary.

The rather long discussion about connectivity resulted in **4** people wanting Federal Street reconnected for vehicular traffic and **4** did not care. **7** people would like Newbury Street reconnected for vehicular traffic (if there were a safe way to do it) and 3 did not care. There was the assumption that there would be some safe way to do these without one way streets involved. If there had to remain one way streets on the West side there was interest in right-on, right-off from the neighborhood on both streets. Bike-ped reconnection was accepted but there was much mention of safety fears.

Ant mention of trains was of interest but after you explained the present position there was unanimity that it was a futnre and non-central action issue and the present thinking is acceptable.

While most of those present expressed strong approval for inclusionary zoning **NONE** wanted any mention of it in the plan presented to the PB or CC. **12** voted to exclude any mention of the plan and **3** needed "more information". The plan (ordinance or not) being included, in any way, was seen as a threat a to the general acceptance of the plan and a target for any who apposed the plan for any other reason. The strong feeling was that any such city ordinance should be a separate and future issue. Getting a political foot in the door by use of this plan would backfire.

Height issues have been so complicated by density bonuses that people see it as much more complex than it is. This caused so much discussion and questions that any vote of the 45/50/65 heights was not possible. (see below)

There were a strong **11** who voted that an Historic District was desirable. There was testimony as to the increased property values thereby created. **5** people voted against an HD (mostly because of feared effects on their property). Asked whether they would be against it if their properties were allowed to expand or rebuild to the height and mass allowed in their zone, only **3** still were against any HD on principal. There was almost no mention of Shipyard and their desire to have their "contributing" buildings designation removed. One other owner in attendance had the same request.

The question of notches vs horizontal street front limits produced the clearest opinion of the evening. While there was no specific discussion of the details (numbers of max feet) about defining mass limits, there was **ZERO** desire to accept notches. That approach was not only seen as not doing the job of limiting mass but was called tacky and a gimmick. More than one person said that such a new element would reduce the remaining established fabric of the neighborhood by causing more variation with a new architectural element. **14** people voted no notches. Some people had left as we were neat 7:00.

That the number of floors minimum should be dropped but the max number was informative received general agreement. That the minimum height should be expressed in feet without floor was generally agreed. It was

mentioned that the price of land was now such that almost all properties would be built to the maximum. There was general agreement that more work was needed to accommodate industrial usage in the forms.

At four minutes 'till 7:00, the height issue came up again People stated a desire for a low and simple rule. The idea of 50 feet everywhere was generally liked. After Joe Malone and others talked about needing higher limits on the edges there was agreement about 50 feet in the grey and red zones - with no bonuses. The edges (most of the green zones) should be 65 feet. There was a final vote of **14** in favor of that. There was comment that buildings should stay small in mass even on the edges (four buildings on the Intercontinental property, for instance).

_____Hugh

# India Street Neighborhood Plan.... Oops

Nir Buras, July 2014

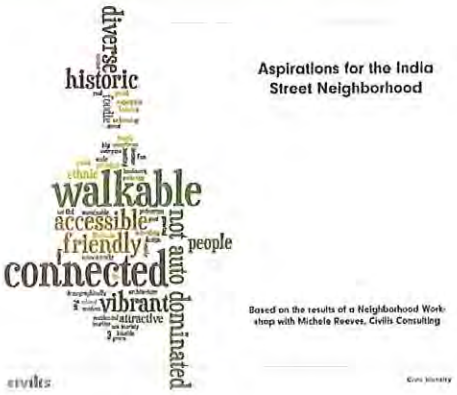
In response to interest from developers and corresponding pressure from India Street Neighborhood residents, the City of Portland undertook a neighborhood planning process. The planners, committees and consultants clearly defined the India Street Neighborhood's assets to build upon, be they Portland's cultural and historical heritage in buildings and urban fabric; that it is a truly mixed-use neighborhood with convenient, walkable adjacencies to Downtown and Munjoy Hill, to the waterfront and its ferry and cruise terminals; the proliferation of "destination" and "landmark" stores and restaurants; and its entrepreneurial culture of small, independent businesses. There seems to be ample parking, good biking streets, and wonderful views.

They also defined well the challenges the neighborhood currently faces, its apparent lack of clear identity and the fact it has never before been subjected to a neighborhood plan process. Cleanup costs are associated with now defunct industrial uses; while the resulting development sites are so large that they overwhelm historic buildings and thus deplete neighborhood character in height and scale. Worst of all, Franklin Street cuts off the neighborhood from Downtown and the Port.

Many voices were heard and many hands participated. The plan is a composite of a lot of good work done by good, well-intentioned, professionals, but the result fails to rise to the challenges at hand not because the team and its consultants lack professional expertise, but because their design and planning toolkit lacks some essential tools.

The Economic Development Team found that new development should be consistent with the scale of existing development, with building heights of less than five stories, with commercial uses limited to Commercial, Congress, Fore, India, and Middle Streets; and increased pedestrian safety could be attained through lighting, sidewalk maintenance and snow removal. So far so good.

The Place Branding Team recommended creating "distinctive archways" along Fore Street with blue, water-themed banners and signs with a neighborhood logo. A bit low octane. The Streetscape / Connectivity team recommended enhancing access to the Eastern Cemetery, creating points of interest around undeveloped parcels and public spaces, and most importantly, reconnecting Newbury and Federal Streets. And then came the Plan. http://www.portlandmaine.gov/1114/India-Street

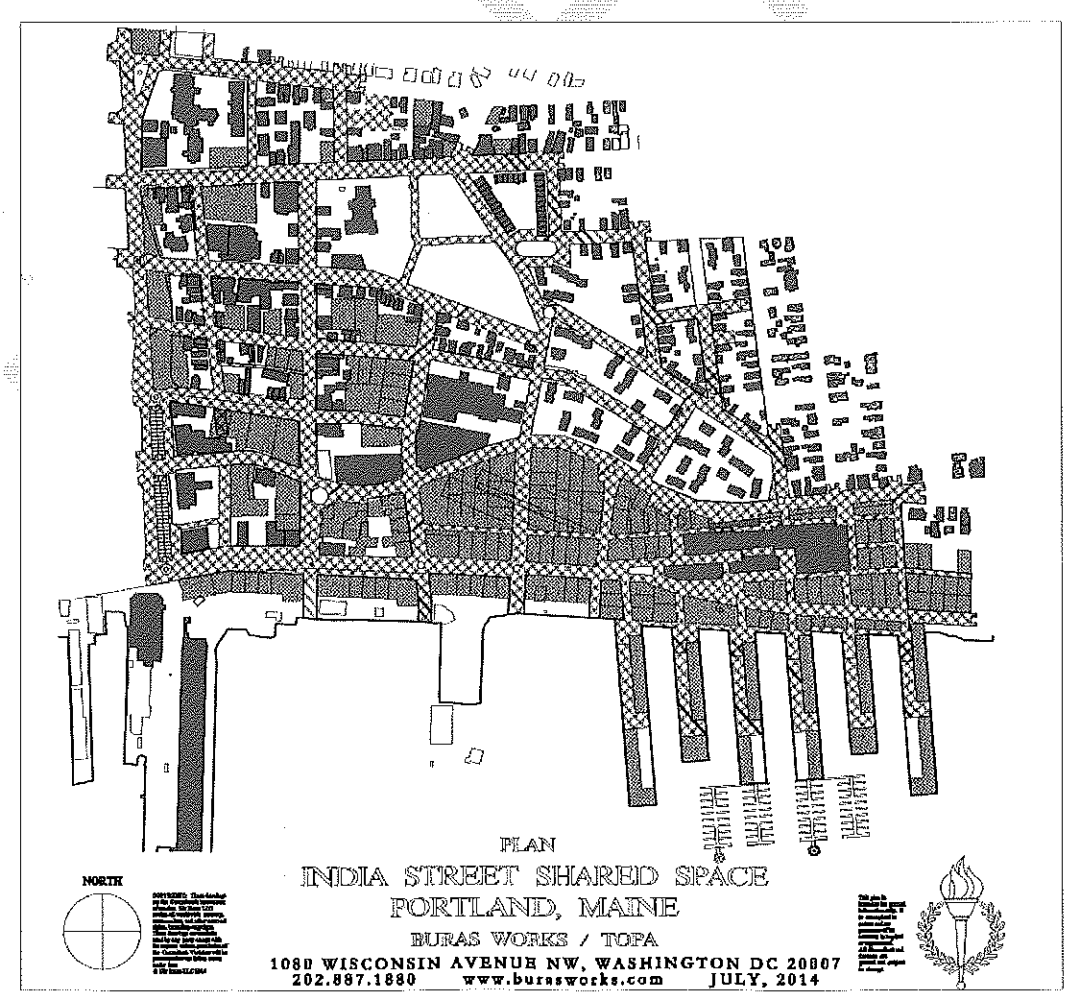



Unfortunately, the motto – "Portland Starts Here . . ." can be read to imply that the remainder of Portland lacks initiative, that it is somehow not "Portland" enough, that what came before is less consequential, or that the current committees and planners (alone) are leading the City into the future.

Clearly that is not the case, on the contrary; but we also know that the idea of tabula rasa planning is an endemic subtext of modern urbanism. And indeed, virtually no urban plan executed since 1921 has actually succeeded. Indeed, one is perplexed by the jumble of words used in the innovative graphic illustrating the neighborhood's civic identity and aspirations. Perhaps it shows complexity and contradiction, much like Venturi's reading of traditional holism. He simply didn't know how to read it.

Perhaps a better way is to describe this neighborhood that encompasses past, present and future is as a "traditionally mixed and tolerant neighborhood where families and businesses live in close proximity to one another, a few blocks from civic and industrial waterfront places." Everyone can understand that.

As for the Plan's boundaries, it avoids the interface between waterfront uses and the more residential neighborhood north of Fore Street. Should the plan have included Franklin Street and gone all the way down to the waterfront, including the Portland Company and tracts north of it? Should it have extended as far north as Cumberland Street? Should it have at the very least indicated what is designed for these closely adjacent areas and how the plans coordinated - or not. Isn't it the same town?



The plan inadequately explores the approaches to the waterfront, to Lincoln Park, to Eastern Cemetery, and the Eastern Promenade. It fails to define parks, pocket parks and "parking parks", amenities which are there for the picking. At the same time, the plan avoids the large Eastern Cemetery and its good Masterplan which successfully ties in with the neighborhood. Doesn't a good part of the neighborhood's history currently reside there?

While, "Hard" Planning involves things, buildings, streets and infrastructure "Soft" planning goals like "Vitality" or "Vibrant local economy" are in the economic, services, social, cultural, and political realms. They depend on individuals and there is nothing an urban planner can directly do about them other than provide places where people can conduct their activities and hope it was a good choice. How can an urban planner create a "Compassionate and supportive community" or "Create and maintain business and resident relationships"?

Where soft planning programs must change to accommodate the new realities they helped bring into existence, the urban designer recognizes that enhancing community life in real time is very different from building permanence. Hard planning should lead to sustainable, permanent systems that accrue over time. They encapsulate the city's urban memory, validating the individual residents' memories and lives.

By their very nature, land uses in cities are located mostly on the basis of supply and demand. Indeed, smelters and abattoirs (for example) should be kept away from houses and kindergartens. Legislating that doesn't require hundreds of pages of code.

The principle of Mixed-Use is a patch on modern zoning which segregated uses so extremely. Downtowns died on the vine and cities devolved into dysfunctional single-use neighborhoods, "industrial" and "office parks", and dormitory suburbs.

In reaction to that professionally-induced disaster, a term had to be invented for what organically happened in towns before planners got their hands on them – Mixed Use.

To attain Critical Action 1, to "Establish a distinctive and authentic neighborhood identity", the plan uses two powerful tools and lacks one. The one it lacks is TIME, because a 25 year plan covers barely a generation. It is too short for the urban horizon, and unable to reflect true sustainability because it disregards the lifespan and replacement cost of buildings. Although making the neighborhood historic is a good thing, is that enough? Is the community identity going to be attained through historic markers while the rest of it changes every 25 years?

The common sense way to attain a "Neighborhood identity that builds on heritage" is AUTHENTICITY. It is attained through buildings which have a distinct character that a non-professional can easily identify as belonging to the neighborhood. Now, THAT'S BRANDING. And it is easily attainable by building new buildings that "belong", i.e., are the same types with the same materials done in the same styles.

Oddly, the presenters made it clear that they considered authenticity as "fake". Question: Because Mainers' antecedents were modest and understated, does that make you, who are modest and understated, "fake" because you came after? Or are you an authentic expression of these values because you EMBODY them?

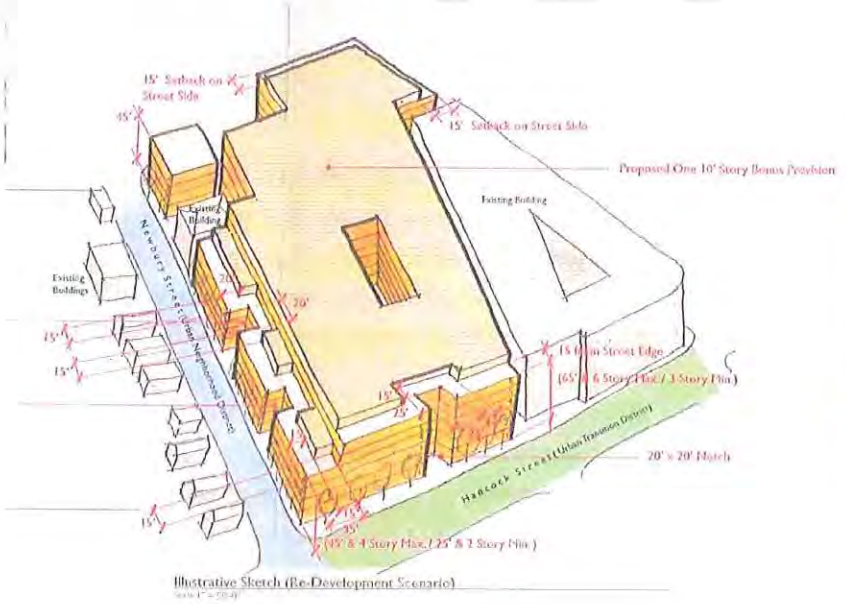
The second tool, Critical Action 8, is "Adopt a Form-based Code". Unfortunately, this tool counteracts the desire for a distinctive and authentic neighborhood identity because...

1. "Form-based Code" is not a professional discipline but a commercial service offered by a professional organization named the Congress for the New Urbanism.

2. Although purporting to produce forms that appear traditional, Form Based Code methods bear no resemblance to traditional design methods and as such the design process produces "Disneylands" with buildings that are "not quite right".

3. What the planners show in the plan is the massing proposed for buildings, not their FORMS. To describe and determine the actual FORMS will require an additional several hundred pages of Form Based Code. Its development, application and enforcement is costly to communities and developers.

4. Indeed, suggestions such as diminishing heights of corner buildings are simply counter urban. Fact is, corners have to be enhanced because they ANCHOR the blocks, whereas mid-block buildings as less significant. Look at the original corner buildings left in Portland and see what good design does with corners. Applying the Plan destroys some of the urban potential of intersections while it overburdens streets with built mass making them potentially intolerable. This amounts to "Un-Portlanding Portland".





KEY PLAN

5. The astonishing notches are also counter urban. They cannot be the exclusive manner to attain differentiation between buildings on a city block. I wonder what the precedent for this idea was. How about a simple clause that says "No building to be more than ¼ block"?

6. Will "Good Quality Design" force the expression of "our time" and thus counteract "Neighborhood identity that builds on heritage"? What is the "human scale street presence" of a 5 story glass hulk?

Not surprisingly, an illustrative sketch of the Form Based Code shows huge modern buildings that overwhelm "Existing Buildings" making them insignificant in their context. Perhaps the Plan should be retitled, "Modernizing India Street Neighborhood with Large Developer Buildings".

It could be that Form Based Codes are not a viable approach for Portland which is a classic plan town with shared space. The "new" discipline of Classic Planning is a plain language common-sense approach with no jargon. Anyone who speaks English can understand it. Classic Planning and its subset Shared Space can help Portland Re-Portland itself more simply, authentically and far more cost effectively.

Indeed, perhaps the biggest and most surprising gap in the India Street Neighborhood plan is that it makes no mention of Shared Space, not even once. How is that possible when the neighborhood is de facto Shared Space in its entirety? The only disruptions to that are the traffic signals, signs and markings.

It is a well-known fact that traffic planners hide their main principles, that cars are dangerous and people are stupid, behind the flag of "safety". They invent streets and intersections which cause conflicts, extensive idling which wastes $25 Billion annually. Their signals, signs and markings provide drivers with false security that induces them to drive faster than the streets require, and to do so with less care than other people present on the street deserve.

Removing the hardware and paint from the India Street Neighborhood streets will reveal Shared Space the neighborhood already is, part of the classic plan town that Portland always was.

What would a Classic Planning Code for India Street look like? In three pages it covers 80% of the desires and regulations of the proposed plan. Translating it to legal form may add a few pages. But it is an order of magnitude less complicated, and an order of magnitude more sustainable.

## India Street Classic Planning Code

1. **Purpose**

**The Purpose of Urbanism is to Design a Legacy of Beautiful Places for People**

a. **When unpenalized,** people choose to use beautiful places over others.

*Beautiful spaces are functional and economical.*

b. **Beautiful spaces** elicit statements of "it's beautiful" regardless of their date of construction. People often choose to maintain them for generations.

*Beautiful spaces are fundamentally sustainable.*

c. **People in beautiful places** are often on their "best behavior", generally seem less prone to aggression and frequently less easy to victimize.

*Beautiful spaces are safer, calming, and encourage respect.*

2. **Facts**
   a. Portland is **A Classic Town with Shared Space**
   b. There is no good urbanism without good architecture; and traditional and classical buildings make the best streets and spaces.
   c. *All urbanism is based on precedents, all of them from the traditional realm. It is unreasonable to propose to people an abstraction of what is a physical experience.*
   d. Modern planning, even FBC, cannot provide a vision for a neighborhood and its plan.
   e. India Street Neighborhood is nearly a shared space neighbor hood as it stands. Make it shared space.
   f. It is at the interfaces of industrial waterfront urban fabric with its maritime uses and Portland city fabric, specifically Munjoy Hill.

3. **Urban design Goals**
   a. Restore and create the types of places that make Portland unique and center-city resources in keeping with the community's needs and character.
   b. Be viable from a Sustainable, Smart Growth, Green point of view.
   c. Where possible, fund the project from the development itself.
   d. Not to displace a single citizen (minimize eminent domain).

4. **Principles and assumptions:**

**I. We take the 100 year perspective (sustainable).**

*It is a holistic, organic approach that pays for itself with social, economic and political benefits, builds memory into the fabric and heals gaping wounds with common heritage and meaning.*

**II. Portland's classic plan(s) are its urban DNA.**

*Portland was formed on the stability of humanistic values, as a working Yankee city, around ships, trade and waterfront industry.*

**III. Classic Planning and its subset shared space provide a basis for the continued development of the City.**

*Everyone on the street are people, whether on foot, in a car, in a bus, or on a bike. If the street is not going to work for people, it is not going to work.*

**IV. Design at any scale must be sustainable and withstand the test of time. Designs are judged on:**

a. ***Firmness*** *which is - longevity and sustainability*
b. ***Commodity*** *which is - functional flexibility, easy adaptation, and local / regional appropriateness*
c. ***Delight*** *which is - timelessness and beauty*

**Code**

I. **Use and follow the grid(s)**

   a. Minimize curved streets except to reflect topography.
   b. Minimize angles in streets as they are perceptually straightened out to $90^0$.

II. **Properly size streets, blocks and plazas following original precedent.**

III. **Use small blocks and small lots.**

   a. No building larger than ¼ block.

IV. **"Use" is ephemeral.**

   a. Conflicting uses are rare but serious

V. **Buildings**

   a. No more than 10% buildings in styles dating after 1927.
   b. Cornice lines at four to six stories.
   c. Belt courses at one and a half to two stories on important streets.
   d. Building heights measured in floors, not feet
   e. Authentic Construction (pre 1933 technology best for sustainability).
   f. All buildings with operative windows.
   g. Use a minimum of steel in construction. Cast iron is allowed for up to 10% of necessarily exposed structure.
   h. Building Types: Use your mind's eye to fill in the two street images below with the building types you see in the right column of the table

# Building Types

*1 Story Buildings*

*2 Story Buildings*

*3 Story Buildings*

*Substantial Commercial*

*Larger Commercial - 6 Stories*

*Large Industrial*

*Large Sheds*

Distribution of Building Types (excluding small single family structures) on **Franklin Street (Munjoy Hill?)**

| Building Type | Rough Distribution |
|---|---|
| Bay | 25% |
| Mansard | 25% |
| Gable and Gambrel | 25% |
| Cornice / Square | 20% |
| Porch | 5% |

Distribution of Building Types on **Commercial Street**

| | Wharfside | Landside |
|---|---|---|
| 1 Story Buildings | 9% | 0% |
| 2 Story Buildings | 35% | 27% |
| 3 Story Buildings | 24% | 15% |
| Substantial Commercial | 21% | 42% |
| Larger Commercial - 6 Stories | 6% | 3% |
| Large Industrial | 3% | 9% |
| Large Sheds | 3% | 3% |

*You don't need a form based "code" if you are* **architecturally literate.**

*Bay*

*Mansard*

*Gable and Gambrel*

*Cornice / Square*

*Porch*

## Conclusion

For the City, neighbors and developers to get the "traditionally mixed and tolerant neighborhood..." etc. that they all want, here are a few tangible suggestions in the interest of shortening and simplifying the Plan, while providing better tools and leverage;:

1. Adding to the Form Based Code a section on "Authentic Design"
2. Isolating one or more specific locations where a shared space can be employed
3. Adding to the Form Based Code a section with the 3-page classic plan code and giving residents of a street the option to adopt it for their block in lieu of the more laborious Form Based Code.

9 July 2014

# India street comments

—Peter Monro

**Height:**

1. Building heights and scales should be discussed at every stage of this plan—which they are not in this latest draft-- because it's at the visible heart of neighborhood identity and character, as demonstrated by the very reason for this neighborhood planning effort.

2. In the historic "Background" section because India Street neighborhood buildings have until the last few years been small and very low indeed. The *tower* on the Fire Engine Office Building at 97 India Street is a heightened three stories tall. Only one building on the street is taller than 3 stories, the recently built 4-story BenKey building, and even it's roof gables down to 3 stories. Even the biggest, blockiest building, the street's terminus at the Canadian Trunk Line Building is 3-stories with a half story tall base.

3. In the discussion of character-based codes. Height is the crux of form-based codes because they are based on the relationship of building height to adjacent street width. That's why it's the facades and their heights that are important, not the masses of buildings behind. We note buildings by their edges. Kevin Lynch made the same point in The Image of the City. So unless the streets are going to be widened (and they are not) the building heights should remain low, India Street neighborhood low.

   Thus, the open-ended statement "scale can grow" must go. (P. 15) Scale can grow only to the extent it conforms to historic and current buildings and to principles of human scale, pedestrian friendliness, relation to street width, etc.

4. In the Goal and Vision Statements and the Development Policies and Principles, see below.

5. In the "Challenges," where the "Scale of Development" language, might be extended to say "...does not comport with the desires of neighborhood residents and businesses, ***historic neighborhood buildings, or neighborhood character in height or scale."*** (P. 11)

6. Why should new buildings remain low, beyond historic and current neighborhood character, and residents' and businesses' wishes? India Street is a neighborhood commercial district, deserving ground floor retail on small office and residential buildings, not part of the vertically developed downtown commercial center.
7. India Street is low on the peninsula, part of the low saddle between the higher downtown ridge and the higher yet Munjoy Hill. The traditional basis for building height on the peninsula --the basis for the Height Study in the Comprehensive Plan, and those done for the Eastern

Waterfront and Bayside, is still a good one—building height should reflect or amplify the underlying topography.

8. Residents on the uppermost floors of buildings five stories and taller cannot participate in the "conversation with the street" that creates urban vibrancy. In fact, through looming presence, shadows and winds, they deaden the streets below.

**Goals and Vision Statements**

9. The second goal "Good Quality Design" has no meaning. (Jack Soley thinks his new Hyatt Place which everyone thinks is horrible looking and grossly out of character with its Fore Street neighbors, is very well designed indeed.)

   On the other hand, "human-scale, street scale or neighborhood-scale design" hints at specific meanings, as goals should, and at least one of those descriptions should be used here instead of the word "good."

**Development Policies and Principles**

**Principle 1. "A Strong Neighborhood Identity"**

1. Building heights are critical to a neighborhood's identity (and to Vision Statement 3: An Authentic Neighborhood True to Its Heritage) as is noted in Principle 4. Development: "A ...neighborhood's identity is dictated in large part by its scale and pedestrian-friendly design." So the role of low building height and small building masses in India Street historically and currently should be noted in Principle 1 with a reference to the larger discussion in Principle 4 (pp. 18-19).

**Principle 3: Guided Growth**

2. There should be a statement that "growth will come from increased density of development rather than increased height."
3. And the statement ,"All of this growth can only add to the activity and vitality of the neighborhood, " needs amending, adding "**if new development respects the historic and current scale and character of the neighborhood and the needs of street life.**" That is to say, new residential development in and of itself does not automatically add to vitality on the street; in fact, badly scaled and poorly related to the street new development can deaden existing street life.

**Principle 4: Form of Development**

4. The sentence "In the larger blocks presently dominated by surface parking, new buildings will be scaled proportionately to allow larger buildings with the mass and scale attenuated to achieve a human-scale street presence etc." I would take out the word "proportionately" because it sounds like the buildings will be allowed to relate to the size of the lot, rather than the width of the street or the other factors listed at the end of the sentence.
5. In the "street-oriented buildings" paragraph, I suggest "with 'permeable facades'—**frequent** front entrances, fenestration that relates to the street, **open walls, balconies, etc.**

6. There should be some mention of not permitting buildings to overhang the street. This is becoming a problem in recent developments both in the West End and on Munjoy Hill. Overhangs prevent full street tree placement now and growth in the future and compromise street corridor views, among other things. Articulation of facades should occur on the private lot, not in the public corridor.

**9. A Connected Neighborhood**

7. Contrary to Hugh Nazor's contentions at an earlier meeting, two things separate India Street from downtown by foot. The first is that Franklin Street's current configuration, which deadends all approaching streets except Congress, does indeed cut off the India Street neighborhood from downtown.

   The second is that "the urban desert" along Congress Street from Hampshire Street to Monument Square, centered on Franklin Street, creates a mental barrier—a long boring walk always does that—to walking downtown from India Street. Apologies to those going to Guild Hall, City Hall or the Post Office, among the few destinations on that half-mile, 10 minute walk.

8. So the plan properly envisages reconnecting side streets to and through Franklin Street. I favor right-turning streets for cars at these connections, to maximize connectivity and minimize funneling of cars onto Congress and Middle Streets. Despite years of thinking the contrary, urban neighborhoods thrive on the distributed traffic of full street grids, not the suburban complex of dead cul-de-sacs and high-speed, or clogged, arterials.
9. Secondarily, the plan should also recommend the creation of as much new development as possible along Congress Street between India Street and downtown to populate the "urban desert" with points of interest, development featuring frequent front doors to public uses, especially retail, and large, street-level windows.

**Quality infrastructure**

10. The idea of "reduced off-street parking requirements" should be extended to city-initiated incentives. City incentives in this neighborhood should extend, not to increasing building height—which undermines neighborhood character--but to reducing parking, since parking is dead urban space that costs money, pumps up building height while gutting buildings.

    This is especially true since we now know that the state of a city's economy – number of jobs and average pay for jobs—is inversely proportional to the amount of land given over to parking. http://bettercities.net/article/how-too-much-parking-hurt-cities-19790

    Portland is overcommitted to parking, having 195 acres in our downtown two square miles devoted to it, compared to 100 acres in Portland, OR, with 9 times our population, and only 8 acres in Stockholm, 12 times our population.

    Granted, reduced parking is not always what developers are looking for, but it's what the city and the neighborhood want and need, to protect neighborhood character, provide affordable housing, safe sidewalks and vibrant streets. Developers will increasingly accept reduced parking as a way to keep building size/cost down, and meet the stringent height

standards that should be included in this neighborhood plan. Put the other way, stringent height limits cannot be achieved profitably if a floor is taken up with parking.

Thank you for your consideration of these modifications,

Peter Monro, ASLA

32 May St., 04102

Jp_monro@myfairpoint.net (207) 318-6052

#####

**From:** HUGH NAZOR <hughn@mac.com>
**To:** Alex Jaegerman <aqj@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>
**CC:** Kevin Donoghue <kjdonoghue@portlandmaine.gov>, Richard Barringer <barringr@usm.maine.edu>, Bobbi Keppel <bobbik@gwi.net>
**Date:** 7/31/2014 12:44 PM
**Subject:** ISNplan Public Meeting

This is a collection of thoughts from the public meeting. I look forward to working on the FBC details as things progress.

On the indiastreet.org web site is a short synopsis of what I heard at the public meeting and what our meeting on the 6th will be about. There had been a number of issues about which it was decided that we would "wait and see what the public has to say".

What I heard said was:
That the inclusionary zoning has to be separated from the ISN plan;
The desire for smaller rather than larger developments (height and mass);
The desire to keep the fabric of a small, walkable neighborhood with human scale buildings and lots;
There is rather consistent support for an Historic District but worry about some implications;
That there is no understanding that a form based code can make permitting much easier;
That developers and people holding land to develop do not want firm regulations;
That there needs to be form considerations for potential industrial use;
That there is a significant desire for small public spaces within the neighborhood;
That the transit future (including trains) needs some thought expressed in the plan;
That reconnection is generally desired where appropriate.

What I did not hear was:
Any request for greater height;
Any desire to keep the inclusionary ordinance in the ISN package;
Any desire for more massive, larger scale buildings;
Any support for notches or "elements" rather than smaller scale development.

GENERAL CONCLUSIONS
I think there should be more emphasis on the control of height and horizontal mass within an Historic District by the FBC rather than by the Historic Board. Along with something approaching a check list working toward "permit by rule" this would go a very long way to make this plan more acceptable to the development community.

I do see that the Street Edge Facade Breaks might work in some places, but they not only introduce a totally new visual element into the neighborhood but reduce interior building capacity. The drawings of the notched residential units on Newbury at the Shipyard site would be another new and somewhat jarring element across from traditional buildings. If the same area were built with frequent entries that look like double houses or row houses, there would be more compatibility and street appeal. There would be more marketable space. Of course, such a building is an existing option as things are written but it might be better to allow more horizontal length by means of such a design rather than with notches. To do something like this we would need to define horizontal distance differently for what used to be called a "block" vs what was called a "building". That is: the Park Street Row vs a building in the row. Right now, by the draft rules, such a row might have to have notches.

While on that topic, the "Street Edge Facade Breaks" section and the (following) "Street Edge Facade Length (max)" are in direct conflict in the UN district. I continue to think that there must be a max limit on the size of "blocks" and/or "buildings" in the UN and UA districts. I am not as concerned about horizontal mass at the very edges of the neighborhood - though all of our consultants did recommend small scale throughout. The beauty of FBC is the ability to make the size decisions - even block by block within a district. To try to create one approach (such as notches) to address scale in an entire district (or in many districts) is to discard one of the more precise tools of FBC. Please reconsider this.

I have mentioned before and continue to think that the density bonus is inappropriate in the UN district. If building scale is kept to what it should be, there is little chance of its application. More on that below.

There are many people, within the ISN and outside, who do not feel comfortable speaking in public. At the meeting on the 6th, we intend to present many elements of the plan and to get a vote of those who like, dislike or do not care about each one. We will attempt to frame this fairly and to sell the best points of ideas that are not universally understood. I do not anticipate that the results will be very different from the opinions given on the 28th but I have been surprised before. This information will be available for the meeting on the 7th and sent to you that AM.

You might take a look at the Mid-Block Permeability language. As it reads, The redevelopment of Shipyard (as presented on the 28th) could be seen as meeting the requirements. It does touch two streets - and what if Shipyard and the hotel were redeveloped together? To make the lines shown on the regulating plan the deciding factor may not be the most stable solution; Bayhouse may be expected to be redeveloped within a few decades (and one hopes that the parking garage will not be there forever while the proposed building north of it should last a long time).

DENSITY BONUS
I think it is a good concept. I believe in small units and there is a great need for them. People argue for affordability for young professionals but do not seem to understand that the one direct way to address that is small size units. The present problem with the idea is that there seems to be more of a market for million dollar 2,000 sq ft units than for half million dollar 1,000 sq ft units (which cost more per sq ft to build). The solution elsewhere has been to go to even smaller units, which has met with some success.

Portland has a smaller residential demand base than larger cities and a much less daring or creative developer community. The idea of 400 to 600 sq ft is seen as just too much of a risk and might be near to impossible to finance. Nonetheless, it may be the only way a density increase may be

realized.

Let us consider a slightly larger than typical size project on a 60' by 65' ft lot (3,900 sq ft). That is about a tenth of an industrial acre. With the side lot setbacks and the rear setback (10 ft each) we are left with 2,200 sq ft. Reducing this by 15% for hallways, stairs and utility runs, we have 1,870 sq ft. In the UN district, with four floors, that would be a total of 7,480 sq ft. 150 units per acre would dictate 15 units. That would be about 500 sq ft per unit. Just one floor-through unit would mean that all of the rest would have to be only 400 sq ft each. I do not think that there is a developer ready to do that.

A building (somewhat like the Shipyard, Newbury residential drawing) is about 60 by 280 ft (16,800 sq ft) or .42 or so industrial acres. That would dictate 63 units to meet the density bonus. After only one side setback and the three 20x20 notches and the 15% non unit space that leaves 15,000 sq ft per floor or 60,000 for four floors. That allows about 800 sq ft per unit. That could work out very well. I might want to live in one of them. They could get the bonus - but will anyone build such a development? When I ask this of local professionals, the answer is: "NO".

The larger of the Intercontinental buildings would be about 90 x 270 ft or .6 acres. That would be 91 units in six floors. With no setbacks and only the 15% reduction and one notch, that would allow 1,327 sq ft per unit. If they chose to have first floor commercial, the five floors of residential would still allow 1,105 sq ft per unit to get the bonus. The extra floor could then be larger units. Asking the same professionals, I have been told that it is not likely that a developer would like to do that. Nonetheless, it is a very workable plan. This means we have to wait for a developer who is interested in building what we want vs dealing always with what the developers want to build (all luxury condos).

The point here is that the bonus might be hard to sell to developers. It is also that the density required is not likely to be met in any but the UT zone which is where that bonus belongs. Larger footprint building along Franklin have the potential to develop a large number of units. It is equally true that decreasing the required number of units to 100 would only make the bonus virtually automatic and not get any true density increase. It would only allow more height for non-inclusive development.

OTHER NUMBER ISSUES

The inclusion of the number of floors for buildings has been discussed in workgroup and in AC meetings. It had not been stressed that minimum floor numbers would provide a problem both for industrial uses as well as for architectural expression. Minimum building height is desirable in all zones. In all zones it works to increase residential density,at least on upper floors. It prevents what Michelle called the "toothyness" of empty lots or one story buildings. In short, it makes for a more uniform fabric.

For maximum height, there is a use for denoting the number of floors. First, there is no industrial problem where unwanted floors must be built. It informs anyone reading the code as to what a certain height building is expected to look like. It allowed it to be easily envisioned. Lastly, it encourages the building of a structure that will meet present and probable future demand and which will be able to be built with proper inter floor spacing.

The maximum number of floors are derived from many elements of the design. They presuppose clear (floor to ceiling) heights from 12 feet for commercial space to between 8 and 9 feet for residential. While some high end units are now built with 10 foot ceilings, there is room for variation within any development.

_____Hugh

ROGER P. HALE, PRESIDENT

OFFICE
Telephone 772-5354

Fax 761-7950
email: genmarr@aol.com

# General Marine Construction Corp.

446 COMMERCIAL STREET
PORTLAND, MAINE

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5/6/2014

Dear Mr. Jaegerman,

General Marine Construction has owned the 115 space parking lot on Fore Street since 1990. (Assessed property description 29-N-5 216-232 Fore St.)

We have turned down many offers to sell the property over the years. We have always hoped for the value of the property to increase. We are concerned that any additional height restriction on property would destroy any future development opportunities we may have in the future. The City should be concerned for the future development opportunities that the City may lose.

With all respect, we oppose any new height restrictions on our property.

Sincerely,

Roger P. Hale, President
General Marine Construction

Portland Society for Architecture
PO BOX 5321
Portland, Maine 04101
www.portlandarchitects.org

To: India Street Neighborhood Advisory Committee
From: Portland Society for Architecture
Date: 22 September 2014
Subject: India Street Sustainable Neighborhood Plan

Dear Committee Members,

The Portland Society for Architecture strongly supports efforts to develop a neighborhood plan for the India Street Neighborhood. We support the Critical Actions proposed in the Implementation Plan *except* Critical Action 5 – Create a Local Historic District. Portland needs to ensure the goals of historic preservation initiatives work in harmony with the housing affordability and economic development goals of our city. We do not believe designating an entire historic district is a balanced approach for the following reasons:

- Historical authenticity and identity of the neighborhood can be maintained simply by including the proposed landmark buildings without naming an entire historic district.
- A majority of the proposed contributing buildings listed are small and on irregular-sized lots, and realized historic tax credit benefits would only start to be available at investment levels of $500,000 or more.
- We believe a historic district will tend to restrict the new businesses and residents it attracts and will not encourage the 'diversity of residents' goals put forth in the plan.
- Restrictions placed on proposed contributing buildings will limit the highest and best use of properties and limit the flexibility needed in order to provide increased housing opportunities put forth in the plan and identified in 'Portland's Economic Scorecard 2014-2015.'
- Many of the buildings listed as Contributing are merely old, small, wood-framed structures that are neither unique nor necessarily more valuable to Portland's urban culture than the buildings that may someday replace them. We should not freeze sections of our city in an inappropriate scale and construction type; we should instead find ways to smartly manage future growth as the neighborhood is attempting to do with the Form Based Code effort.

In summary, PSA believes Neighborhood Heritage and Historic Preservation (Development Principal 3) can be achieved by designating additional landmark buildings rather than blanketing the entire district and in doing so will not negate the other 11 Critical Actions but provide enhancement. Additionally, we believe that by landmarking individual properties rather than creating the district will allow for less conflicts between historic reviews and the Form Based Code providing a clearer expectation for design and development.

Very truly yours,

Portland Society for Architecture
Board of Directors

To: India Street Neighborhood Advisory Committee
From: Portland Society for Architecture
Date: 7 October 2014
Subject: Addendum to 9/22 Statement

Dear Committee Members,

PSA wishes to clarify the following language included as part of our September 22 statement before the Committee:
"A majority of the proposed contributing buildings listed are small and on irregular-sized lots, and realized historic tax credit benefits would only start to be available at investment levels of $500,000 or more."

In making this statement, we did not mean to imply that historic preservation tax credits are unavailable below an investment level of $500,000 or more. That is not how the law is written. We were, instead, hoping to start a conversation about the practical reality that historic tax credits are rarely used at investment levels below an approximate figure of $500,000.

The law fully permits applications for smaller amounts, but the cost of hiring consultants and the extensive due diligence required means that projects below $500,000 are rarely able to access tax credit benefits. The creation of an Historic District can bring benefits to some property owners, but in our opinion it would be improper to claim that small residential property owners in an Historic District will be able to access the same level of financial assistance afforded large property owners and developers.

Thank you for the opportunity to add this clarification for the record.

Very truly yours,

Portland Society for Architecture
Board of Directors

**Portland Society for Architecture**
PO BOX 5321
Portland, Maine 04101
www.portlandarchitects.org

## To: City of Portland India Street neighborhood Planning Committee

## August 7, 2014

## Regarding the India Street Sustainable Neighborhood Plan Critical Action # 9

**Are there any Critical Actions that you believe need further discussion or revisions? For example, should future visions for transportation and rail be incorporated into this plan?**

The ISN Plan, from inclusionary zoning to historic designation and FBC is a "future vision". No need to single out passenger rail any differently. The SLR Project plan is currently part of local, state and federal planning to restore passenger rail to this neighborhood. Just as the ISN Plan considers the impacts of reconstructing Franklin Street, the plan should consider the land-use implications of a multi-modal system of transit at this adjacent waterfront location.

Yes there should a critical action recommendation to design alternatives to automobiles coming into the already congested waterfront and India Street neighborhood. The recommendation should focus on a transportation system that includes passenger rail. The State of Maine owned SLR railway corridor, which shares the right of way with the Eastern Prom recreational trail, is more than a resource for attaining sustainability. Passenger rail is the critical element of a multi-modal system that connects people to places. Planning for that "last mile" is the responsibility of the community and should be incorporated into the Plan for the India Street neighborhood.

The SLR rail corridor is adjacent to the ISN and offers connections to towns and regions beyond the city, including Canada. The rail corridor is a fixed route that will eventually move hundreds of thousands of people to a fixed railway station location. These people will arrive without cars and will access and travel through India Street, just as the travelers from Casco Bay Lines, cruise ships, and ferry to Nova Scotia do. They will need safe pedestrian access and bike routes. They will need public and private bus transit, along with car share, bike share, ferry services.

The ISN Plan references "Support existing Transportation Infrastructure initiatives" and "Emphasis on connectivity and where we propose that to take place". The plan should go further in recommending that the City design a system of mobility and access that meets the needs of people coming and going who will access Portland at this place by means other than a car. The ISN Plan should identify the transportation hub that is OceanGate, not as a "future vision", but as a resource that can be used (a lot sooner than rebuilding Franklin Street and for less money). The potential for developers to reduce the costs of parking and vehicular access should be noted, particularly in considering the regulatory impacts of FBC on new development.

The goal should be to establish a community-based system of mobility, e.g., transportation that contributes to the long term sustainability of the local economy, creating jobs and improving the environment. The strategy should be to provide cost- effective transportation to meet current and emerging mobility needs of an aging population who desire alternative means of access, and a younger generation demanding alternative 21st century options that require effective transportation alternatives to reach jobs, housing and markets.

Anthony J. Donovan, President Maine Rail Transit Coalition 84 Middle St. Portland, Maine
Mailto: MeLikesRail@GMail.com Phone: 207-329-6732

This is not just about rail. By incorporating connections to a multi-modal center for residents the City can provide more transportation choices. Development of safe, reliable and economical transportation choices decrease congestion and household transportation costs, reduce our dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health. A 21st century system of moving people is also a tool for attracting business and creating new jobs, something this plan otherwise does not address.

"Complete Streets" does not meet the design standards required for local, inner-urban pedestrian access. Complete streets is just that; a DOT engineering design for protecting the integrity of the street and automobile LOS. Only by fully engaging in a system of connectivity, supported by alternatives to cars, including a passenger rail operation will we meet sustainability goals. That type of planning may consider Complete Streets guidelines, but it should be focused first on safe, effective and efficient non-motorized transport, before making it convenient for cars. In fact it should make it inconvenient for cars by slowing them down and directing them to off-street parking at a cost that will make the drivers consider alternatives.

**The Problem with the Boundary**

**Although the ISNA claims the boundaries were established after a long and detailed debate, we need to question as to whether that debate would have been better done in a more public forum. The Portland waterfront is almost sacred to most of the residents of the city, and region. That a preservation plan for an adjacent neighborhood would spill over into the waterfront requires a serious debate.**

One of the primary criticisms of the ISN plan is that while regulating the India Street neighborhood for historic preservation and residential development, the plan does not recognize the connectivity to the transportation hub that is Portland's waterfront. While the plan has its champions, and may be what is needed to protect India Street neighbors from unwanted development, the impacts on the waterfront are unknown and the ISN Plan might possibly be an impediment to the highest and best use of the most valuable under-developed real estate on the eastern seaboard.

The inclusion of any land on the waterfront side of Fore Street, including the former Grand Trunk railway property and the Shipyard Brewery is a mistake. The problem is the regulatory boundaries of the ISN Plan include these undeveloped, underdeveloped or in the case of Shipyard Brewery industrial land, that is part of the Eastern Waterfront, an area of the city that was planned and accepted into the City Comprehensive Plan 10 years ago.

While the ISN plan is an effective instrument for preservation and integrity of the neighborhood to the benefit of the growing residential population, historic preservation, inclusionary zoning, building heights, mass and design, parking standards, street design requirements and other applications of government regulatory and planning is not in the best interest of obtaining the highest and best use of the waterfront.

Anthony J. Donovan, President Maine Rail Transit Coalition 84 Middle St. Portland, Maine
Mailto: MeLikesRail@GMail.com Phone: 207-329-6732

This was a most efficient process done in record time for an initiative of its scope. That those involved find this to be well-vetted is understandable. But now that the details on zoning and design requirements are out for public comment, it is evident that the boundary of the India Street neighborhood should not have been extended into the waterfront. In fact it is time to revisit the eastern waterfront and have some public discussion on the plans for the former Portland Company, the Shipyard Brewery, the Grand Trunk land, Munjoy South and the expansion of the OceanGate Transportation Center for inclusion of passenger rail.

end



**Anthony J. Donovan, Founding Member**

**Maine Rail Transit Coalition**
**84 Middle St.**
**Portland, Me. 04101**
**(207) 329-6732 Mobile**
Mailto: MElikesRail@Gmail.com
URL: WWW.MaineRailTransit.Org

***Train Time***

## SUSTAINABLE PORTLAND: THE WATERFRONT AND THE RAILROAD

The recently published India Street Neighborhood (ISN) Plan for regulating development and historic preservation of this unique area of the City, misses the Portland waterfront's equally historic importance as a commercial transportation hub. While needed to protect India Street neighbors from unwanted development, the Plan's impacts on the waterfront are unknown and could have serious unintended consequences to what may be the most valuable real estate on the eastern seaboard.

The waterfront side of Fore Street, including the former Grand Trunk railway property, the Shipyard Brewery complex and the undeveloped and *under*developed part of the Eastern Waterfront, is already covered by the City Comprehensive Plan, now 10 years old. Even inferred inclusion of this land in the ISN plan is a mistake.

The commercial transportation resources of the waterfront include the ferry to Nova Scotia, cruise ships, the Casco Bay Island Transit District (with 1 million passengers annually) and the rail corridor connecting Portland's waterfront to western Maine and beyond. Although not explicitly included in the ISN Plan, they could be negatively affected.

Many Portland residents and visitors are not aware that there is a railroad from Montreal to India Street Portland, established in 1853, known at the Saint Lawrence & Atlantic Railway, or the SLR and that the right-of-way (ROW) still exits. The Portland peninsular section wholly owned by the State of Maine, is currently used by Portland Trails and the Maine Narrow Gauge Railroad tourist rail under a leasing agreement with the Maine Department of Transportation (MeDOT).

The State of Maine has a plan in place to operate passenger service on this rail route. It has already spent millions of dollars in the engineering and environmental assessments for the operations. In 2011 the plan was refined in a MeDOT analysis; and this past April a $1.35 million application for funding the final design was submitted to the US Department of Transportation by the MDOT. A recent poll prepared for the Maine Sierra Club shows almost 8 in 10 residents (77%), conservatives and liberals alike say they want investments in the railroad to allow for passenger rail service between Portland and Auburn.

The SLR rail project is a realistic effort to restore passenger rail service between the Portland, Maine Waterfront and the Auburn/Lewiston Municipal Airport. This is the first leg of a planned extension through western Maine, New Hampshire, and Vermont, extending finally to Montreal. This initial 30-mile corridor links the two largest population centers in Maine. Restoring this critical transportation route provides an opportunity to reduce congestion, mitigate pollution and connect Portland to a host of economic regions, while reducing the costs of transportation to consumers and governments alike.

However, there are references in the ISN Plan to the waterfront and to the Eastern waterfront recreational trail, which runs on the SLR ROW. A review of the draft plan indicates detailed and complicated zoning regulations for the India Street neighborhood, including the Eastern Waterfront properties. Such regulations would impact the planning required for a passenger rail transit center at the OceanGate site and designs for alternative means of transportation, including bike, pedestrian, bus, ferry, and services such as car and bike share.

The ISN plan is an effective instrument for preservation and integrity of the neighborhood to the benefit of the growing residential population. However, the historic preservation, inclusionary zoning, building heights, mass and design, parking standards, street design requirements and other applications of government regulatory land-use codes are not in the best interest of obtaining the highest and best use of the commercial waterfront.

This ISN Plan process was done in record time for an initiative of its scope. Those involved consider it well-vetted. But now that the details on zoning and design requirements are out for public comment, it is evident that the boundary of the India Street neighborhood should not have been extended into the waterfront.

In fact it is time to revisit the Eastern Waterfront and have some public discussion on the plans for the former Portland Company, the Shipyard Brewery, the Grand Trunk land, Munjoy South and the expansion of the OceanGate Transportation Center for inclusion of passenger rail.

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Maine Rail Transit Coalition
Portland, Me. 04101
(207) 329-6732 Mobile
Mailto: MElikesRail@Gmail.com
URL: WWW.MaineRailTransit.Org

**Greater Portland Landmarks Comments on the India Street Master Plan and Process**
**October 15, 2014**

Greater Portland Landmarks actively participated in the India Street Advisory Committee and supports the India Street Master Plan draft that has been forwarded to the City Council from the Council's Housing and Community Development committee. We strongly support the policy recommendation to create an India Street Historic District to preserve the historic fabric of the neighborhood that includes buildings that are not only historically significant for their architectural character, but also have merit as representations of larger social, cultural, and historic events in Portland. Consideration of a potential district resulted from a planning board recommendation several years ago, when neighborhood residents raised concern about the scale and impacts of new construction in the neighborhood.

To prepare to consider the possibility of an historic district, the City commissioned extensive research including a study of every property that could be in a potential district. This information helped guide the work of subcommittee to study proposed boundaries of a district. The work included consultation with the Maine Historic Preservation Commission regarding concurrent National Register district designation to provide access to historic preservation tax credits.

We would like to provide accurate information to address several assumptions presented at the final meeting:

One purpose of an historic district in this neighborhood is to preserve the historic fabric of a neighborhood that is the site of the earliest settlement of Portland; was significantly impacted by Portland's ocean, railroad, and land transportation economy; was a focal point for immigration including the earliest African American neighborhood, as well as Jewish, Italian, and other immigrant communities; and contains distinctive civic and religious buildings.

Another purpose of an historic district is to provide a consistent review process for the entire neighborhood. Landmark buildings are important, and there are eight in the area, however the additional historic buildings that contribute to the historic character and significance of the area are important in retaining its scale and architectural character as well as to convey the story of the neighborhood. Consistent improvement and development review standards give assurances to property owners of all types that their investments will be respected and protected.

There are buildings of many ages and styles in the India Street neighborhood that reflect its long history – it is not a homogeneous neighborhood like the Old Port. It includes many more modest structures that are not architect designed, but that do reflect the evolution of our city and represent the pedestrian oriented human scale that characterizes Portland. The neighborhood is not unlike the near West End where more modest buildings comprise the majority of the historic fabric. Consultant Michelle Reeves cited the potential for reinvestment in this neighborhood with a variety of evolving uses. This makes sense to us. The relatively small scale of the buildings is an advantage in many cases.

We have provided information on the attachment about the historic preservation tax credit program. The Maine program has special provision for smaller projects between $50,000 and $250,000 and work can include a wide range of projects from upgrading HVAC systems, repairing roofs, walls, floors, chimneys and porches, among other items. The property must be an income producing property.

One of the major reasons for the India Street Master Planning process has been the concern of residents that large, out of scale buildings, such as the Bay House complex, were beginning to dominate the architectural character of the neighborhood. As we have seen from the work completed to date, the Form Based Code alone will not alleviate the massive structures that inspired the master planning process in the first place, nor will it address the quality of materials and design details that make for good new construction. Historic Districts and Form Based Codes work well together and each address different aspects of the planning process. We believe that both should be developed in tandem and work in tandem.

With the above in mind, we would like to propose a revision to the process going forward. Part of the reason the ISNAC failed to reach a clear consensus was because the so-called working groups were largely working independently. The same pattern continues as the historic district and the form-based code discussions progress on their parallel paths. A more integrated path could be more effective, where the historic program staff participates in the form-based code development process; where the form based code and Historic District working groups meet together to review both items as they progress towards a final recommendation; where the form based code committee draft goes to the historic preservation board for review prior to the final draft; and where there is a historic preservation board workshop to review the Historic District boundary and form based code guidelines. The goal would be to ensure that there is not conflict between the two areas of the plan and that the review process will be easier because there is consistency and agreement.

Thank you for your consideration.

Hilary Bassett
Executive Director
Greater Portland Landmarks
93 High Street
Portland, ME 04101
www.portlandlandmarks.org

# Historic Preservation Tax Credits

*For information about call Chris Closs, Preservation Services Advisor for Greater Portland Landmarks. 207-774-5561 ext. 102 or email at ccloss@portlandlandmarks.org.*

## FEDERAL TAX INCENTIVE PROGRAM

*http://www.nps.gov/tps/tax-incent5ives.htm*

### Tax Incentives for Preserving Historic Properties

The Federal Historic Preservation Tax Incentives program encourages private sector investment in the rehabilitation and re-use of historic buildings. It creates jobs and is one of the Nation's most successful and cost-effective community revitalization programs. It has leveraged over $62 billion in private investment to preserve 38,000 historic properties since 1976. The National Park Service and the Internal Revenue Service administer the program in partnership with State Historic Preservation Offices.

### 20% Tax Credit

A 20% income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service, to be "certified historic structures." The State Historic Preservation Offices and the National Park Service review the rehabilitation work to ensure that it complies with the Secretary's Standards for Rehabilitation. The Internal Revenue Service defines qualified rehabilitation expenses on which the credit may be taken. Owner-occupied residential properties do not qualify for the federal rehabilitation tax credit. Learn more about this credit before you apply.

Each year, Technical Preservation Services approves approximately 1000 projects, leveraging nearly $4 billion annually in private investment in the rehabilitation of historic buildings across the country.

### 10% Tax Credit

The 10% tax credit is available for the rehabilitation of non-historic buildings placed in service before 1936. The building must be rehabilitated for non-residential use. In order to qualify for the tax credit, the rehabilitation must meet three criteria: at least 50% of the existing external walls must remain in place as external walls, at least 75% of the existing external walls must remain in place as either external or internal walls and at least 75% of the internal structural framework must remain in place. There is no formal review process for rehabilitations of non-historic buildings. Learn more about this credit in Historic Preservation Tax Incentives.

### Tax Benefits for Historic Preservation Easements

A historic preservation easement is a voluntary legal agreement, typically in the form of a deed that permanently protects an historic property. Through the easement, a property owner places restrictions on the development of or changes to the historic property, then transfers these restrictions to a preservation or conservation organization. A historic property owner who donates an easement may be eligible for tax benefits, such as a Federal income tax deduction. Easement rules are complex, so property owners interested in the potential tax benefits of an easement donation should consult with their accountant or tax attorney. Learn more about easements in Easements to Protect Historic Properties: A Useful Historic Preservation Tool with Potential Tax Benefits. *http://www.maine.gov/mhpc/tax_incentives/index.html*

## STATE REHABILITATION TAX CREDIT

In his supplemental budget that was signed into law on March 31, 2008, Governor Baldacci incorporated the provisions of LD 262, An Act to Amend the Credit for Rehabilitation of Historic Properties. This bill fundamentally changes the existing state tax credit. Among the changes are a significantly increased credit cap, the creation of a small projects provision for taxpayers who do not claim the federal tax credit but who could claim the state credit, and the inclusion of an added incentive for the creation of affordable housing. The law went into effect as of July 1, 2008, although the tax credit is allowable for certified qualified rehabilitation expenditures incurred after January 1, 2008.

The Maine Historic Preservation Commission (also referred to as the Maine State Historic Preservation Office) will administer the program in consultation with the Department of Administrative and Financial Services, Bureau of Revenue Services. **The Commission strongly recommends that prospective applicants carefully review the program rules prior to submitting applications or commencing work.** Maine's State Historic Rehabilitation Tax Credit Program now includes the following features:

1. The **"Substantial Rehabilitation Credit"**. A 25% state credit for any rehabilitation that also qualifies for the 20% federal credit. The rehabilitation must meet all of the requirements of the Federal tax incentive program.
2. The **"Small Project Rehabilitation Credit"**. A 25% state credit for the rehabilitation of certified historic structures with certified qualified rehabilitation expenditures of between $50,000 and $250,000. Projects utilizing this credit do not need to be eligible for the Federal tax incentive program, but the same review criteria will apply.
3. The **"Affordable Housing Rehabilitation Credit Increase"**. The State Substantial Rehabilitation Credit and the Small Project Rehabilitation Credit may be increased to 30% if the rehabilitation project results in the creation of a certain amount of affordable housing. Please contact the Maine State Housing Authority (MSHA) for additional eligibility requirements.
4. There is a "per project" state credit cap of $5 million. State credits are fully refundable, 25% of the credits must be claimed in taxable year in which the property is placed in service, and 25% must be taken in each of the next three (3) taxable years. Only rehabilitation expenditures incurred between January 1, 2008 and December 31, 2023 are eligible for the credit.

### Some key points and cautionary reminders about the credits:

- Only certified historic structures will qualify for the credits. A "certified historic structure" is defined as a building that is listed in the **National Register of Historic Places**, either individually or as a contributing building in a National Register historic district, or as a contributing building within a local historic district that has been certified by the Secretary of the Interior.
- A property is listed in the **National Register of Historic Places** by a nomination, which is a research report prepared according to detailed state and federal guidelines. The final authority on National Register listing is the federal Keeper of the National Register in Washington, D.C. In its role as administrator of the National Register program in Maine, the Maine

*(continued on next page)*

# State Rehabilitation Tax Credit

*(continued from previous page)*

State Historic Preservation Office is charged with ensuring that nominations forwarded by the State Historic Preservation Officer to the Keeper are complete and correct. The State Historic Preservation Office provides direction to preparers but generally does not write nominations for purposes of the tax credit. Most nominations are prepared by private consultants [this list is in Adobe Acrobat Reader format] hired by property owners, local governments, or private non-profit organizations. The nomination process typically takes a minimum of six months, and may take much longer. For more information regarding the National Register nomination process, please contact Christi Mitchell at the Maine Historic Preservation Commission: Christi.Mitchell@maine.gov or 207-287-1453.

- If Maine's **Substantial Rehabilitation Credit** is applied for, the rehabilitation expense must exceed the greater of the "adjusted basis" of the building or $5,000 within a 24 month period, or a 60 month period for phased projects. For Maine's **Small Project Rehabilitation Credit**, the certified qualified rehabilitation expenditures must be between $50,000 and $250,000 within either a 24 month or, if the project will be completed in phases, a 60 month period.
- All rehabilitation work must meet the **Secretary of the Interior's Standards for Rehabilitation**. Applications for Maine's Substantial Rehabilitation Credit are subject to a joint review by the Maine State Historic Preservation Office and the National Park Service, with final authority resting with the National Park Service. Applications for Small Project Rehabilitation Credit are reviewed solely by the State Historic Preservation Office. However, any building that is the subject of the rehabilitation must be listed in the National Register of Historic Places before it will become a "certified historic structure", which means that it must be approved by the Keeper of the National Register. Rules for Maine's historic rehabilitation tax credit program are promulgated by the Maine Historic Preservation Commission.
- The credits cannot be claimed against the cost of acquisition, new additions, site work, or personal property. Only costs incurred in work upon or within a historic structure will qualify. Interior work such as HVAC work and kitchen and bathroom remodelings will qualify if the work meets "The Secretary of the Interior's Standards for Rehabilitation."
- Property owners are **strongly advised** to consult with the Maine Historic Preservation Commission **before beginning a rehabilitation** to resolve potential design and rehabilitation problems that could result in denial of the credits. »

**If you are considering submitting an application, or if you have any questions, please contact:**
Mike Johnson
Rehabilitation Tax Credit Coordinator
Maine Historic Preservation Commission
55 Capitol Street
Augusta, ME 04333
PH: 207-287-2949
e-mail: Mike.D.Johnson@maine.gov

**If you have specific tax or fiscal-related questions, please contact:**
Maine Revenue Services
Business Taxes Section
26 Edison Drive
Augusta, ME 04333
PH: 207-624-9547
e-mail: Richard.E.Truman@maine.gov

# National Register of Historic Places

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

## CRITERIA FOR EVALUATION

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

**A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or

**B.** That are associated with the lives of significant persons in or past; or

**C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

**D.** That have yielded or may be likely to yield, information important in history or prehistory.

*For more information regarding the National Register nomination process, please contact Christi Mitchell at the Maine Historic Preservation Commission: Christi.Mitchell@maine.gov or 207-287-1453.*

## COMMENTS CONCERNING INDIA STREET PLAN

To: Caitlin Cameron &
Portland City Council
From: Ed MacColl, for Simba, Inc.
Dated: October 15, 2014

**Re: India Street Plan**

Caitlin and City Councilors,

This office represents Simba, Inc., a local company owned by Roger P. Hale, that owns and operates a parking lot on the downhill (water) side of Fore Street. At Mr. Hale's request, we have followed the ongoing planning process for the last few months. Our office has been favorably impressed by the hard work and obvious good intentions of the City's staff and the neighborhood association. But, as we have expressed at the last several public meetings, the process has unfortunately excluded the property owners in Simba's neighborhood. As a result, the report reflects conclusions and policies not well suited to the land below Fore Street. Our concerns are informed by the following facts:

1. The nineteen-person Advisory Committee includes none of the owners or occupants of property below Fore Street; their interests are not represented;
2. The land below Fore Street is vastly different from the balance of the proposed district in history, use, potential and character; as the report reflects, the area properly within the India Street Neighborhood was and is a melting pot of residential and mixed uses. For much of the history described in the plan, the area below Fore Street was a cove (Clay Cove). Before and after being filled (when Commercial Street was constructed) the area has always been an important commercial center;

3. The balance (represented portion) of the proposed district is three or four blocks across, but below Fore Street the district is only two blocks wide; the Portland Company property, immediately to the east, is being treated separately. That makes the two blocks below Fore Streetwithin the district appear to be an appendage – and an unrepresented appendage at that; and
4. The properties below Fore Street represent a unique opportunity for the City and for their owners; it makes eminent sense that in planning the future of our client's area the interests of folks further up the hill should be taken into account; but by the same token it is fundamentally wrong for a group that represents only the folks up the hill to make the rules for unrepresented neighboring properties.

We respectfully ask that the two blocks below Fore Street be excluded from the proposed district. On behalf of our client we also note the following particular concerns:

a. The plan states that "wherever possible" "visual" "access to the waterfront" will be provided as a public amenity; taken literally, the assertion would prevent any development of our client's property, currently a surface parking lot;
b. The plan depicts a "mid-block connection network" apparently across our client's property; and
c. The proposal to have a historic district, but without any proposed boundary, and to have "form-based" (i.e. form over function) zoning, but without a meaningful description of the "form" the zoning ordinance will take produce great anxiety.

Again, thank you for your hard work and service and for considering our views and concerns.

Order 43-14/15
~~Tab 12 9-3-14~~



**CITY OF PORTLAND**
IN THE CITY COUNCIL



**ORDER RECEIVING AND REFERRING THE INDIA STREET SUSTAINABLE NEIGHBORHOOD PLAN TO THE HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, THE PLANNING BOARD, AND THE HISTORIC PRESERVATION BOARD**

**ORDERED,** that the India Street Sustainable Neighborhood Plan is hereby received as recommended by the India Street Neighborhood Advisory Committee; and

**BE IT FURTHER ORDERED,** that the India Street Sustainable Neighborhood Plan is hereby referred to the Housing & Community Development Committee, the Planning Board and the Historic Preservation Board for recommendations to the City Council on its adoption as part of the City of Portland Comprehensive Plan.

**MEMORANDUM**
**City Council Agenda Item**

**TO:** Mayor Brennan and members of the City Council

**FROM:** Alex Jaegerman, Planning Division Director

**DATE:** August 20, 2014

**DISTRIBUTION:** City Manager, Mayor Brennan, Danielle West-Chuhta, Sonia Bean, Nancy English

**SUBJECT:** **Order** to receive the India Street Sustainable Neighborhood Plan as recommended by the India Street Neighborhood Advisory Committee, and to refer said plan for review by the Housing & Community Development Committee, Planning Board, and Historic Preservation Board for their recommendation back to the City Council concerning its adoption into the City of Portland Comprehensive Plan.

**SPONSOR:** Councilor Kevin Donoghue, Co-chair of the India Street Neighborhood Advisory Committee

**COUNCIL MEETING DATE ACTION IS REQUESTED:**
**1st reading**_____ **Final Action** September 3, 2014

**Can action be taken at a later date:** _____ **Yes** __x__ **No**
(Delaying this item will affect agendas for Planning Board and the Historic Preservation Board)

**PRESENTATION:** Staff presentation: Alex Jaegerman and Caitlin Cameron will highlight the main points of the India Street Sustainable Neighborhood Plan and the recommendations of the India Street Neighborhood Advisory Committee.

## I. SUMMARY OF ISSUE

The India Street Neighborhood Advisory Committee, Co-chaired by Councilor Donoghue and Richard Barringer worked with the Planning Division staff to develop the India Street Sustainable Neighborhood Plan. The result is a recommendation of a plan that includes five goals, six vision statements, thirteen principles, and twelve critical actions particular to the future of the India Street neighborhood. Among the key recommendations of the Plan are a proposed Local Historic District, the adoption of a Form-based Code, and the consideration of an Inclusionary Zoning Ordinance to address affordable housing needs. If adopted, the Plan will become a component of the City of Portland Comprehensive Plan.

## II. REASON FOR SUBMISSION

In order to become a component of the Comprehensive Plan, the India Street Sustainable Neighborhood Plan will need to be adopted by the City Council. It is recommended that the Plan

be forwarded to the Planning Board and Historic Preservation Board for review and additional public input prior to review by the Council.

## III. INTENDED RESULT

The intended result is for the India Street Sustainable Neighborhood Plan to become an adopted component of the City of Portland Comprehensive Plan and therefore a policy document that will guide future development in the neighborhood.

## IV. COUNCIL GOAL ADDRESSED

Promote Housing Availability – The Plan emphasizes diversity of residents and calls for affordability and increased housing availability in the neighborhood to achieve growth goals. The Plan also includes three critical actions that promote the creation or maintenance of affordable housing.

Transportation Initiatives – The Plan encourages the implementation of the HUB-Link, and suggests revisions to the parking policies and practices to support a sustainable transportation network and encourage walking, biking, and transit use.

Economic Development – As a mixed-use neighborhood, Economic Development is an important component of the Plan. Strategies include concentrated retail corridors, and enhancing the neighborhood's image and identity to attract residents and visitors to the restaurants and businesses in the neighborhood.

Advance Environmental Program – The Plan seeks safeguard our natural water resources by supporting the proposed Stormwater Service Charge and by making the India Street neighborhood a model for stormwater management due to its proximity to the waterfront and its current high level of impervious surfaces. There is also the recommendation create new open space for the neighborhood through the Water District property on India Street, as well as the city-owned property along Franklin Street which is undergoing a redesign initiative currently.

## V. FINANCIAL IMPACT

The adoption of the India Street Sustainable Neighborhood Plan does not have a direct financial impact on the City. The recommendations of the plan, if implemented by the Council, could have financial impacts on the City. By promoting appropriate development that results in additional development nearby, and through the ability to tap into historic tax credits, these changes could have positive impacts. This positive impact might be somewhat offset by the somewhat lower buildout potential of the district that would be permitted. As these implementation steps are brought forward, these impacts will be studied further.

## VI. STAFF ANALYSIS

Members of the India Street Neighborhood Advisory Committee (ISNAC) with the support of Planning staff developed and reviewed the plan over a seven-month period. The work of the Advisory Committee was broken up into five Working Groups that provided recommendations of the topics of Historic Preservation, Housing and Equity, Landscape and Infrastructure, Land Development and Form-based Code, and Economy. The India Street Sustainable Neighborhood Plan is the result of those recommendations and work.

Because of the diverse representation on the ISNAC, there were some differing opinions on several topics within the Plan. A few members are not in support of the Historic District

boundary as drawn and requested that certain properties be withdrawn from the district. The ISNAC took two votes on the proposal to exclude 3 properties from the historic district but the majority of ISNAC members voted to forward the Historic District as proposed. There was also discussion about whether it was the desire of the ISNAC to include the Historic District proposal, the Form-based Code, and the Inclusionary Zoning Ordinance as addenda to the Plan. It was decided to include the Historic District and the proposed Form-based Code Regulating Plan as elements of the Plan. The ordinances associated with Form-based Code and Inclusionary Zoning require further development and the ISNAC chose not to include those as addenda to the India Street Sustainable Neighborhood Plan.

The ISNAC made the unanimous decision to give preference to the Form-based Code over the proposed Historic District for height and form regulations for new development meaning that the Historic District could not place additional or greater restrictions on the heights of new construction above and beyond what the Form-based Code will require.

Some members of the Advisory Committee disagreed with the boundary of the neighborhood as depicted but the ISNAC did not choose to change the neighborhood boundary.

Finally, there were concerns that the recommendations of the India Street Sustainable Neighborhood Plan not be in conflict with the existing Eastern Waterfront Historic District or components of the Comprehensive Plan such as the Eastern Waterfront Master Plan and the Transportation Plan. Upon review, staff concluded that the Plan is not in conflict with either the Historic District or adopted components of the Comprehensive Plan.

## VII. RECOMMENDATION

The ISNAC recommends the India Street Sustainable Neighborhood Plan as drafted to go forward to City Council with the understanding that further review and public process will be conducted through the Planning Board and Historic Preservation Board before being adopted by City Council as part of the City of Portland Comprehensive Plan (10 recommend, 2 do not recommend).

In addition the ISNAC recommended that staff pursue the development of a Form-based Code and Inclusionary Zoning Ordinance but chose to keep those policy documents separate from the India Street Sustainable Neighborhood Plan itself.

## VIII. LIST ATTACHMENTS

India Street Sustainable Neighborhood Plan: Part 1
India Street Sustainable Neighborhood Plan: Part 2 (includes Historic District and FBC plans)

Prepared by:

August 20, 2014

Signature Date

# India Street

# Sustainable Neighborhood Plan

**Portland, Maine**

—

**Final Draft, August 2014**

# Part 1: The Plan

## *Portland Starts Here . . .*

Vision for India Street (at Middle Street) Image Credit: Richardson & Associates, Saco, ME

# Acknowledgments

**The India Street Sustainable Neighborhood Plan** has been a widely collaborative effort over the course of two years. This report was shaped and informed by many participants who deserve recognition for their efforts, including the India Street Neighborhood Association, Sustain Southern Maine, the India Street Neighborhood Advisory Committee and associated Working Groups, and of course, the community businesses, residents, workers, organizations, institutions, and developers. Especially critical to the formulation of this neighborhood plan is Hugh Nazor, president of the India Street Neighborhood Association. Without his ceaseless efforts to bring attention to the neighborhood, this Plan would not exist.

In 2013, Portland became a participating city in the Urban Sustainability Accelerator (USA) technical assistance grant through Portland State University, Oregon, which is funded through the Summit Foundation, Toulan School of Urban Studies and Planning, Institute for Sustainable Solution at Portland State University, and the participating cities. Special thanks to Robert Liberty for his enthusiastic support and valuable resources provided through the course of this program. Especially valuable was the consulting work of Michele Reeves, Civilis Consulting, Portland, Oregon.

The India Street Neighborhood Advisory Committee convened in the fall of 2013 to guide the neighborhood plan development. City Councilor Kevin Donoghue and neighborhood resident and emeritus professor at the Muskie School of Public Service Richard Barringer graciously offered their time as co-chairs to this Council-appointed committee. Nineteen members were appointed to this group with wide-ranging expertise and areas of insight; without their time and efforts this plan would not have reached its successful conclusion. Many active and enthusiastic members of the community volunteered to participate in Working Groups in order to brainstorm, strategize, and craft recommendations for the final plan. Many thanks again to all of these members of the India Street and greater Portland community who gave of their time and expertise to craft this plan.

Additional resources and support were provided by key neighborhood organizations. One central to this process was the Portland Society for Architecture which hosted meetings, provided professional advice and collaboration, and financial resources that were especially crucial in the City's participation in the USA technical assistance grant and the subsequent consulting services of Michele Reeves. The Maine Jewish Museum generously provided for the use of their facilities throughout the course of the planning process. Professor Yuseung Kim of USM's Muskie School of Public Service and the students in his Planning Workshops made significant contributions to our work with the creation of a 3d model of the neighborhood and the study, *Portland Starts Here: India Street Neighborhood Recommendations*, available at http://www.portlandmaine.gov/1114/India-Street

It must be noted that many dedicated City staff members orchestrated and ushered along this complex process. Recognition is due to Planning Division Director Alex Jaegerman, Senior Planner Bill Needelman (who has since become the Waterfront Coordinator), Urban Designer Caitlin Cameron, and Historic Preservation Program Manager Deb Andrews who led the effort. Additional support was provided by Mary Davis, Housing and Community Development Division Director, Nelle Hanig, Business Programs Manager, Bruce Hyman, Bicycle and Pedestrian Program Coordinator, and Doug Roncarati, Stormwater Program Coordinator.

# Working Groups

**Land Development/ Form-based code**
*Staff: Caitlin Cameron, Alex Jaegerman*
*Consultants: Stephanie Carver, GPCOG, and Ken Studtmann, Richardson & Associates*
*Elizabeth Boepple*
*Carol De Tine*
*Tom Federle*
*Arthur Fink*
*Alan Kuniholm*
*Brandon Mazer*
*Hugh Nazor*
*Jay Waterman*

**Historic Preservation**
*Staff: Deb Andrews*
*Consultant: Julie Larry, Turk Tracey & Larry Architects*
*Hilary Bassett*
*Pomela Cummings*
*Ed Gardner*
*Ani Helmick*
*Joe Malone*
*Linda Murnik*

**Infrastructure/ Landscape Planning**
*Staff: Caitlin Cameron*
*Jennifer Claster*
*Bobbi Keppel*
*Kara Wooldrik*

**Equity/ Housing**
*Staff: Mary Davis, Alex Jaegerman*
*Councilor Kevin Donoghue*
*Jill Danaher*
*Bethany Field*
*David Loranger*
*Ethan Boxer Macomber*

**Economy**
*Staff: Nelle Hanig, Alex Jaegerman*
*Consultant: Michele Reeves, Civilis Consulting*
*Richard Barringer*
*Rachelle Curran*
*Susie Kendeigh*
*Brandon Mazer*
*Hugh Nazor*
*Arlin Smith*
*Tim Wilson*

# City of Portland, Maine

**Department of Planning and Urban Development**
*Jeff Levine, Department Head*
*Alex Jaegerman, Planning Division Director*
*Caitlin Cameron, Urban Designer*
*Deb Andrews, Historic Preservatian Manager*
*Mary Davis, Housing and Community Development Division Director*
*Bruce Hyman, Bicycle and Pedestrian Program Coordinator*

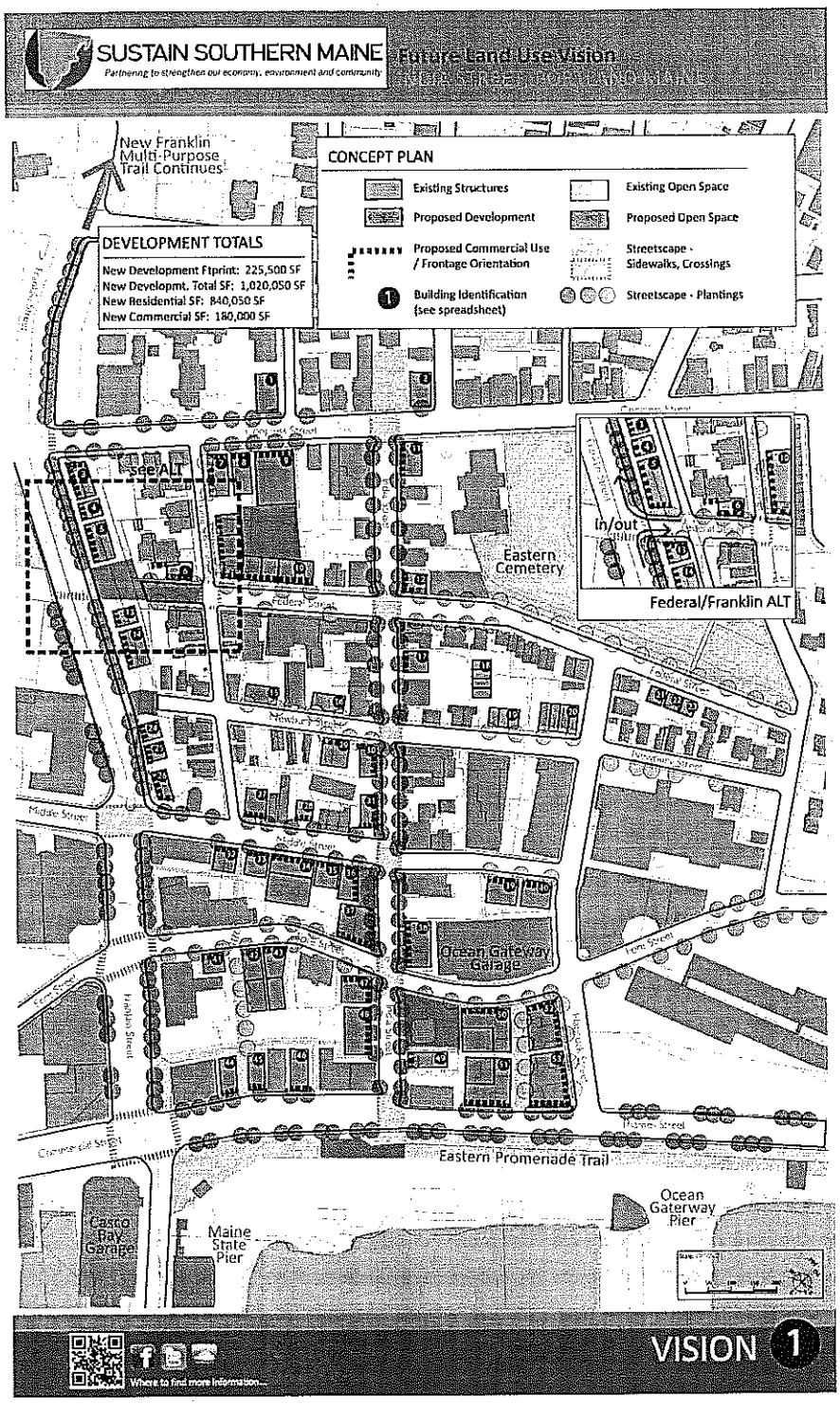
**Department of Economic Development**
*Nelle Hanig, Business Programs Manager*

**Department of Public Works**
*Doug Roncarati, Stormwater Program Coordinator*

# Sustain Southern Maine

*Rebeccah Schaffner, Program Manager, GPCOG*
*Carol Morris, President, Morris Communications*
*Evan Richert, Town Planner, Richert Planning*
*Todd Richardson, Landscape Architect, Richardson & Associates*

# Part 2: Implementation Tools




Emerging Vision: Sustain Southern Maine Conceptual Plan - June, 2013

Finally, several concurrent planning efforts will have direct but still undetermined impacts on the India Street neighborhood and this Plan.

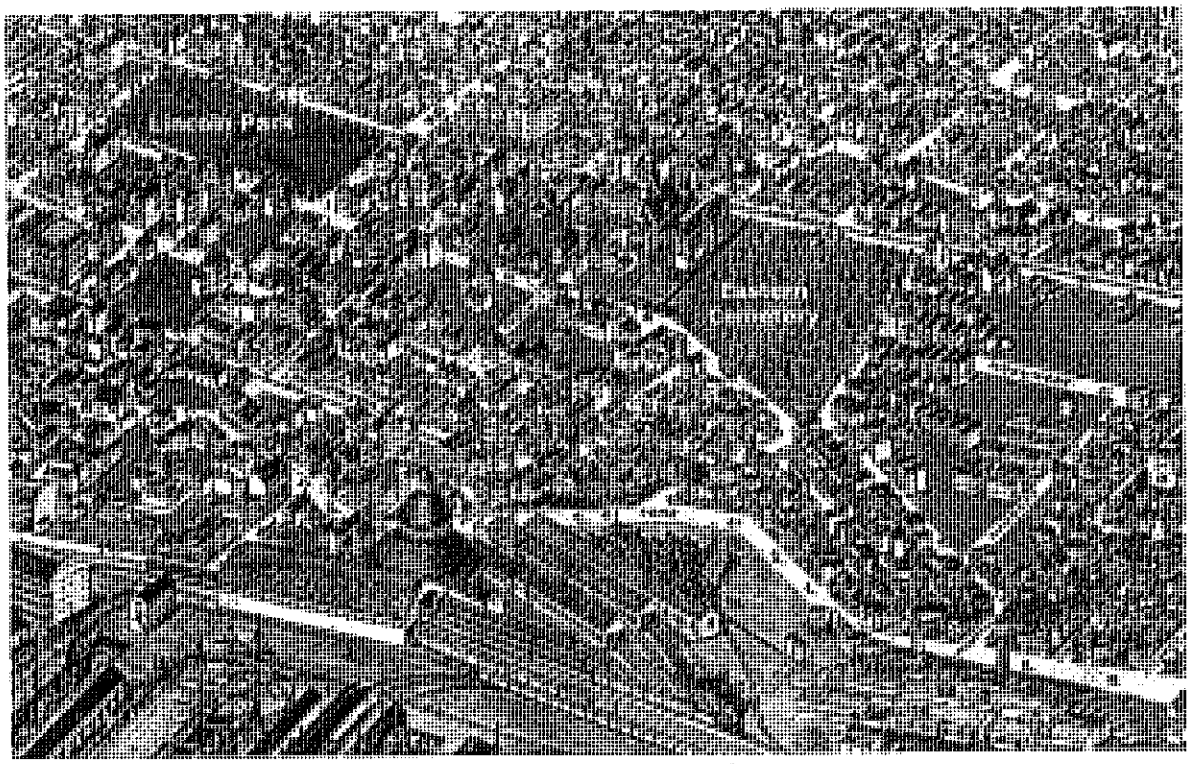
Public Planning Processes:

- **The Franklin Street Redesign Phase II** is underway, the objective of which is to narrow the roadway, redesign intersections, and employ Complete Streets policies making the street safe and useable for all modes. The street will ideally take on a more active and urban character but the final results of this process remain to be determined. Considering the feedback received throughout the India Street planning process the neighborhood is most affected by the topics of connectivity and the reposition of the right-of-way. The Transportation Plan of the Comprehensive Plan states, "The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto." In keeping with the policy for an interconnected street network, the neighborhood would benefit from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely. If it is determined that no vehicular connection is to be provided at Federal or Newbury streets, remaining public space would be well-suited as a public open space. It is not likely that the neighborhood would be satisfied to have no additional connections to Franklin Street. ISNAC assumes the premise that the neighborhood (and city) would benefit most from increasing the development opportunities within the neighborhood. The neighborhood would also benefit from active, urban uses along Franklin Street. Priority locations for development opportunities include the blocks between Middle and Congress Streets.
- **Lincoln Park** is undergoing a master plan process with future restoration and improvements proposed. The park is a potential open space asset to the India Street neighborhood. Currently, there is a lack of connectivity between the neighborhood and the park and an absence of liveliness and activity. ISNAC supports solutions that balance expansion of Lincoln Park with opportunities for development along the India Street neighborhood edge at Franklin Street. The ISNAC advocates for improved connections between the neighborhood and park, especially pedestrian and bicycle.

Private Development Projects:

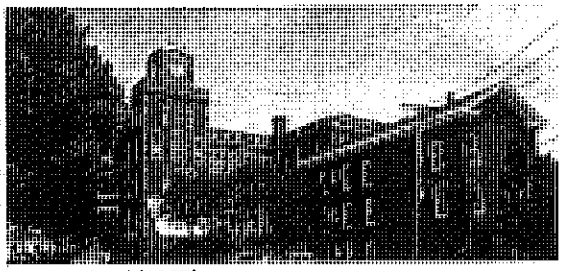
- The **Portland Company** complex is undergoing a master plan process with proposed significant redevelopment and adaptive reuse of the historic property. Details about the uses and forms are undetermined at the adoption of this plan. As a large neighboring property, what happens on that site will impact the India Street neighborhood, potentially increasing the resident population, office and amenities, and foot and vehicular traffic past and through India Street.
- **Munjoy South Townhouses** is a low-income housing development adjacent to the India Street neighborhood to the East. Developed post-war as part of a city redevelopment strategy, this complex may be redeveloped in the future. It is not known whether future development on this site will remain affordable housing and what form and density it will take. This development is one of the larger affordable housing developments near the India Street neighborhood; its size, proximity, and affordability impact the development of the neighborhood in terms of growth, services, and transportation needs.

# History – The India Street Neighborhood

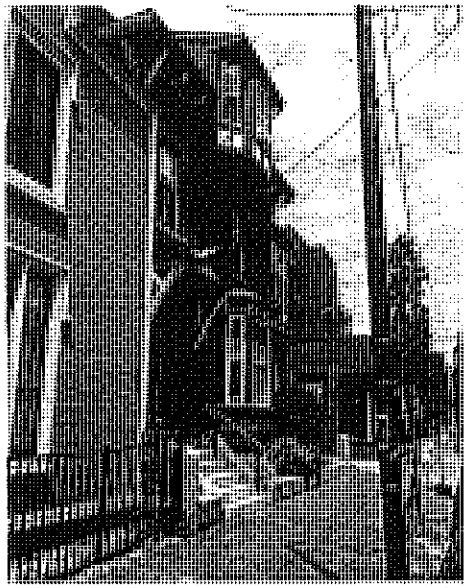


India Street Neighborhood in 1871

India Street has the distinction of being the first street in Portland and the center of the city's earliest settlement. Although little remains from this early chapter in the area's history, the story of what followed is compelling and unlike any other neighborhood in the city. The India Street and waterfront area was the main commercial district of Portland prior to the Great Fire of 1866, when the core of the downtown moved to the Old Port. As early as the 1820's, the India Street Neighborhood was home to a large community of African Americans. Later, it became the point of entry and first home to many of the city's newly-arriving immigrant groups, including Irish, Italian, Jewish, and Scandinavian populations. The neighborhood was the hub of intermodal transportation where shipping and ferries, trains, and land transportation converged around the waterfront generating a center of activity. Newcomers found stability working as laborers on the city's waterfront, Grand Trunk Railroad, and nearby Portland Company. As they became established, each group made its mark on the area, building impressive churches and synagogues and launching a wide range of small businesses and institutions. Public health facilities, including a milk dispensary and medical school, were built on India Street to address the needs of the residents. North School, the largest elementary school in the state when it was built, responded to the transitional nature of the

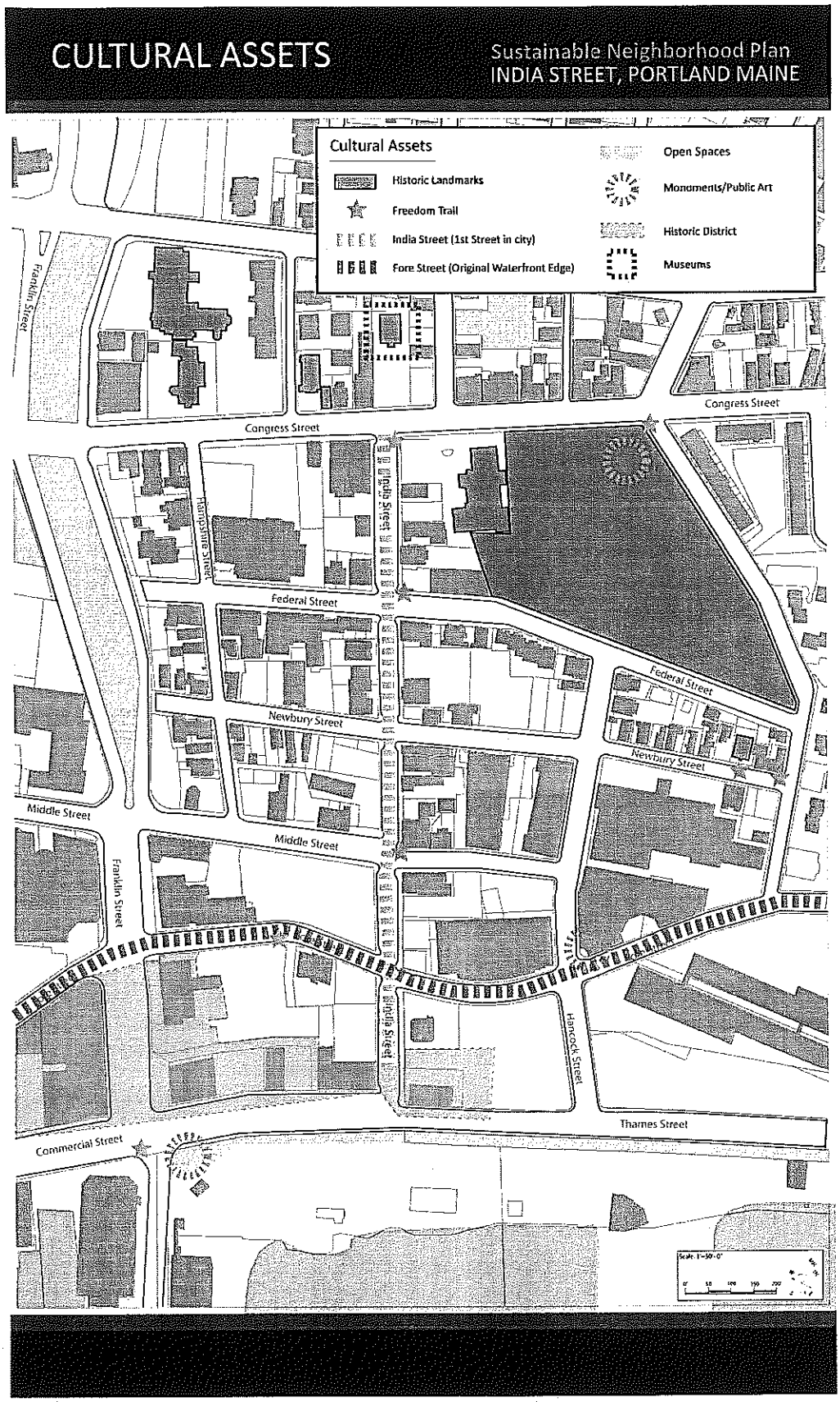


North School (1867)


A mix of different building types on Congress St

Notwithstanding these losses, the neighborhood retains numerous elements of its past that warrant recognition and preservation. This historic building fabric could also inform the scale and character of new development, which would result in a lively mix of new and old within a distinctive, human scale, mixed-use neighborhood.

An older, downtown adjacent neighborhood such as India Street has assets that significantly outweigh its challenges. In addition to the cultural significance of the historic neighborhood, today's market values historic architectural fabric that provides a human-scale foundation for future development. Significant parcels, including those formerly in industrial use, are vacant or underused and inviting for redevelopment. As an existing urban neighborhood, it enjoys a relatively complete infrastructure that is ripe to support revitalization. The historic street grid is walkable and contributes both to quality of life and to market value for the land uses served by it. Multi-modal transportation services, both existing and potential, create choices for those who want to live or work in or to visit the neighborhood. This mixed-use neighborhood with proximity to downtown already has a core mix of residential and commercial uses, including long-standing uses that are well recognized and loved, and may serve as springboards to additional development. The most important characteristic of all, however, is the prevalence and importance of *people*; the neighborhood is the product of the people who have been here, past and present, and this plays a key role in shaping the future of the India Street neighborhood.


CULTURAL ASSETS
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
Cultural Assets
Historic Landmarks
Freedom Trail
India Street (1st Street in city)
Fore Street (Original Waterfront Edge)
Open Spaces
Monuments/Public Art
Historic District
Museums
Franklin Street
Congress Street
Congress Street
India Street
India Street
Federal Street
Federal Street
Newbury Street
Newbury Street
Middle Street
Middle Street
Franklin Street
India Street
Hancock Street
Thames Street
Commercial Street

# Goals and Vision Statements

## The India Street Sustainable Neighborhood Plan is framed by five Goals and six Vision Statements . . .

### GOALS
### for the India Street Neighborhood (revised 5/30/14)

**Vitality**

- The vision for the India Street neighborhood includes vibrant streets. Improvements to the street level environment, public realm, and open spaces will encourage and attract activity.
- Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects.
- Improving the connectivity (of all modes) to and from the neighborhood will elevate the "adjacent" status of the neighborhood by making it a destination.
- A vital neighborhood also considers its future; the neighborhood seeks to reduce its vulnerability to climate change and embrace strategies that consider future quality of life including transportation, energy, and sea level rise.
- Economic prosperity is a crucial part of neighborhood vitality - strategies around economic development are a high priority.

**Good Quality Design**

- People are attracted to neighborhoods with good quality design. This includes not only the materials and aesthetics of new development but also the street presence and longevity of a project.
- Compatibility , especially in terms of building scale, is essential in a historic and mixed-used neighborhood such as this one.
- In this neighborhood, good quality design also includes good quality rehabilitation of existing and historic buildings.
- Infrastructure improvements shall be included in this goal - the public realm and streetscape are of equal importance to the quality of life as buildings are. Standards for high quality design shall also be held true for infrastructure changes or improvements.

**Strong Neighborhood Identity that Builds on its Heritage**

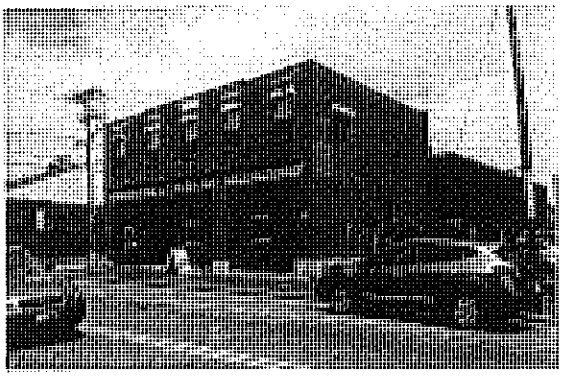
- India Street was the first street in Portland and the neighborhood is rich in cultural history. These qualities are at the heart of the neighborhood identity and should be at the forefront of any strategy that deals with neighborhood character, objectives, relationships, or environment.
- Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourists, and adjacent neighborhoods as a destination.
- The historic fabric and landmarks tell a story about this neighborhood and are critically important to its identity.

**Diversity**

- The India Street neighborhood has always hosted a diverse resident population. The neighborhood plan should encourage and maintain that diversity of residents (age, race, ethnicity, gender, family size, income, etc.)
- Quality of life for a diverse population will include considerations such as food access, transportation choices, access to open space, and diversity of residential unit types and ownership models.
- The built environment of the neighborhood is diverse; a dynamic urban neighborhood keeps a diverse mix of building types by including contemporary and historic buildings, and varying building scales.

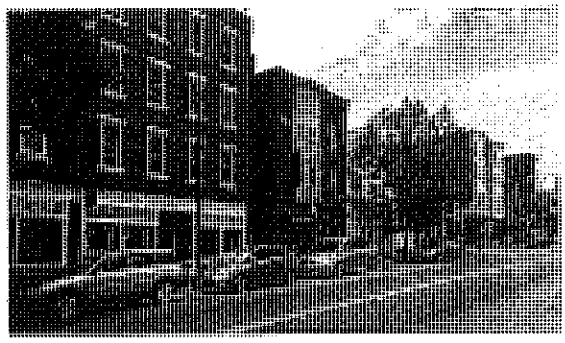
**Enhance Mixed-use Nature of Neighborhood**

- The India Street Neighborhood is truly a mixed-use neighborhood with residences, business, offices, hotels, retail, and restaurants. The neighborhood plan should allow this mixed-use nature of the neighborhood to continue and to expand.
- New development and the built environment should continue to support and enhance mixed uses.
- The neighborhood plan should especially support existing businesses and attract new businesses to the neighborhood, but especially those that provide services and amenities to neighborhood residents and workers.



**Vision Statement 2: A Neighborhood of Diverse Peoples** – India Street is and always has been diverse, and we wish it to remain so. Histories of immigrant communities – landing here and gaining a foothold, and making their way in America – have left a durable imprint that we celebrate. Maintaining diversity means conscious efforts to welcome all kinds of new arrivals: whether they be move-up urbanists who can live anywhere and choose India Street for its location; or new arrivals continuing the traditional role of this neighborhood, welcoming new immigrants who above all need affordable housing and convenient access to jobs and services; young singles and small households who are embarking on adult life and value the social landscape and access to all that Portland has to offer; working families striving to live responsibly by choosing a compact urban neighborhood where one can afford to live and maintain a low carbon footprint; or an aging population wishing for an active life and access to Portland's amenities, activities, restaurants, and services. Any and all of these are welcome to make India Street home, and become part of our community.

**Vision Statement 3: An Authentic Neighborhood True to its Heritage** – Portland's *first street* was India Street, and it is a point of pride and identity that this neighborhood set the stage for Portland's growth and development. Vestiges of this history abound, from the religious institutions to the civic and industrial buildings, to the vernacular working class houses on Federal and Newbury and Hampshire streets. These features distinguish the neighborhood from others, adding to the mix of peninsula neighborhoods with a unique community fabric. This heritage creates a sense of responsibility to protect the traces of the past as well as positing a form and pattern for future growth that is recognizable as India Street. We invite development into our neighborhood, as it is essential to its vitality and to fill its voids, particularly in the southern section below Middle Street where there is much vacant land and surface parking. And we will insist that new development add to the indigenous structure of this neighborhood by demonstrating an incremental and varied street, lot, and block pattern. The scale of development may grow but the form must reflect the attributes that typify and reinforce the fabric of this neighborhood.



# Thirteen Development Principles

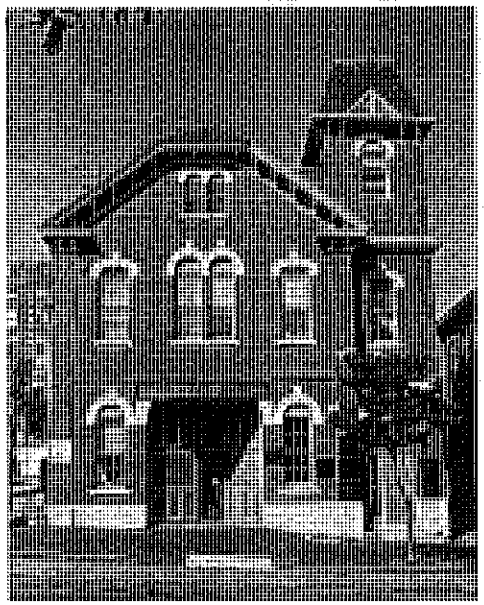
## 1. Strong Neighborhood Identity

Portland starts here in the India Street neighborhood; the spirit of this place will be reflected in its identity and character, distinct from Old Port and the Downtown. The story of India Street is long and compelling; now is the time to tell and celebrate it.

The India Street Neighborhood presents a human-scale, downtown-adjacent neighborhood with commerce, light industry, authenticity, and community. What visitors and others are less aware of is its distinctive history – Portland's first street and first neighborhood, early maritime connections, later industrial development, period architecture, religious and cultural diversity. The key principle here is to bring these unique characteristics and assets into closer connection and a cohesive neighborhood identity that will permeate the built environment as well as associated housing and business – all serving to strengthen and enhance the community.

*Related Critical Actions:*

1. *Establish a distinctive ond authentic neighborhood identity*
5. *Create a Local Historic District*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Code*
11. *Create a Recreation Hub at the foot of India Street*



Protecting and enhancing India Street's historic building stock is essential if the area is to retain its authenticity and build a strong sense of place. Alterations to existing buildings, both historic and non-historic, will be carefully considered so the neighborhood's character will not diminish over time. Infill construction will be a clear product of its own time, and respect established development patterns that characterize the neighborhood.

Opportunities to tell the neighborhood's story, through interpretive signage or other means, will be fully explored and implemented. Understanding the history of the neighborhood will foster pride among local residents and businesses, and will enhance the visitor's experience.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
5. *Create a Local Historic District*
8. *Adopt a Form-based Code*

## 4. Mixed-Use Neighborhood

The India Street neighborhood is today truly a mixed-use neighborhood with residences, businesses, offices, hotels, retail, and restaurants. The neighborhood plan should allow the mixed-use nature of this neighborhood to continue and expand, with the goal of providing a fair and high quality of life for all manner of people.

Fostering a desirable and diverse neighborhood requires a certain level of services and neighborhood amenities. Important and interesting destinations, from places that supply necessities to those that supply entertainment, are within walking and bicycling distances. Real estate developments, policies, and economic development plans that maintain or grow the level of service and amenities for the neighborhood will be encouraged.

*Related Critical Actions:*

6. *Create and maintain business and resident relationships*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Code*
11. *Create a Recreation Hub at the foot of India Street*

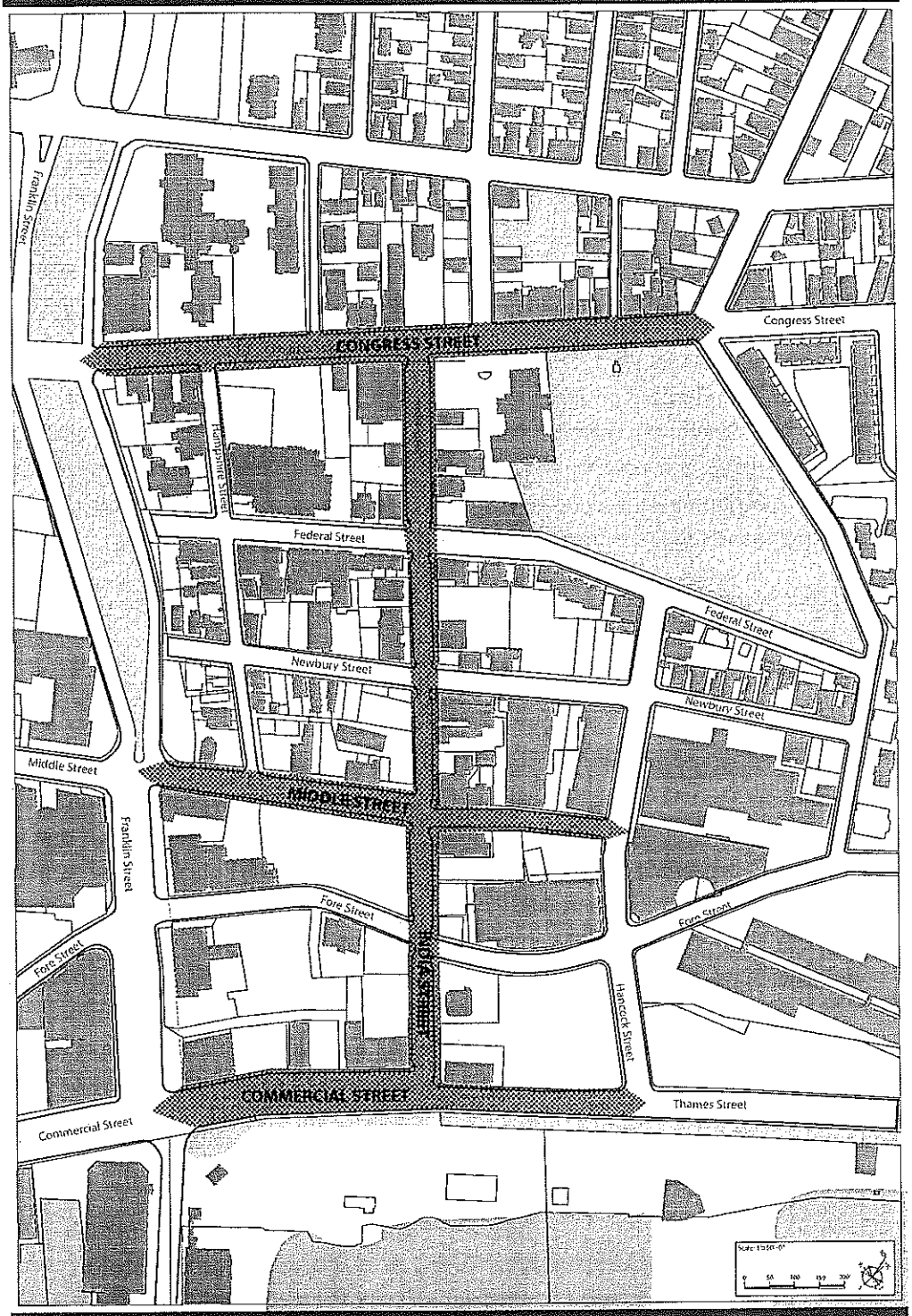
## 5. Vibrant Local Economy

Businesses are important to the success of a mixed-use neighborhood, and the vitality of the India Street Neighborhood economy impacts the city as a whole. The economic goals for the neighborhood are to grow employment opportunities and enhance economic vitality and sustainability.

The India Street neighborhood draws people who recognize and enjoy its unique character and heritage. Those who visit or live in the neighborhood appreciate its authenticity, local artisan retail and eating establishments, and diverse cultural history. Building on these strengths through

# RETAIL CORRIDORS

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE




RETAIL CORRIDOR CONCENTRATION

- Relatively high residential density within a relatively small district, putting many people within walking distance of many activities and, for trips outside of the district, regular and reliable bus service with bus stops;
- A fine-grained mix of uses – both horizontal and vertical – that invite a flow of people at different times of the day, seven days a week;
- A street pattern with pedestrian-scaled blocks. Longer blocks and larger buildings will be interrupted and made permeable by mid-block pedestrian ways, alleys, or streets;
- Continuous sidewalks designed with universal access and widths scaled to the pedestrian activity of the street, to allow two couples walking in opposite directions to comfortably pass each other;
- Strong street walls with development placed close to the property line at street frontage
- Street-oriented buildings, with commercial and mixed use buildings with "permeable" facades – front entrances and fenestration that relate to the street;
- Human-scale buildings – neither so tall as to block a pedestrian's cone of vision at four stories, nor so horizontally large or dominated by a single use as to discourage the casual interaction between pedestrians and a mix of uses along the street.

*Related Critical Actions:*

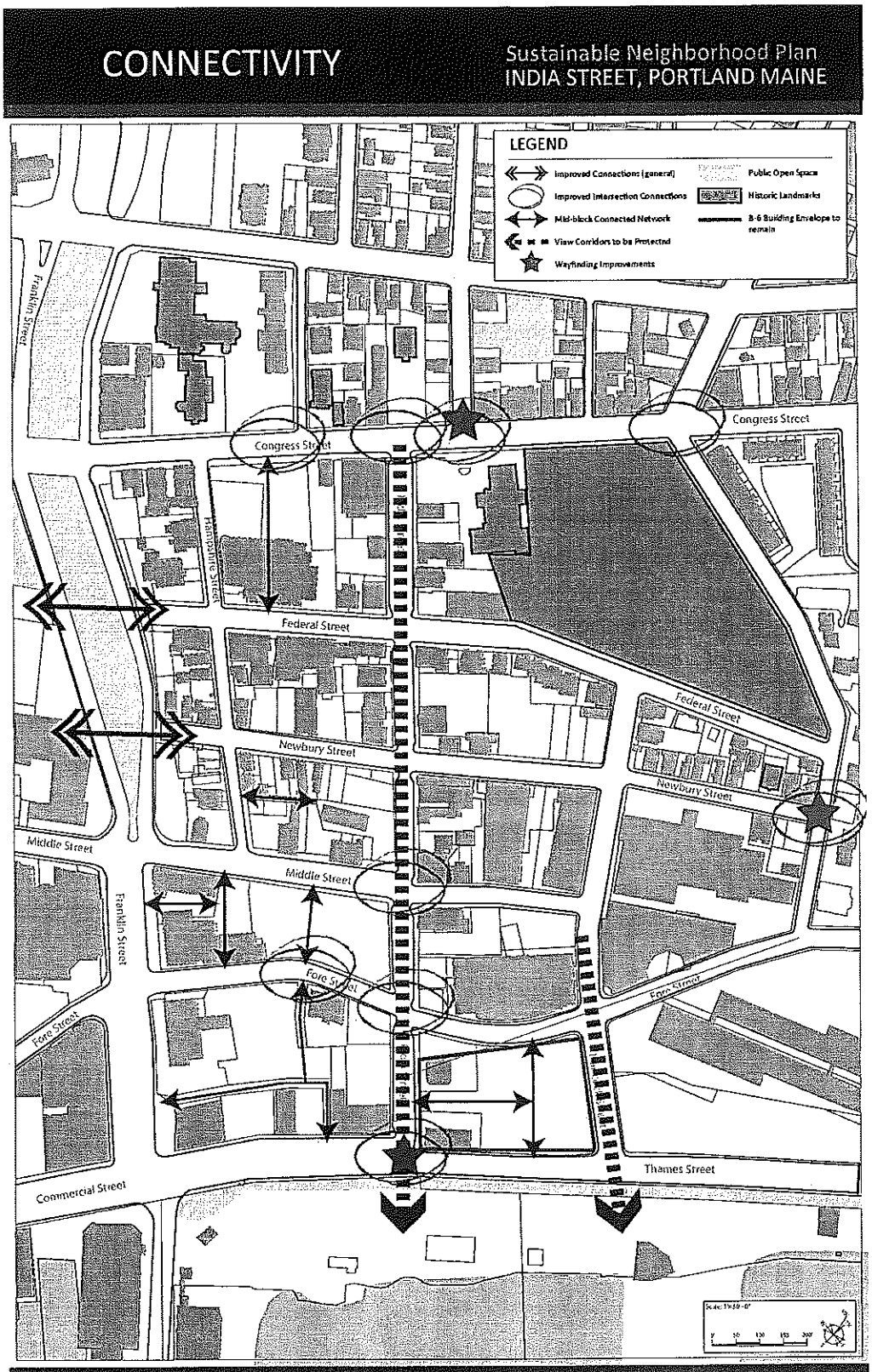
5. *Create a Local Historic District*
8. *Adopt a Form-based Code*

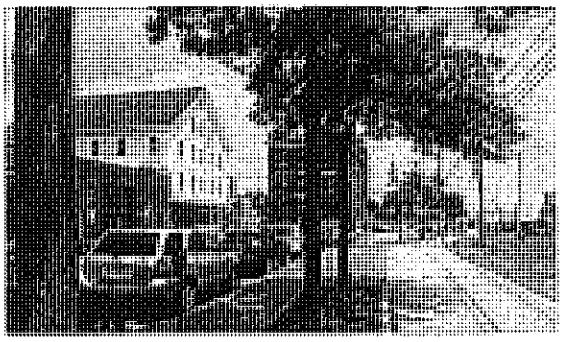
## 9. Compassionate and Supportive Community

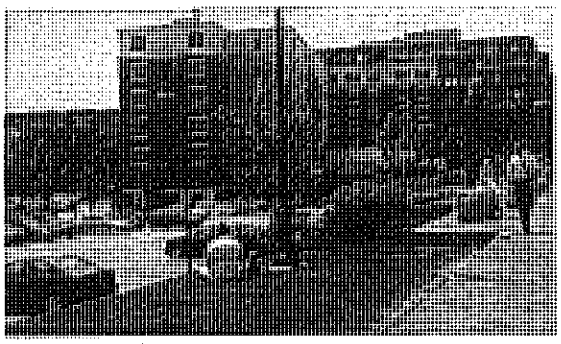
The India Street neighborhood continues a history of welcoming. A walk around the neighborhood reveals a plethora of services and resources ranging from immigrant and elderly services at Catholic Charities, resources for the homeless population at the Cathedral complex and Milestone, low-income housing for the elderly at North School, education opportunities at the Portland Adult Education building, and abundant medical and mental health practices. The compassionate and supportive nature of this neighborhood will be encouraged to prosper; it will continue to be a hospitable landing place for those seeking opportunity in Portland whether it be a new immigrant resident or a fledgling economic enterprise. Efforts to make it accessible with connectivity, transit, and streetscape improvements will go a long way to foster this kind of community.

*Related Critical Actions:*

1. *Establish a distinctive and authentic neighborhood identity*
9. *Support Transportation Infrastructure initiatives*


CONNECTIVITY
Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE
LEGEND
Improved Connections (general)
Improved Intersection Connections
Mid-block Connected Network
View Corridors to be Protected
Wayfinding Improvements
Public Open Space
Historic Landmarks
B-6 Building Envelope to remain
Franklin Street
Congress Street
Hampshire Street
Federal Street
Newbury Street
Middle Street
Fore Street
Commercial Street
Thames Street
PHYSICAL AND VISUAL CONNECTIONS





## 12. Ample Recreation and Open Space

Open space is a most precious commodity in the small, urban India Street neighborhood. Open space amenities greatly enhance quality of life for residents and workers, make for a more attractive built environment, and create opportunities for community gathering and interaction. Every opportunity to improve or enhance public open spaces will be pursued. This principle addresses a guiding principle of the existing open space and recreation plan for the City of Portland, *Green Spaces, Blue Edges:*

Neighborhoods form the foundation of *Green Spaces, Blue Edges*. The plan exists to serve the health and enjoyment of the neighborhood residents.

- Neighborhoods should have open space focal points
- Recreational opportunities should be available for all ages and genders
- Neighborhood open space should be within walking distance
- Portland residents appreciate their park system

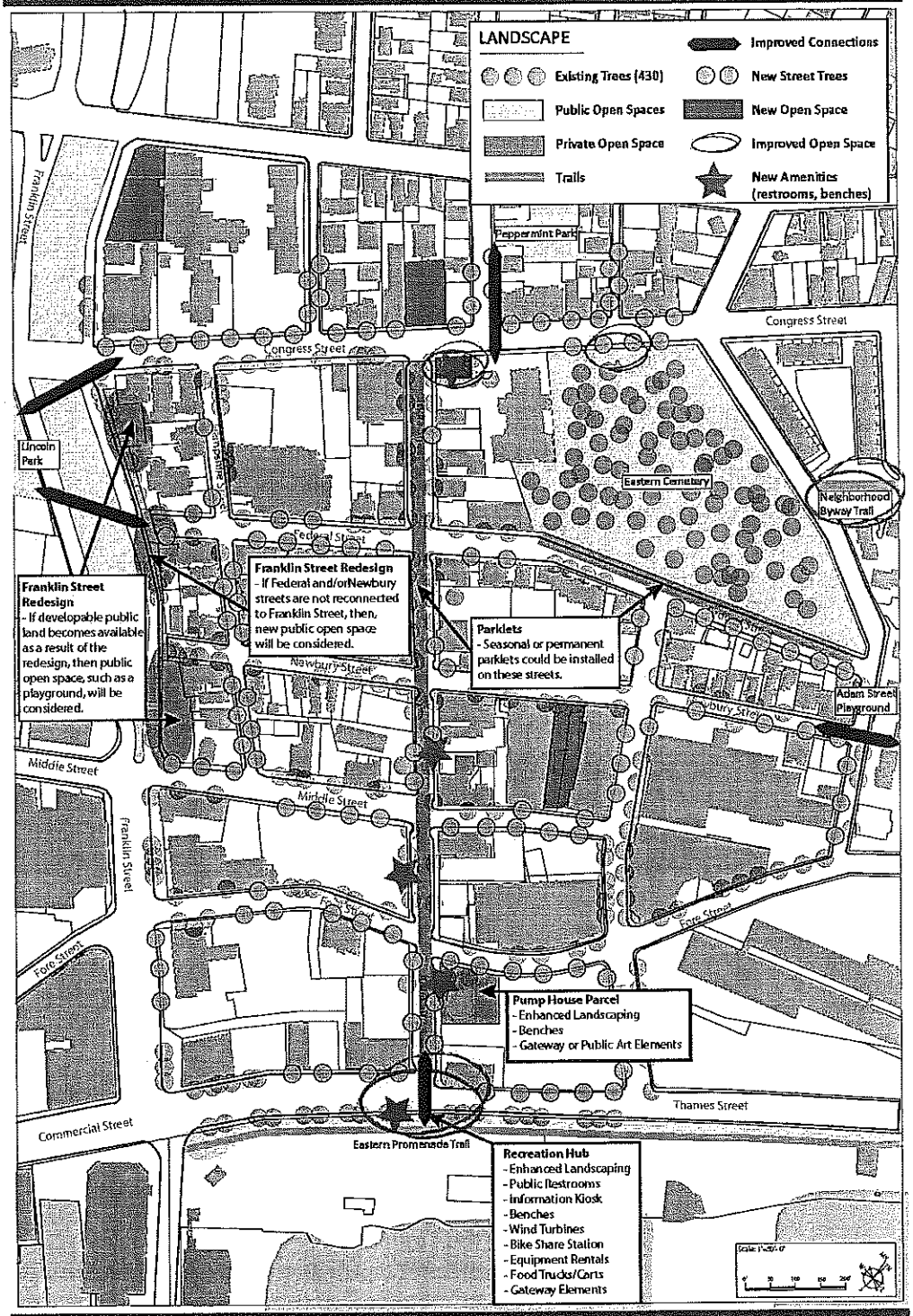
The neighborhood has three avenues to maximize the potential for open spaces of different types and uses: 1) Create new open spaces at the pumping station property, along Franklin Street, and at the foot of India Street, 2) Improve and maintain existing spaces (including private green spaces) within the neighborhood by implementing the Eastern Cemetery Master Plan, for example, and 3) Connect to surrounding open space amenities such as Lincoln Park, playgrounds in Peppermint Park and Adams Street, and the Eastern Promenade Trail.

*Related Critical Actions:*

9. *Support Transportation Infrastructure initiatives*
10. *Improve neighboring recreation amenities and connections to them*
11. *Create a Recreation Hub at the foot of India Street*

# PROPOSED OPEN SPACE

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE




Proposed Open Space, Recreation, and Landscape Plan

# Implementation Plan

Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each Working Group. The **twelve** strategies below meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process, as they are at once:

Specific
Measurable
Attainable
Realistic
Tangible

## Critical Action 1

### Capture the distinctive and authentic neighborhood identity

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

## Critical Action 2

### Adopt policies that promote the creation of affordable housing

It is in the public interest to promote an adequate supply of housing that will keep the India Street neighborhood livable for a diverse mix of residents. To promote the creation of affordable housing the City should review, amend, and adopt regulatory policies that encourage developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing; and, by doing so, promote the health, safety, and welfare of citizens. The regulatory review should include parking requirements, height bonuses, residential density restrictions, and the consideration of an Inclusionary Zoning Ordinance.

## Critical Action 3

### Take advantage of existing housing programs and resources

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. Examples of such program are as follows:

- Annual and monthly promotions – events to bring together businesses and residents
- Neighborhood-exclusive soft openings when new businesses open
- Discounts for neighborhood residents/employees (perhaps with a card)
- Cross-business promotions
- Parking validation agreements with City and local providers to make residential, worker, and customer parking more readily available.
- The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

# Critical Action 7

## Prioritize India Street as the Main Street

Because of its mixed-use character, a downtown-adjacent neighborhood needs a "main street" of its own. In this case, India Street is the neighborhood's *de facto* main street with the intersection at Middle Street as a key junction; and strategies will reinforce and strengthen its role as such. Retail activity is encouraged on India Street, and a high level of transparency and activity is expected from future development along the corridor. To assist in this kind of activity, the City's Façade Improvement Program will be targeted on India Street. The streetscape of India Street plays an important role in portraying the unique identity the neighborhood, and streetscape improvements should be focused on India Street. Neighborhood identity will be reinforced through streetscape design for India Street that will include public art, lighting, unique and cohesive street furniture, pavement options with storytelling aspects, and gateway elements. The street should be inviting with continuous street trees and plantings; and infill development is encouraged to build an active street wall. Vacant lots could become sites of temporary installations or pop-up retail to invite activity. Streetscape improvements should be of high quality materials, and designed and coordinated to increase their visual impact.

# Critical Action 8

## Adopt a Form-based Code

Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing zoning code in place over the extent of the neighborhood boundary.[2] Under the proposed form-based Code, new development and significant renovations will carefully consider the building's relationship

[2] Definition from the Form-Based Codes Institute: http://formbasedcodes.org/definition

- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

# Critical Action 11

## Create a Recreation Hub at the foot of India Street

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day's excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

# Critical Action 12

## Make India Street Neighborhood a model for stormwater management

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

Strategies include:

# India Street

# Sustainable Neighborhood Plan

## Portland, Maine

—

**August 2014**

# Part 2: Implementation Tools


**Aspirations for the India Street Neighborhood**

From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consultants, February 2014

# Critical Action 1

## Capture the distinctive and authentic neighborhood identity

### Background

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

### Proposal: Identity Strategy Initiative

Develop and release Request for Proposals (RFP) for a branding/marketing firm to develop a strategic plan that promotes the neighborhood's identity. The target audience is people who live, work and visit the neighborhood. The RFP should also include an initial roll out strategy and ongoing marketing plan (print, ISN website, social media, etc.). The values word cloud provides a sense of what is at the core of the neighborhood and will be useful for inclusion in the RFP.

### Potential Issues

- Finding sufficient funds to meet the estimated budget for implementation of this action;
- The timeframe for implementation, given that public process is crucial to ensuring that the neighborhood businesses and residents take ownership of the identity strategy and are committed to supporting it.

### Financial Resources

Budget: $75,000
Sources: Might include grants, CDBG program funds, City Budget, Local business contributions

### Timeframe

Timeline: One year to rollout - June 2015 or 2016 depending upon funding cycle.

### Responsibilities

Responsible Parties: India Street Neighborhood Association lead, assistance from City Staff (Communications Director, Economic Development and Planning)

### Stakeholders

- Business Owners
- Residents
- India Street Neighborhood Association

# Critical Action 3

## Take advantage of existing housing programs and resources

### Background

The India Street neighborhood is an eligible Community Block Grant Neighborhood (CDBG) and is positioned to take advantage of various programs and resources, local and federal, that will expand and diversify housing choices. Programs include the Community Development Block Grant Program (CDBG), the HOME Investment Program (HOME), and the HUD 5-year (2015-2020) Consolidating Plan process.

### Proposal

The critical action will be to identify the neighborhood as a focus area for programs such as:

- Community Development Block Grants (CDBG)
- HOME Investment Program
- HUD 5-year (2015-2020) Consolidating Plan Process to conduct a housing market study
- City of Portland Housing Replacement Ordinance

Action items to leverage CDBG funds:

1. Identify the neighborhood as a focus area and bonus points and scoring incentives would be provided to eligible neighborhood-based applications.
2. Use Federal HOME Program funds to encourage affordable housing development in the area.
3. Conduct a housing market study of the City, including the India Street neighborhood, using the HUD 5-year (2015-2020) Consolidating Plan process.
4. Hire a Housing Planner for the Housing & Community Development Office.

The results of the housing market study and the addition of a Housing Planner in the Housing & Community Development Office will help to craft a plan on the most efficient use of locally administered resources such as the Housing Trust Fund and Affordable Housing Tax Increment Financing.

### Potential Issues

Since 2010 CDBG funds have been cut by nearly 22% and HOME has been cut by 34% which significantly impacts the level of resources available and increases the competition for these resources. Other funding sources and partners will be required.

### Financial Resources

Budget: N/A
Sources: The City has access to financial resources that can be utilized in the implementation many of the Critical Action steps identified in this Plan. CDBG and HOME Program resources will be used to complete the housing market study. Salary and other administrative costs for the Housing Planner position are covered by CDBG and HOME Program resources as well as city general fund.

# Critical Action 4

## Build affordable housing on the City-owned property at Middle and Franklin streets

### Background

The City has an opportunity to contribute to resident diversity by designating city-owned property for the development of affordable housing. Affordable housing, especially for families with children, is lacking within the neighborhood. The parcel of land at Middle and Franklin Streets has been identified as a potential site to build affordable housing that will serve as a catalyst for other private development in the neighborhood.

### Proposal

The development of new housing is expensive. The high cost of land in Portland is often identified as the main impediment in the development of affordable housing. The City can incentivize the development of affordable housing by offering City-owned property as development sites. 83 Middle Street has been identified as a potential development site.

### Potential Issues

The 83 Middle Street site is currently used by the Police Department for employee parking. In order to utilize this parcel for housing development, alternative parking for the Police Department would need to be identified.

### Financial Resources

Budget: $277,800

- The 83 Middle Street site has an assessed value of $277,800. As a City-owned parcel, it does not generate real estate tax revenue.

Sources: HOME and/or the City's Housing Trust Fund may provide additional revenue

### Timeframe

Timeline: FY15/16 funding cycle (CDBG, HOME, Housing Trust Fund)

### Responsibilities

Responsible Parties: Housing and Community Development Division in partnership with the Police Department and Parking Office under the direction of the City Council and the Housing and Community Development Committee

### Stakeholders/Partners

- Maine State Housing Authority
- U.S. Dept. of Housing and Urban Development
- Local Banks
- Residents
- For-Profit and Non-Profit Real Estate Developers

Factoring in the time needed to conduct informational meetings with affected property owners as well as the requirement to schedule at least one workshop and one formal public hearing with three City review entities, it is likely that this nomination/designation process will take a minimum of 4-5 months to complete.

### Responsibilities

Responsible Parties: Historic Preservation Program staff

### Stakeholders

- Residents
- Property Owners
- Real Estate interests
- Business owners
- India Street Neighborhood organization
- Greater Portland Landmarks
- Cultural organizations within the neighborhood, e.g. The Committee to Restore the Abyssinian

# Critical Action 6

## Create and maintain business and resident relationships to strengthen the community

### Background

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

### Proposal

Examples of such programs are as follows:

- Annual and monthly promotions/events to bring together businesses and residents;
- Neighborhood-exclusive soft openings for when new businesses open;
- Discounts for neighborhood residents/employees (perhaps with a card);
- Cross business promotions;
- Parking validation agreements with the City and local providers to make residential, worker, and customer parking more readily available.

### Potential Issues

There will be a substantial time commitment of India Street Neighborhood Association (ISNA) members and local businesses for ongoing implementation.

### Financial Resources

Budget: $2,000

Source: ISNA Budget

### Timeframe

Timeline: Ongoing

### Responsibilities

Responsible Parties: India Street Neighborhood Association; Additional support for parking validation agreements from City staff in the Parking Division and Economic Development Department.

### Stakeholders

- Business Owners
- Residents
- Employees

### Proposal 2: Underground Electric/Communications Infrastructure

Requisition a feasibility study for the undergrounding of electric and communications utilities. Commission a preliminary engineering, cost estimating, phasing, and funding plan.

### Potential Issues

There may be a high cost associated with undergrounding utilities. As a waterfront neighborhood, the feasibility study should consider whether sea level rise and stormwater runoff will be of concern for underground utilities. The benefits must be carefully weighed with the costs and challenges.

### Financial Resources

Budget: $75,000 for preliminary engineering/phasing/funding plan

Sources: Downtown TIF District

### Timeframe

Timeline: Dependent on the adoption of the Downtown TIF district; likely to be FY2016.

### Responsibilities

Responsible Parties: Planning and Urban Development Department Staff, including staff from the Planning Division and the Economic Development Department under the direction of the City Council and the Transportation, Sustainability, and Environment Committee

### Stakeholders

- Residents
- Property Owners
- Real Estate Developers

### Proposal 3: Implement Complete Streets Design Guidelines

Comprehensive application of Complete Streets design guidelines shall be used whenever changes to the public right-of-way in the India Street neighborhood is proposed. Streetscape and right-of-way improvements such as street tree-planting, curb adjustments, and paving should be prioritized on India Street and eventually applied throughout the neighborhood.

### Potential Issues

Although a Complete Streets policy has been adopted by City Council, the Design Guidelines are not, yet, complete and have not been vetted through the City process. Most improvements in the public right-of-way occur when required by Site Plan approval for individual projects; in order to have a more comprehensive, street-wide improvement, the City will have to approve the project as part of a CIP budget year.

### Financial Resources

Budget: per-project basis

Sources: Downtown TIF District, CIP FY16, Street Tree fund

# Critical Action 8
## Adopt a Form-based Code

### Background
Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing zoning code in place over the extent of the neighborhood boundary.[1] Under the proposed Form-based Code, new development and significant renovations will carefully consider the building's relationship with the streetscape and have forms compatible with the existing built fabric. The FBC also will encourage small infill development and dense housing development through height and parking bonuses and by relieving residential density restrictions. An additional goal of the FBC will be to provide a clear and consistent review process to guide development and manage change.

### Proposal
Proposal and support of a new zoning code based on form and building character rather than use is proposed for the India Street neighborhood as defined by the district boundary in the FBC addendum X. A goal of the FBC will be to provide a clear and consistent review process to guide development and manage change. A draft of the Character District Plan is below.

### Potential Issues
The City has never before implemented a form-based code; ample time and consideration should be taken to ensure that this new type of zoning is well-crafted and feasible. Some property owners and developers may also show concern about zoning changes that affect height and development potential.

### Financial Resources
Budget: N/A

### Timeframe
Timeline: Review and public process – Fall 2014, Adoption by City Council – Winter 2015

### Responsibilities
Responsible Parties: Planning Division staff

### Stakeholders
- Residents
- Property Owners
- Real Estate Developers
- Portland Society for Architecture/Architecture community

[1] Definition from the Form-Based Codes Institute: http://formbasedcodes.org/definition

# Critical Action 9

## Support Transportation Infrastructure initiatives

### Background

To reach its goals of connectivity and multi-modal priority, the neighborhood supports city-wide initiatives to improve safety and access to transit, biking, and walking.

### Proposal

The neighborhood will be proactive in taking advantage of the following initiatives and programs being planned:

- Transit System (METRO) – Support enhanced service such as the proposed link from the Transportation Center to the Casco Bay Lines Terminal; proposed bus routing changes; and increased frequency and synchronization of service
- Transportation Choices – Support efforts to expand car-share locations, and start a bike share program with stations in the India Street neighborhood
- Franklin Street Redesign – The neighborhood will benefit greatly from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely
- Parking Requirements – Current revisions to the Sustainable Transportation Fund are under review that may have positive impacts on parking requirements for developments, and enable more small, infill projects to be feasible in the India Street Neighborhood
- Complete Streets Design Manual – Support the adoption of Complete Streets and encourage the City to implement these types of improvements within the neighborhood, especially on India Street
- Implement and expand upon the adopted City Wayfinding plan, especially targeted to pedestrian and tourist wayfinding

### Potential Issues

Proposed changes to parking requirements have shown to be contentious in Portland. The greatest challenges with many of these initiatives will be funding and cross-organization coordination.

### Financial Resources

Budget: varies

### Timeframe

Timeline: varies

### Responsibilities

Responsible Parties: varies – City staff, METRO, Bicycle/Pedestrian Advisory Committee, Franklin Street Public Advisory Committee

# Critical Action 10

## Improve neighboring recreation amenities and connections to them

### Background

Open space is a precious commodity in India Street as a small, urban neighborhood. One strategy for providing open space to the neighborhood is through improved access to surrounding open space amenities including Lincoln Park, the Waterfront, the Adams Street Playground, and Peppermint Park. An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets.

### Proposal

An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets:

- Pump Station parcel – This parcel provides an opportunity for prime open space improvements.
- Lincoln Park – Efforts are underway to restore and improve the park and increase neighborhood access, and to encourage new development around the park to enliven its use.
- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

### Potential Issues

Securing the funding for each of these projects will be a challenge.

### Financial Resources

Budget: unknown
Sources: CDBG, CIP, grants

### Timeframe

Timeline: varies

# Critical Action 11

## Create a Recreation Hub at the foot of India Street

### Background

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day's excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

### Proposal

The creation of a Recreation Hub at the foot of India Street will include infrastructure improvements, economic development, and events and promotion. Possible implementation strategies should include:

- Public open space improvements adjacent to trail
- Gateway and wayfinding elements (public art, wind turbines)
- Bicycle share stations
- Enhanced bicycle amenities - Bicycle corral on Commercial at Crema Café installed Fall 2014
- Information kiosk
- Public restrooms
- Car-free Street events (eg Sundays on the Boulevard)
- Recreation-related businesses/kiosks/carts (rentals, gear, food)
- Improved and safe connections across Commercial/Thames Street
- Programs, tours, and events
- Improved/additional streetscape features including lighting, seating, and trash receptacles

### Potential Issues

This effort will require a great deal of coordination and promotion efforts between the City, Portland Trails, the Convention and Visitors Bureau, and neighborhood business. An incremental approach is likely.

### Financial Resources

Budget: unknown

Sources: Downtown Infrastructure TIF, CIP, grants, public/private partnerships

### Timeframe

Timeline: ongoing

# Critical Action 12

## Make India Street Neighborhood a model for stormwater management

### Background

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

### Proposal

Requisition a study on the stormwater needs and potential implementation throughout the neighborhood on public and private property. Based on the recommendations of the study, an implementation plan and budge will be created. Implementation strategies will likely include: green infrastructure, Stormwater Service Charge, Low-impact design, decrease impervious surfaces, increase in pervious surfaces (sidewalk materials, green roofs, street trees).

Potential strategies include:

- Complete Streets: Development will continue to provide opportunities to create Complete Streets and improve hydrologic function for resilience.
- Reduce Stormwater Runoff: Impervious surfaces of surface parking lots are another major contributor to stormwater runoff quantity and water quality; development will be designed to reduce impact of surface flow across Commercial Street and to mitigate impacts on land-side structures. The City is moving towards adopting a Stormwater Service Charge that will provide economic incentives for developers and property owners to reduce and treat runoff.
- Green Infrastructure: Low-impact design and green infrastructure strategies will be implemented wherever possible.

### Potential Issues

The greatest barrier would be cost of implementation; ideally, public and private interests would both contribute to this goal.

### Financial Resources

Budget: unknown

Order 73-14/15
~~Tab 17 10-6-14~~
Tab 14 10-20-14



**CITY OF PORTLAND**
IN THE CITY COUNCIL



**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. ~~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:

| *Height of Structure* | *Required Side Yard* |
|---|---|
| 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 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.*

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.

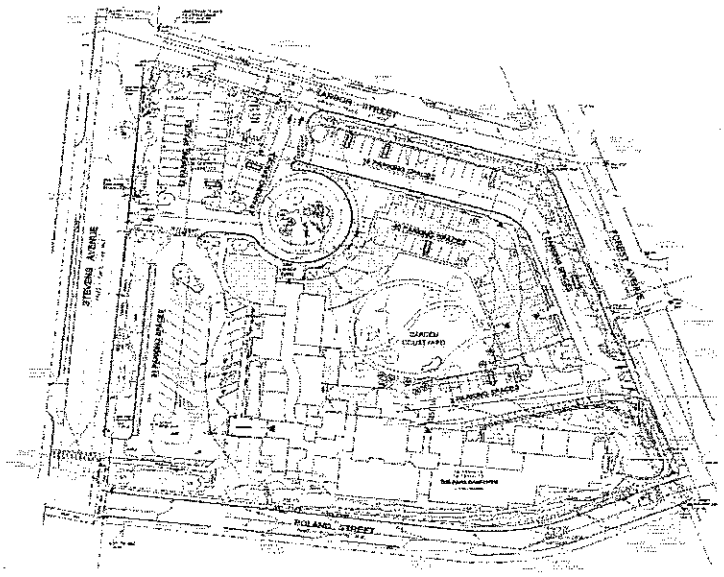
The Planning Board held two workshops on this item on July 22, 2014 and August 12, 2014. The public hearing was held on September 9, 2014. After considering the applicant's proposal at two workshops (July 22 and August 12), the Planning Board expressed interest in creating a new zone, Residential R-6A, 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.

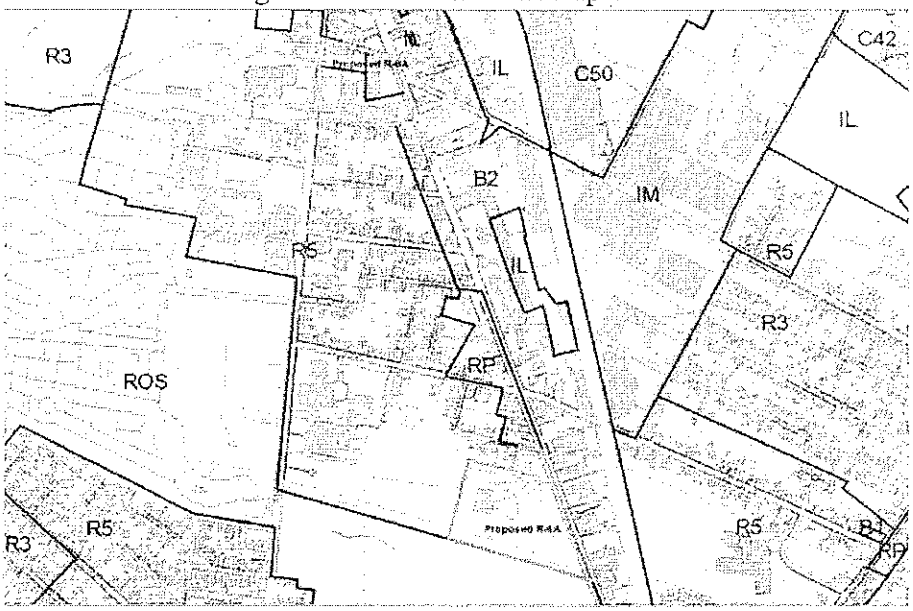
2. Revised dimensional standards for R-6A are listed below and all other R-6 standards dimensional standards apply:

| | |
|---|---|
| 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 Pavillion 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 with 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 of 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<br>First Reading: October 6, 2014<br>Second Reading: October 20, 2014 | Prepared by: Shukria Wiar, Planner and Barbara Barhydt, Development Review Services Manager<br>Date: September 16, 2014 |

## 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, ou 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.*

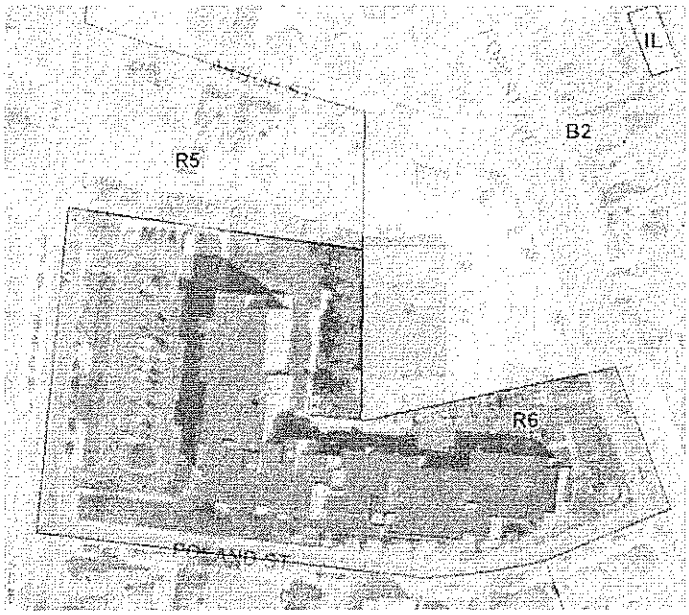
The proposed development is for market rate independent living units and is not proposed as a SNILU; thus the 20% density bonus would not apply.

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

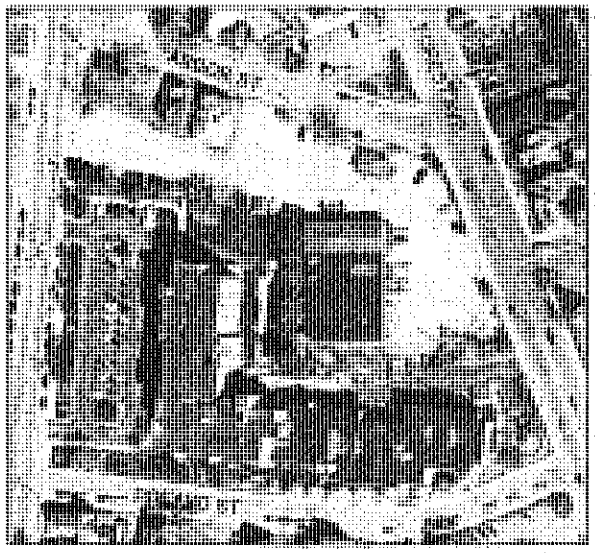
city block with the exception of one residential property at 24 Arbor Street. They are in discussions with the property owner to purchase the single-family home, however the discussions are on hold at this time.

**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.



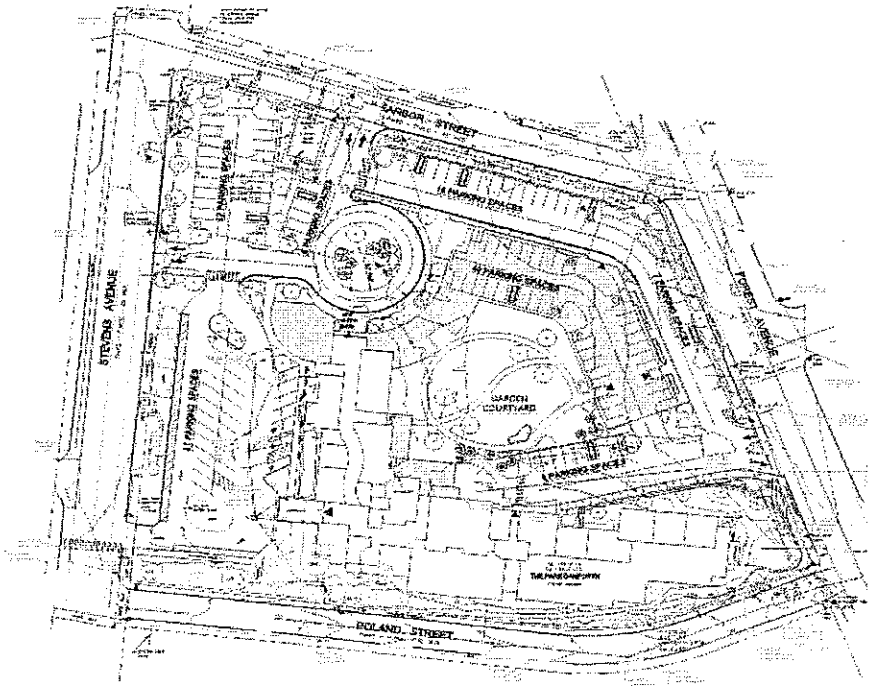
**Aerial of the Park Danforth City Block**

## IV. PARK DANFORTH PROPOSED DEVLEOPMENT

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 snbmission, 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 court yard 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 | | | |
|---|---|---|---|
| ***Residential Dimensional Requirements*** | ***Existing R6*** | ***Proposed R6*** | ***Proposed R6A*** |
| Lot Size | 4,500 sf | 2,500 sf | 4 acres |
| 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 | Building up to 45 feet in height, 10 feet. Building over 45 feet, 15 feet |
| 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 | 65 feet |
| Landscaped Open Space | 20-30%, variable by # of dwelling units/lot | 20% | 20% |
| Parking | 1 spaces/unit | 1 spaces/unit, except none required for first 3 units | 1 spaces/unit |

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 withinR-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:

| *Height of Structure* | *Required Side Yard* |
|---|---|
| 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: Sixty~~Fifty~~-five (~~5~~65) 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 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.

**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 (Attchment 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

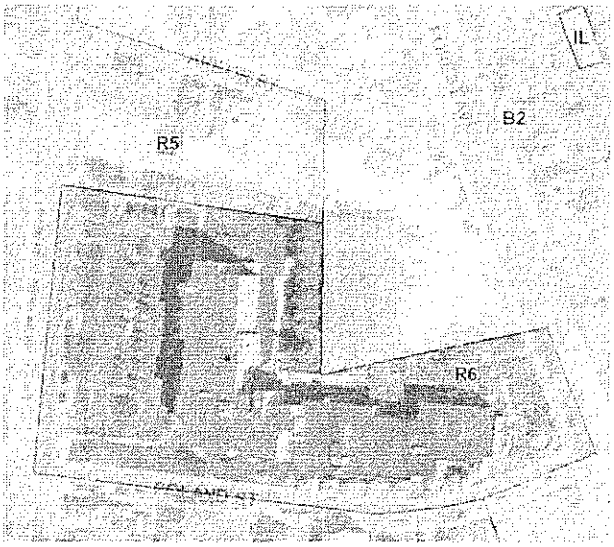
### A. Existing R-6 Zones Off-Peninsula

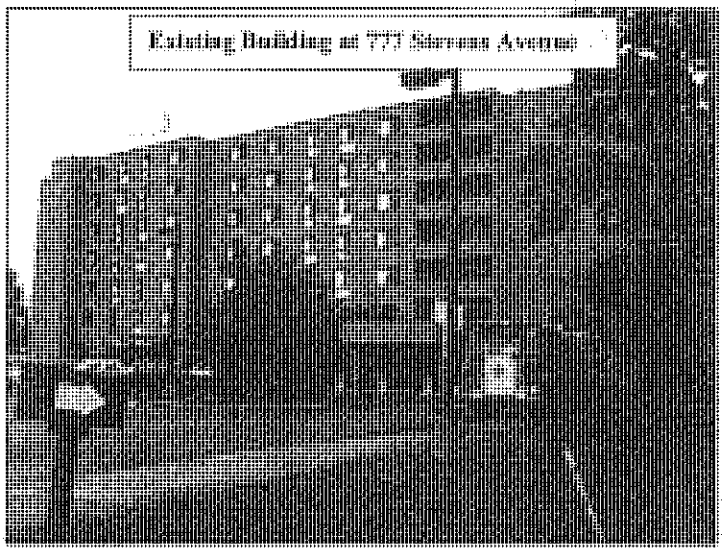
There are three areas off the peninsula that are currently zoned R-6. Those sites include the following:

1) Park Danforth;
2) Deering Pavilion; and
3) Ricker Park and Princeton Back Cove (also referred to as Forest Park), off Dartmouth Street.

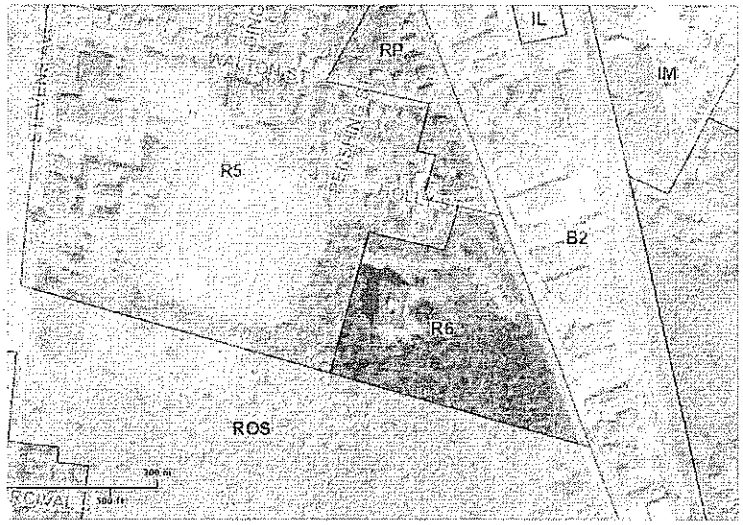
The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue. The site is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development (elderly housing) is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection 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.

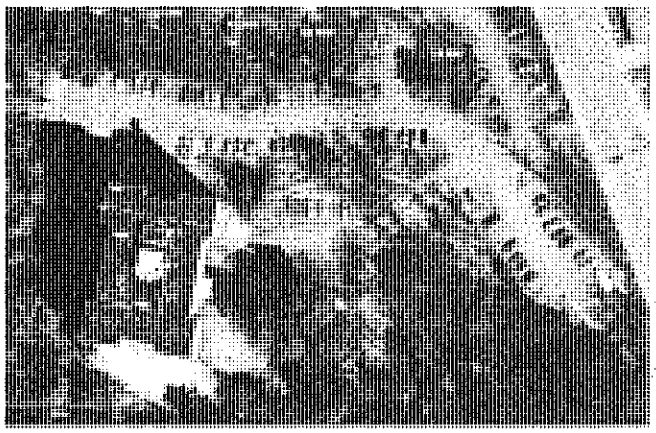
Park Danforth Site, 777 Stevens Avenue

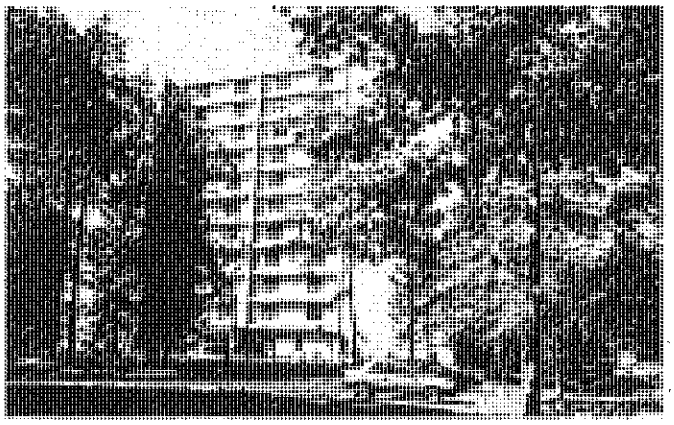


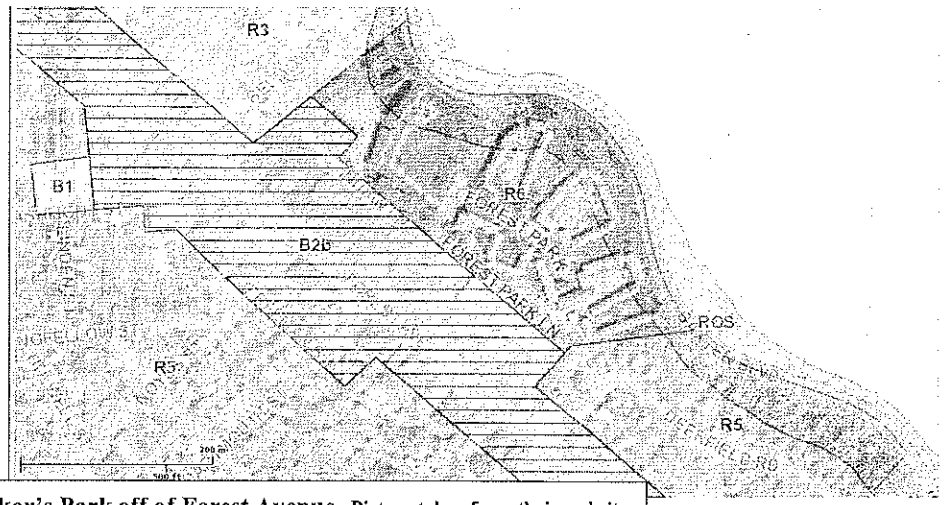




Deering Pavilion – 880 Forest Avenue, zoning map, aerial and photo taken from website.



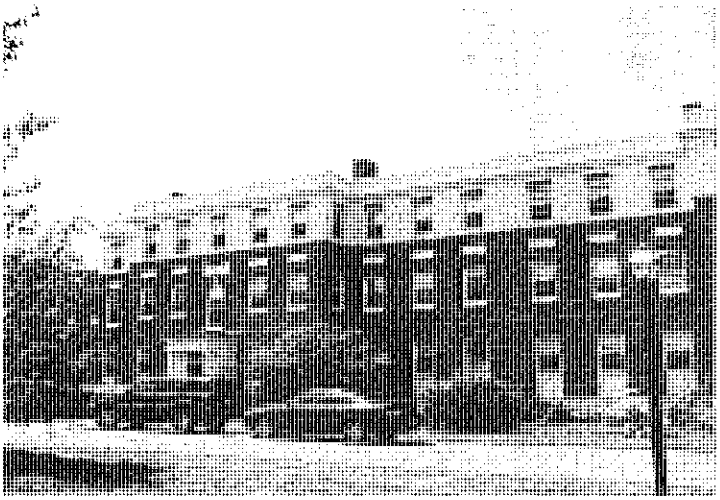



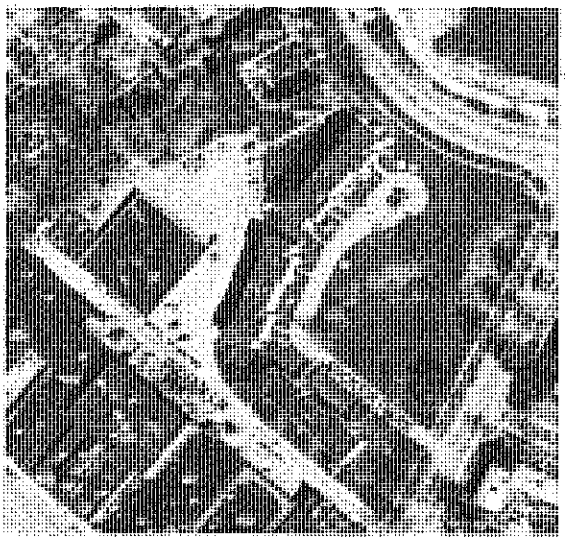


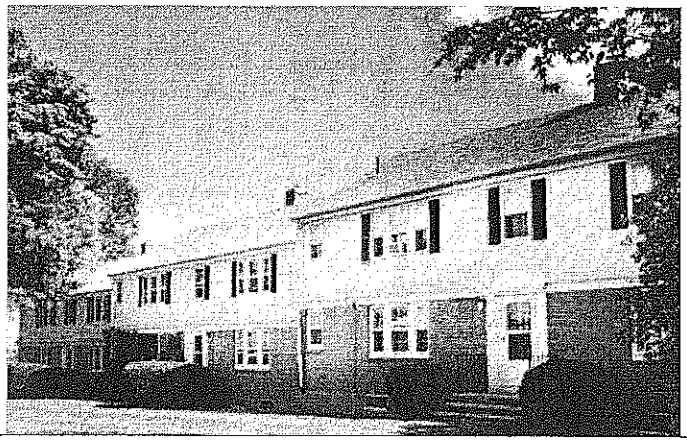



Ricker Park-
Princeton Back
Cove (Forest Park)
, zoning map, aerial
and photo

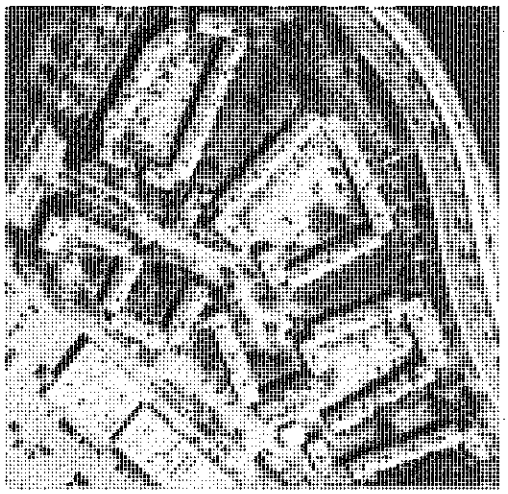
**Ricker's Park off of Forest Avenue-** Picture taken from their website





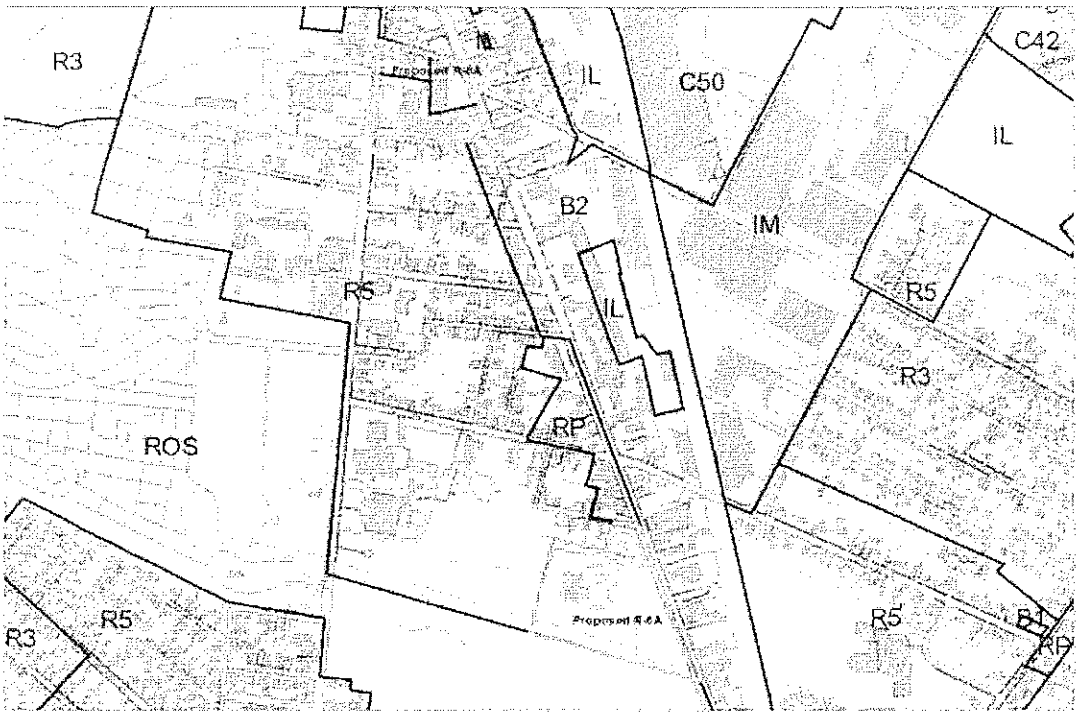


**Princeton on Back Cove off of Forest Avenue-** Picture taken from their website



**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 polices 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

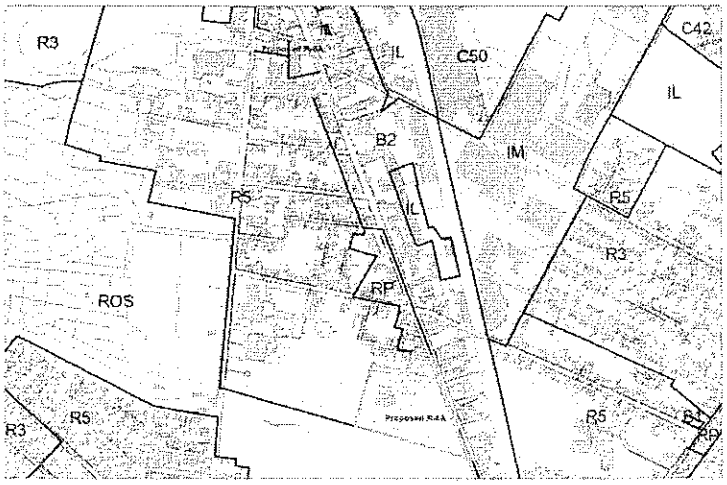
have any concerns about the amendments and thought it may be a positive impact on their property.

## 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 Pavilion) 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

Attachment 1

**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 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:

**[ 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:

| *Height of Structure* | *Required Side Yard* |
|---|---|
| 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 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.

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. Not withstanding 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.

Attachment 2

## 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 <u>and R-6 and R-6A zones</u>

   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.<br><br>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.<br>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.<br>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.<br>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 | | | | |
| Other | | Accessory uses | • | • | | • |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Agricultural uses, as defmed | | | | |
| | | 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 | | | | |
| Conditional | 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 | | | | • |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Automobile dealerships | | | | • |
| | | Restaurants | | | | |
| | | Conversion into bed and breakfast (over 5 rooms) | | • | | |
| | Other | 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
2Ffor 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

| ing 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.<br>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 |
| 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 |
| ximum 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 |
| en Space Ratio | *Uses other than bed and breakfast.* 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% |
| ucture Height | 45 ft | 45 ft | 35 feet | 50 ft |
| ximum Residential Density | 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. | Off- peninsula locations, as defined in the Section 14-47:<br>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.<br>ii. *Multi-family dwellings above first floor commercial uses:* 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. |

Mitchell
& Associates
LANDSCAPE ARCHITECTS

The Sampler Building
70 Center Street
Portland, Maine 04101
P: 207.774.4497
F: 207.874.2469
www.mitchellassociates.net

June 30, 2014

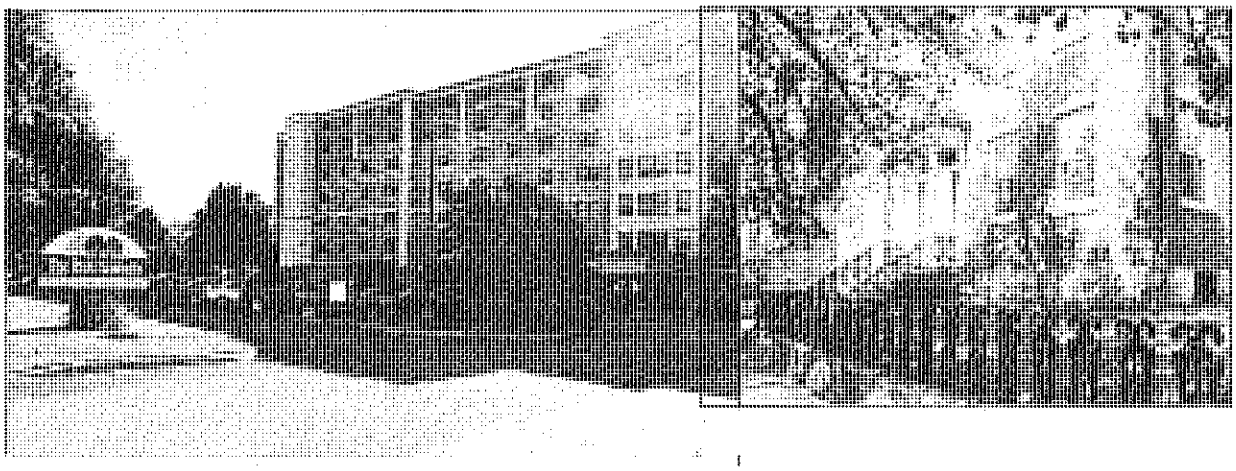
Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

**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**



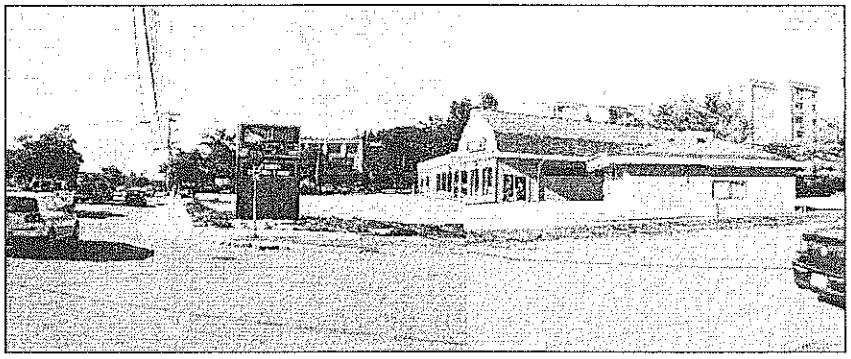
The Park Danforth, a not-for-profit corporation, has been in existence for over a 130 years, evolving from the "Mercantile Home for Aged Men" located at the corner of Park and Danforth Streets. During the mid - 1970's the facility model was expanded to provide a larger state-licensed and Medicaid supported residential care program conpled 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.

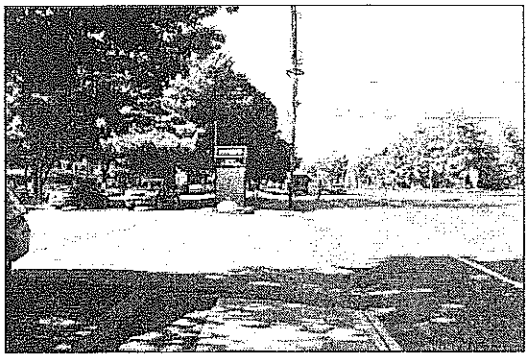
## Mission Statement

*"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."*

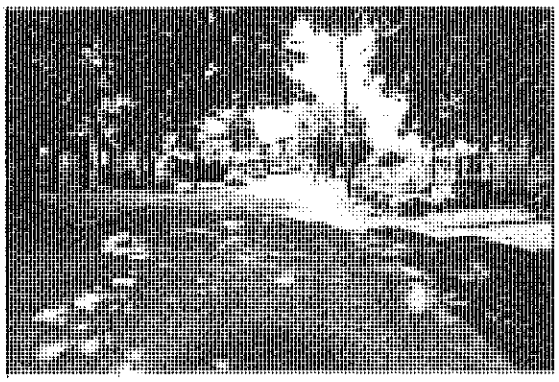
## Existing Conditions

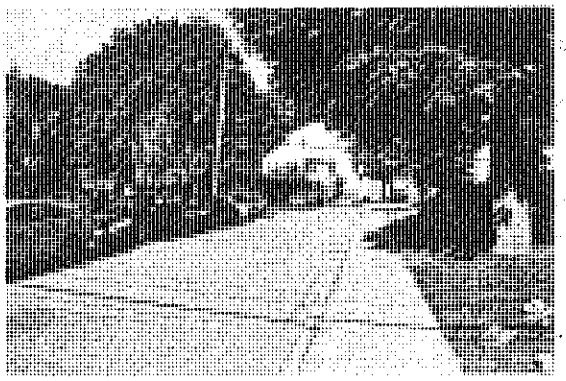
The Park Danforth properties consist of 8 parcels identified on the Assessors maps as Map 146, Chart C, Lot's 5-12 & 14. Over the past 5 years, The Park Danforth has negotiated the purchase of the adjacent parcels that include the Goodwill properties along Forest Avenue extending to Stevens Avenue and 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.

**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 intensions. 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 |

B2 to R6 (Residential)

| | | | |
|---|---|---|---|
| Chart 146 | Block C | Lots | 11, 12 and portion of 14 |

**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

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

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.

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.

- 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 nse 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

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

Robert B. Metcalf, Principal

Maine Licensed Landscape Architect

Enclosure

Cc Denise Vachon, CEO

William Shanahan

Melissa Murphy, Esq

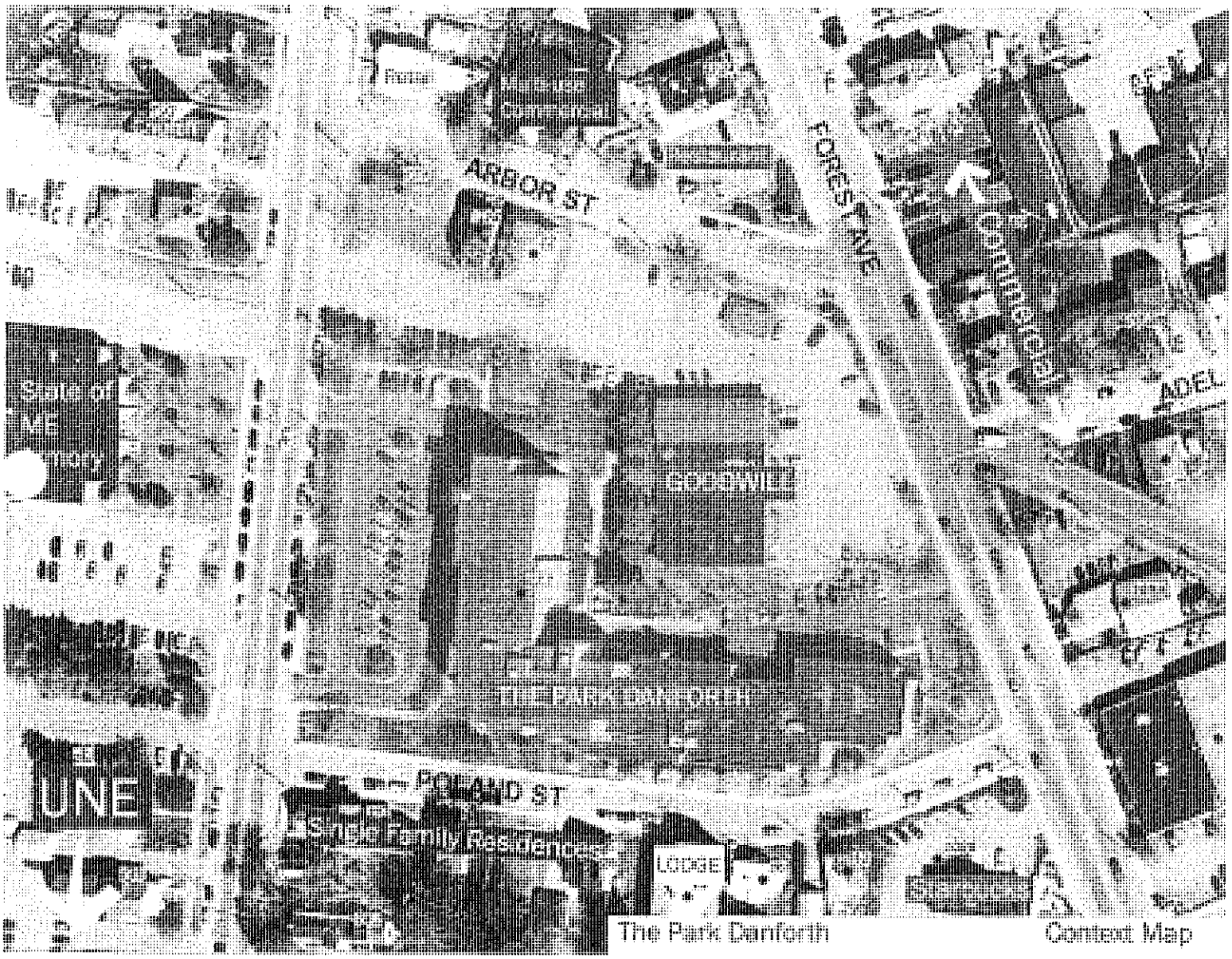
Ron Norton

Joan Eagleson

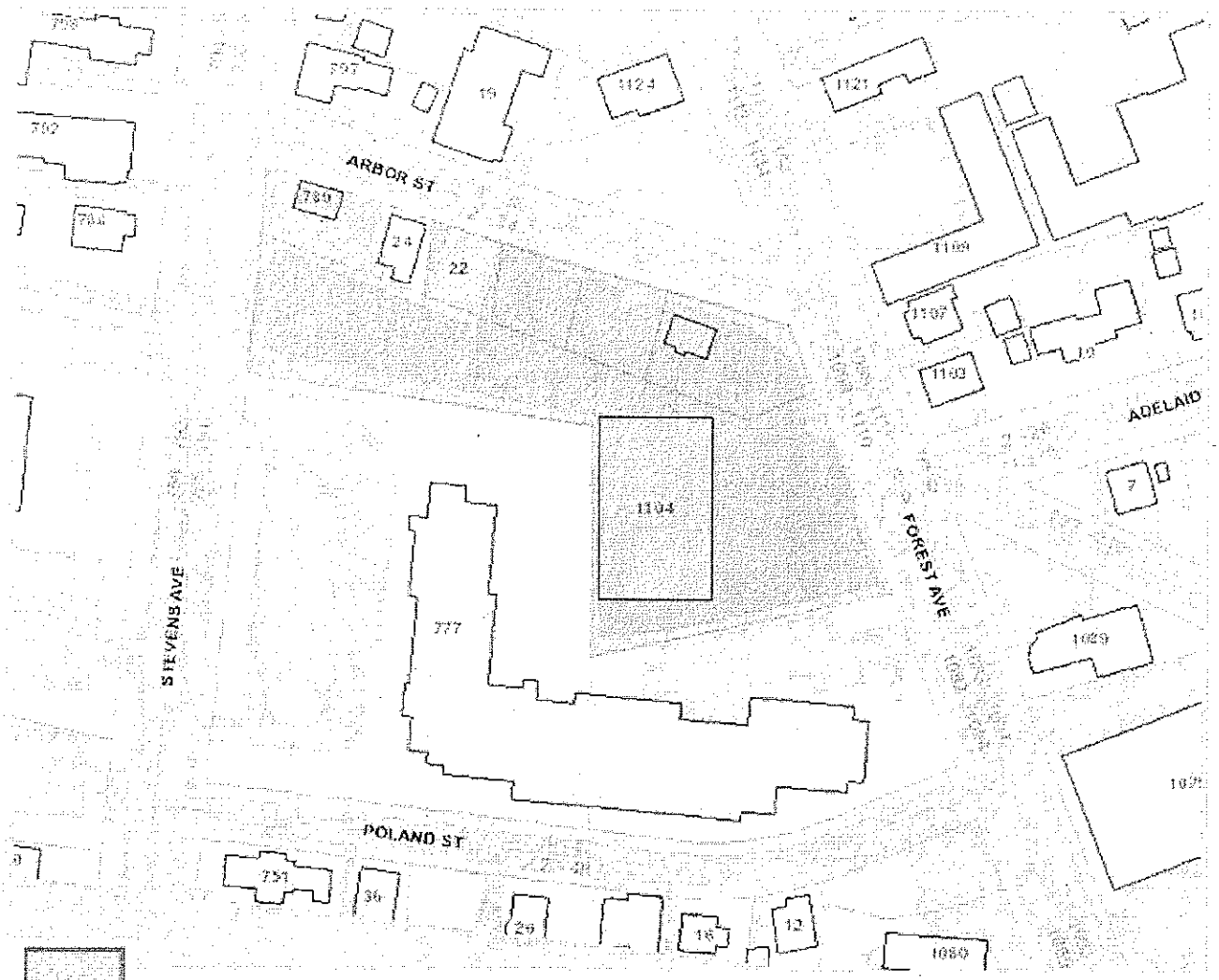
ELDERLY HOUSING

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<br>2 spaces/unit w/ 2+ bedrooms |
| Saco | Elderly Congregate Housing<br>Elder Housing Facility-Limited Svc. | 1 space/ 2 units<br>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<br>(age-restricted) | 1.25 spaces/dwelling unit |

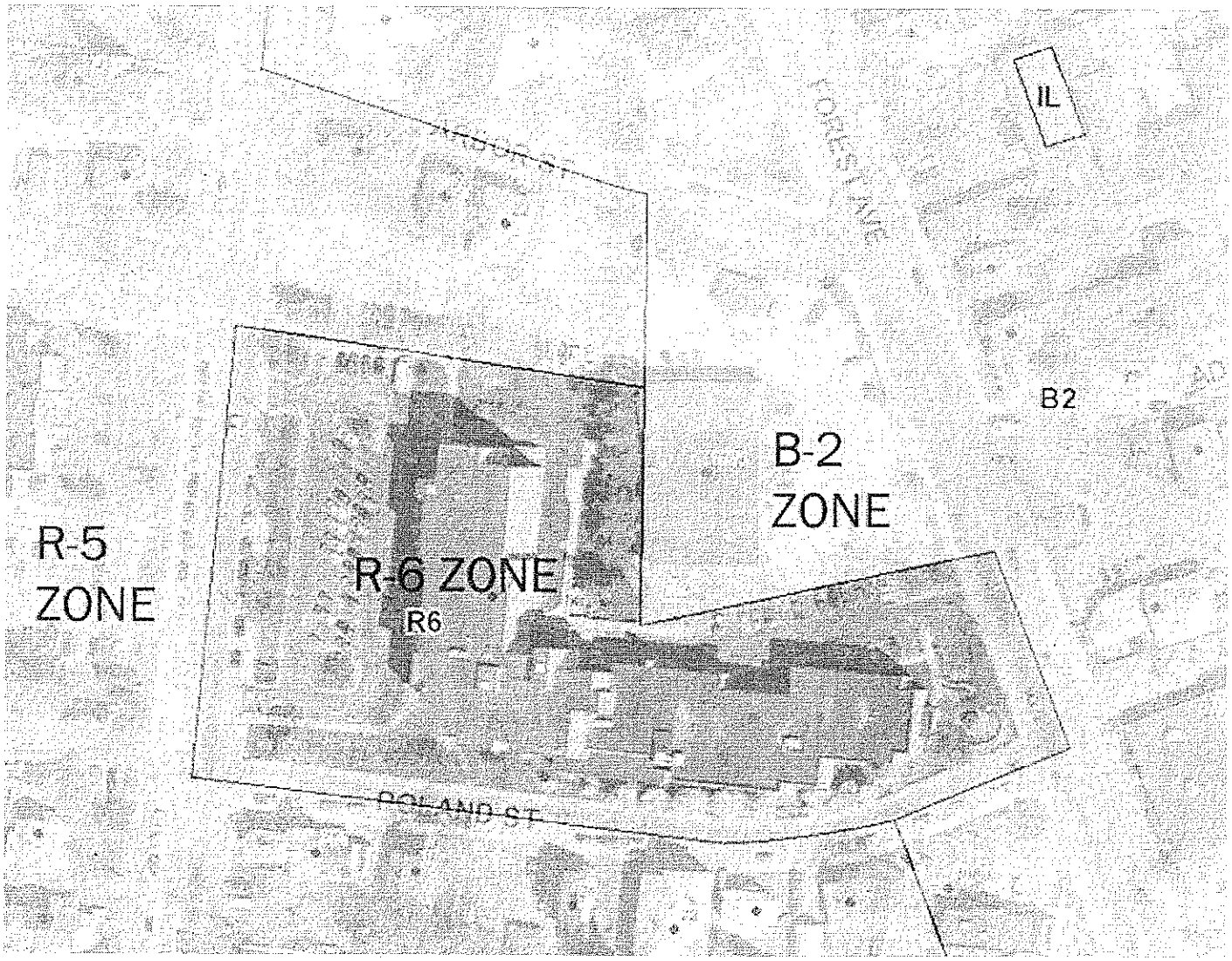



The Park Danforth Context Map



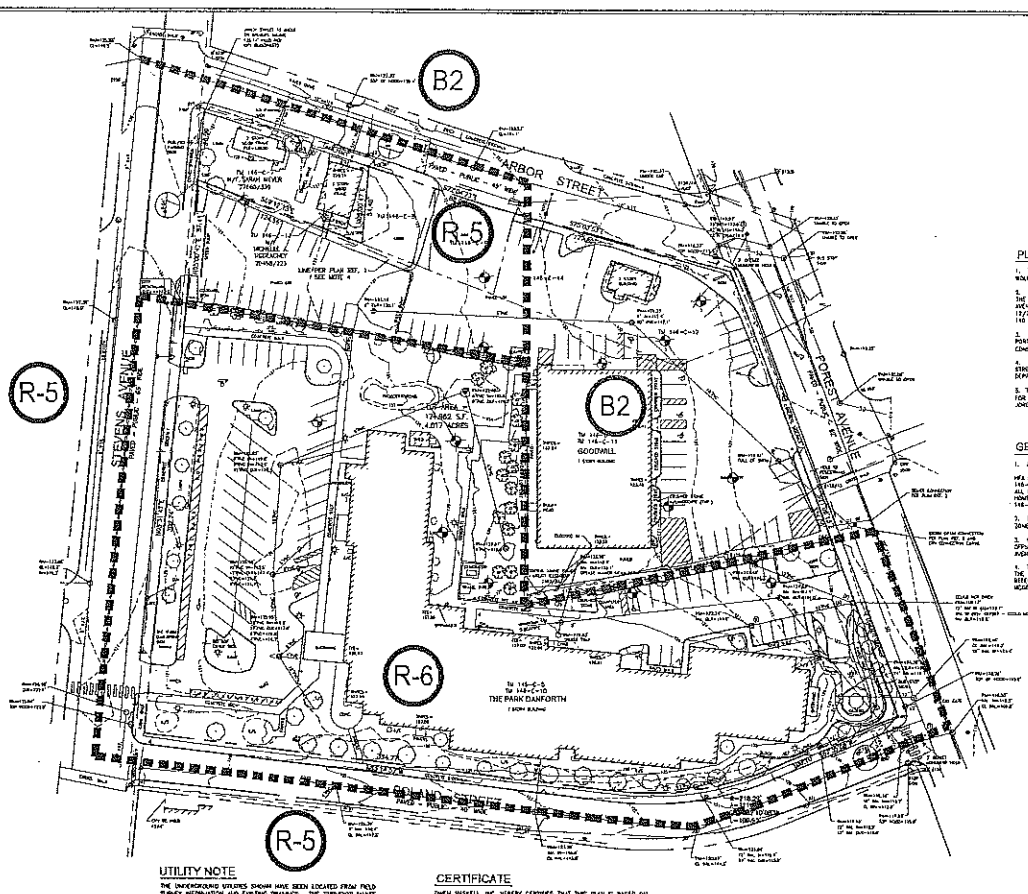

Proposed zone change parcels

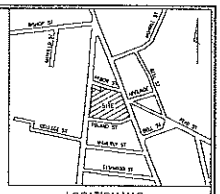
City of Portland, Parcel Map




City of Portland, Zoning Map

HARBOR STREET
PAVED - PUBLIC - 40' WIDE
STEVENS AVENUE
PAVED - PUBLIC - 60' WIDE
FOREST AVENUE
PAVED - PUBLIC - 60' WIDE
POLAND STREET
PAVED - PUBLIC - 40' WIDE
18 PARKING SPACES
48 PARKING SPACES
22 PARKING SPACES
31 PARKING SPACES
8 PARKING SPACES
GARDEN COURTYARD
THE PARK DANFORTH
LOCATION MAP
Prepared For:
Owner:
Applicant:
Prepared By:
MITCHELL & ASSOCIATES
The Park Danforth
Portland, Maine
Stevens Avenue
Date:
JUNE 24, 2014
Issued For:
Revisions:
Title:
CONCEPT MASTER PLAN
Scale:
Sheet No.:
A



LOCATION MAP
N.T.S.

## PLAN REFERENCES

1. "PLAN OF PROPERTY IN PORTLAND, MAINE FOR GEO. LEONID & WOLF BRG. 1922 H.L. & C.E. JORDAN – SURVEYORS"
2. "THE PARK DANFORTH CONDOMINIUM PLANS SITE PLAN HOUSING FOR THE ELDERLY, A CONDOMINIUM SQUARE AT: STEVENS AND FOREST AVENUES AT POLAND STREET, PORTLAND, CUMBERLAND, MAINE 12/7/82 LARRY GULLCHTER – DANVERS" RECORDED IN PLAN BOOK 146 PAGE 37
3. "THE PARK DANFORTH CONDOMINIUM 777 STEVENS AVE PORTLAND, MAINE RECORDING PLAT 09-13-87 LAND USE CONSULTANTS, INC." RECORDED IN PLAN BOOK 197 PAGE 375
4. "BASE MAPS SHEETS FOR STEVENS AVE., FOREST AVE., POLAND STREET, AND ARBOR STREET, FROM THE PORTLAND ENGINEERING DEPARTMENT
5. "FOREST AVENUE DEVELOPMENT PORTLAND MAINE SITE PLAN MADE FOR HUNTINGTON EAST DA SOUTH PORTLAND, MAINE" BY E.C. JORDAN CO. CONSULTING ENGINEERS DATED JUN 8 1986.

## GENERAL NOTES

1. OWNER OF RECORD:

MFA FOREST AVENUE PROPERTIES, LLC LOTS 148-C-8, 148-C-9, 148-C-11, 148-C-12, 148-C-14:
ALL IN BOOK 28524 PAGE 323
MAINE FOR THE AGED LOTS 148-C-8 BOOK 30833 PAGE 330, 148-C-9, 148-C-10 BOOK 8354 PAGE 117.

2. BEARINGS ARE BASED ON CITY DATUM, MAINE STATE PLANE WEST ZONE (NAD83).

3. ELEVATIONS ARE ON CITY DATUM, BASED ON BENCH MARK AT 3' OFFSET MONUMENT MARKER COVER ON EASTERLY SIDE OF STEVENS AVENUE.

4. THE LINES AROUND THE LAND OF MCCLACHLEY ARE BASED ON THE DEED DIMENSIONS. THE DASHED LINES ARE AS SHOWN ON PLAN REFERENCE 1. A BOUNDARY AGREEMENT IS RECOMMENDED WITH MCCLACHLEY AND WEBER.

## LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- ELECTRIC/GAS METER
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- LIGHT POLE
- IRRIGATION CONTROL VALVE
- BOLLARD
- DECIDUOUS TREE
- CONIFEROUS TREE
- INTERIOR LOT LINE
- FENCE
- CURB
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- WATER LINE
- GAS LINE
- STORM DRAIN
- SANITARY SEWER
- 1' CONTOUR

GRAPHIC SCALE
0 15' 30' 60' 120'

## UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH STRUCTURES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

## CERTIFICATE

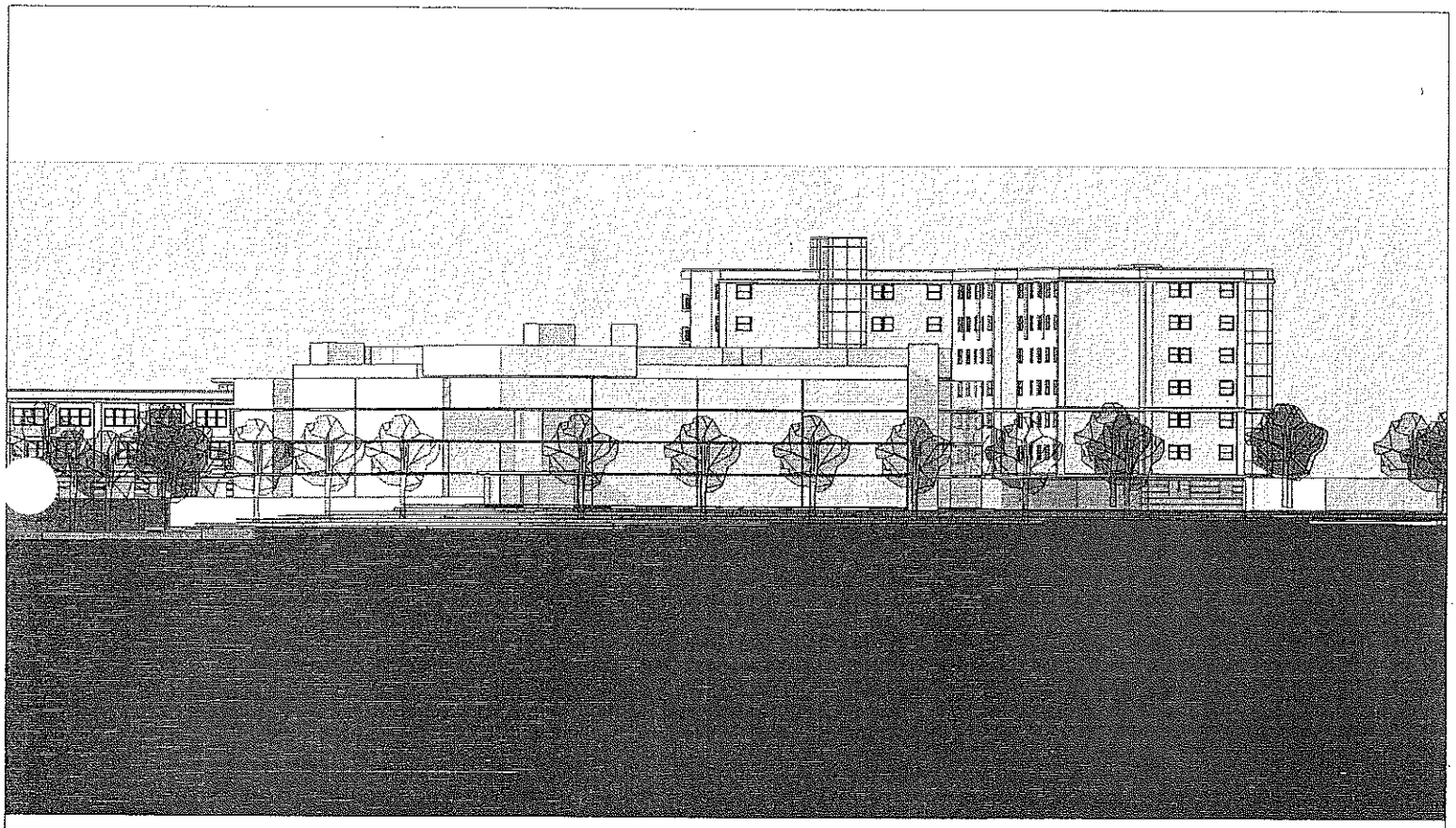
OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON AND THE RESULT OF AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE _____ JOHN E. SCHMANDT, PLS NO. 1252

BOUNDARY & TOPOGRAPHIC SURVEY
ON
STEVENS AVE., ARBOR ST., FOREST AVE. & POLAND ST.
PORTLAND, MAINE
MADE FOR
MITCHELL & ASSOCIATES

OWEN HASKELL, INC.
390 RUE, BANTA DRIVE, FALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

| | | | |
|---|---|---|---|
| Drawn By: SDG | Date: JANUARY 2, 2014 | Job No. 2013-2179 | |
| Issue By: JEM | | | |
| Check By: JCS | Scale 1" = 20' | Dwg. No. 1 | |
| Book No. 1153 | | | |



**The Park Danforth**

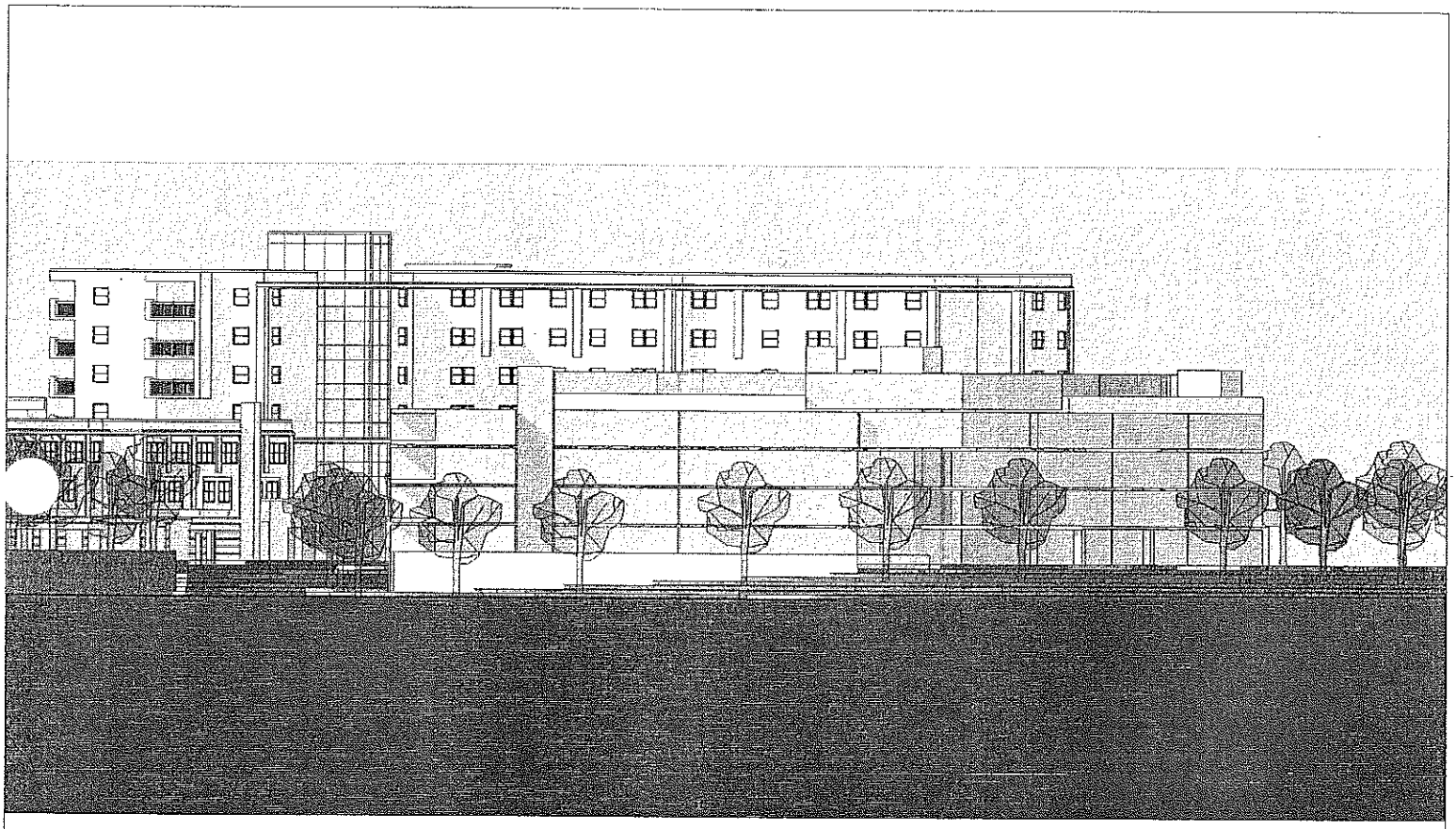
Proposed New Construction

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 94-14/15
~~Tab 18 10-6-14~~
Tab 15 10-20-14

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

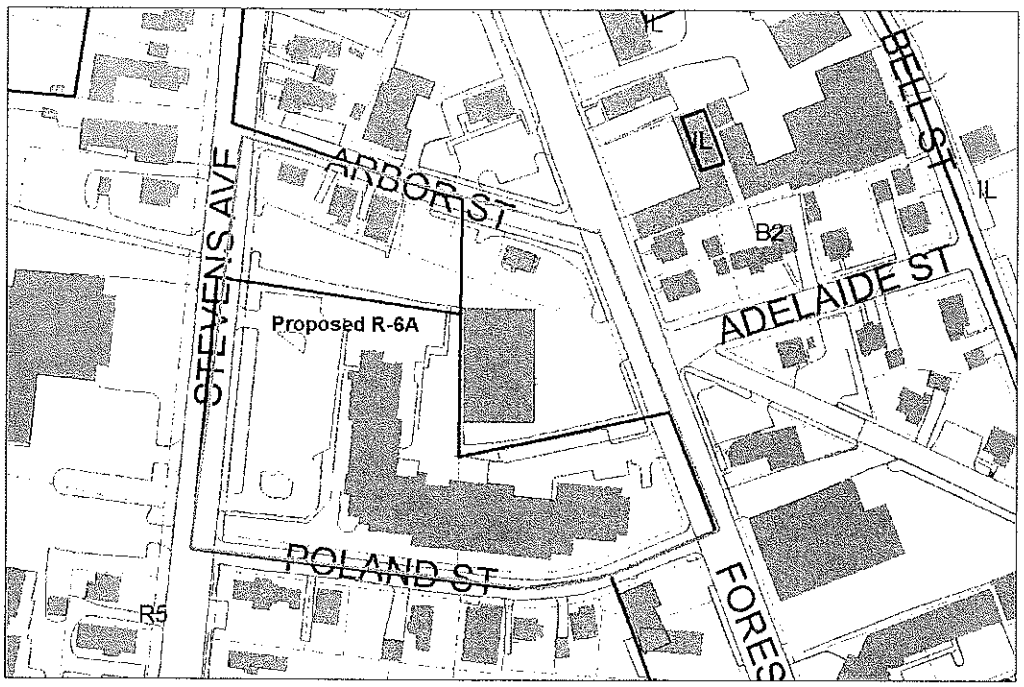
**CITY OF PORTLAND**
IN THE CITY COUNCIL

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

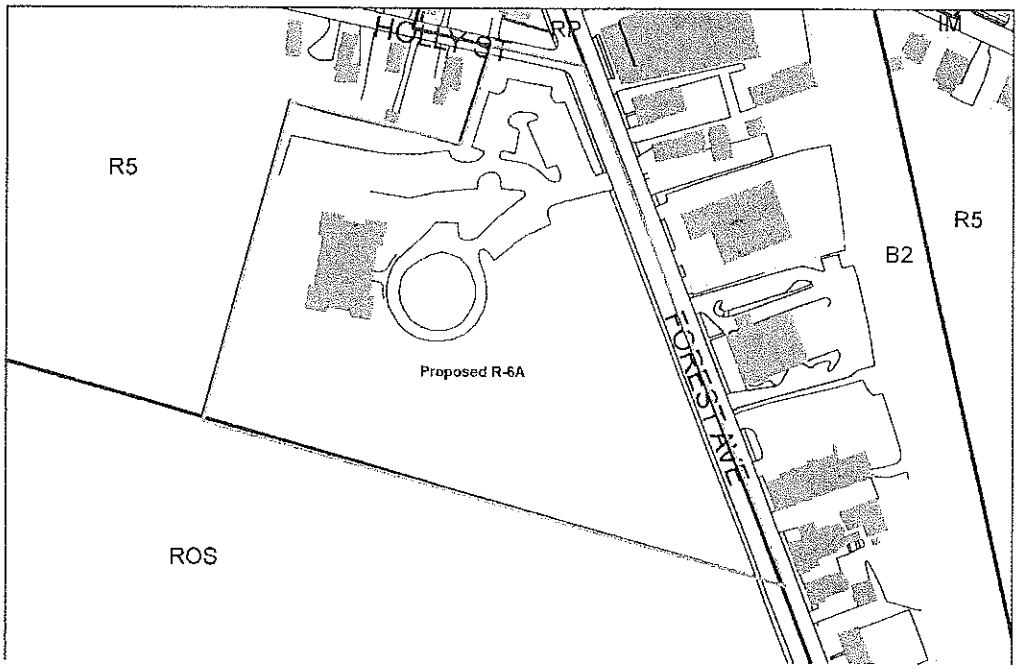
**AMENDMENT TO ZONING MAP**
**RE: PARK DANFORTH (777 STEVENS AVENUE)**
**AND DEERING PAVILION (880 FOREST AVENUE)**

**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

**40 Northwood Drive**
**Portland, ME 04103**
**207-409-9103**
**Annette.rogers2@gmail.com**

September 12, 2014

Appointments Committee Chairman
c/o Kathy Jones
389 Congress Street
Portland, ME 04101

Dear Ms. Jones:

I would like to be considered for one of the CDBG Allocation committee volunteer positions that is posted on Portland's website.

I have previously been on this committee for ten (10) years as chair. I enjoyed working hard to get it where it is today and I believe I would be a valuable asset to finish my last three (3) year term.

Portland is a great city to live and work in. I have a real estate background and thrive working in groups with a united mission. My extensive success at meeting deadlines, strong interpersonal and public speaking skills and ambition to succeed are additional tools I possess. I look forward to sharing these qualities as a member of the CDBG Allocation committee. My resume is enclosed.

I look forward to your reply and appreciate your consideration. Should you have any questions, please call me on my cell phone at 409-9103. Thank you.

Sincerely,

Annette E. Rogers

Enclosure

# Annette E. Rogers

**40 Northwood Drive, Portland, ME 04103**
**207-409-9103, annette.rogers2@gmail.com**


## EXPERIENCE:

**2001- Present** **Portland Housing Authority,** Portland, ME
*Asset Regional Manager, Sagamore Village, Riverton Park & Scattered Sites*

- Manage multiple quasigovernmental low-income housing developments comprising 550 units and an ethnically diverse population exceeding 3,000; oversee five other sites comprising of 700 units.
- Hire, train, and manage on-site teams of twenty five staff members.
- Enforce rules and regulations beginning with investigating tenant infractions to compliance and adjudication of cases in court.
- Oversee budget, capital fund, all expenditures for assigned properties, vendor, rent and maintenance charges to insure payments in a timely fashion.

**2007-2011** **Cache Incorporated,** South Portland, ME
*Sales Associate & Model*

- Essential to effectively meet deadlines and goals while maintaining a high level of accuracy.
- Use of POS and ISP systems for daily management responsibilities.
- Runway shows/photo shoots for the local clothing store.

**2001- 2010** **MCR Real Estate,** Portland, ME
*Licensed Sales Agent/Property Manager*

- Represent clients seeking to acquire, sell and lease real estate.
- Prepare operating budget and manage account payables and receivables.

**1998-2001** **Auto Max & Maxim Rental,** Saco, ME
*Human Resources Manager/Finance Manager/Paralegal*

- Managed administrative tasks of two companies, encompassing human resources, payroll, accounting, finance, receivables, small claims, title work, and sales tax.
- Managed 70 market and subsidized housing units covering six buildings.

**1997-1998** **Pierce Atwood,** Portland, ME
*Paralegal*

## VOLUNTEER:

**2009-Present** **Orthopedic Specialists, LLC,** Falmouth, ME
*Marketing Specialist*

- Develop presentations, trainings, and marketing materials for a holistic orthopedic practice focusing on osteopathic, alternative, and dietary health.
- Back-up speaker to Dr. John Herzog, DO at the 2010 Holistic
- Well-versed in the teachings of Dr. T. Colin Campbell ("The China Study") and speak publically about my experience practicing a vegan lifestyle and in the commercials promoting the practice.

## EDUCATION:

**University of Southern Maine,** Portland, ME
Master's in Public Policy, 2007
Bachelor of Arts in Political Science, 2004

**CERTIFICATIONS AND HONORS:**

OUTSTANDING ACHIEVEMENT AWARD, City of Portland, ME, 2011
Low Income Housing Tax Certification (LIHTC), 2009
REAC HUD Inspector Certification, 2008
CERTIFICATE OF ACHIEVEMENT, USM, 2003
NAHRO Certified HUD Public Housing Manager (PHM), 2001

**ASSOCIATIONS:**

| | |
|---|---|
| **2001-2011** | **Chair & Vice Chair,** 10 years Community Development Block Grant, (CDBG) |
| **2006-Present** | Maine Real Estate Managers Association (MREMA) |
| **2006-Present** | Southern Maine Landlord Association |
| **1996-2006** | Greater Portland Landlord Association |

August 28, 2014

CDBG Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland, ME 04101

Dear CDBG Appointments Committee Chairman:

It is with great enthusiasm that I submit my application for appointment to the City of Portland's CDBG Allocation Committee.

I worked for the City of Portland for ten years and am very familiar with the city operations and know how important and competitive this funding program is to the community and recipients.

I currently serve as Cumberland County Government's Grants and Projects Liaison, working directly with the managers of the municipalities in the county to offer grant sourcing and writing assistance.

I appreciate your time in considering my application.

Best regards,

Nadeen Daniels
53 Northwood Drive
Portland, ME 04103

NADEEN M. DANIELS
53 Northwood Drive
Portland, ME 04103~ 207-577-0020
nadeen.daniels@gmail.com

**EXPERIENCE:**

**Cumberland County Government**

***Grants & Projects Liaison*** ***1/14 – Present***

Work with municipalities within the county to assist with grant sourcing and submission and assist in promoting regional opportunities, including determining need for and spearheading new initiatives.

***Human Resources Specialist*** ***2/13 – Present***

Provide assistance to 400+ employees by coordinating and managing all aspects of onboarding process including interviewing, orientation, compliance training; maintain personnel files; manage and track CDL, Hepatitis B and TB records; responsible for benefit program and administration; assist department heads and assures that yearly performance reviews are completed, including annual training for supervisory personnel; leads bi-monthly Supervisory Roundtable; Clarifies policies and procedures for supervisors and employees; maintains up-to-date knowledge of employment rules and regulations; manages all in-house annual trainings and sponsors county-wide training opportunities for government and private businesses.

**Corizon & Correct Care Solutions Health Services**

***Executive Assistant*** **2/11 – 2/12**

Provide administrative services to the Health Services Administrator at the York and Androscoggin County Jails, and the Long Creek Youth Development Center. I served as the point of contact for all employee human resource needs, prepare monthly reporting of multiple statistical data, billing, process payroll, ordering/invoicing, medical record keeping, and record release requests. I am also responsible for weekly, monthly, and quarterly department, facility and contract meeting agendas and minutes.

**Town of Cumberland, Maine**

***Human Resources Director & Town Clerk*** **5/2002 – 8/2010**

Due to my extensive municipal experience, I was asked to serve in two Department Head capacities. As Town Clerk, I had oversight of all town records, including official legislative documents and vital records; issuance of business licenses and permits; serve as Secretary to the Town Council providing technical and administrative support with respect to meeting preparation, agenda compilation and minutes; management of state and local elections, and supervisor of Deputy Clerk and three Assistant Clerks, who offer counter transactions ranging from birth records to fish and game licenses, motor vehicle registrations, and tax collections. As Human Resources Director, I held sole responsibility for union contract negotiations and ensuring compliance with state and federal benefit and labor laws.

**City of Portland, Maine**

***Assistant City Manager & City Clerk*** **1990-1999**

Served as one of two Assistant City Managers in Maine's largest community of 65,000 residents, responsible directly for three major departments: Public Works, Parks & Recreation and Social Services. Employee management responsibilities encompassed areas including employee relations, negotiations, community relations, and budget management.

I simultaneously held the title of City Clerk during the period 1992 – 1999. The City Clerk's staff consisted of seven employees with responsibilities involving record management, business licensing, voter registration, local, state and federal elections, maintenance of official city documents and vital records, and staff assistance

to the City Council through the preparation and coordination of agendas and minutes. I oversaw Maine's first gay marriage referendum which occurred at the same time as the Presidential election of 1992, which brought over 40,000 voters to the polls.

***Assistant to the City Manager*** **1989 – 1990**

Originally hired as an "Ombudsman" to the City Manager to develop a program to specifically address the City Council's concern with poor management response to constituent affairs. I worked with teams of employees to develop a database system of accountability which is prevalent in municipal government today. Interacted directly with the workforce to educate and train for this new system. Promoted to Assistant City Manager within nine months of hire.

**City of South Portland, Maine**

***City Clerk*** **1981 – 1989**

Reported directly to the seven-member elected body in a community of 24,000. Responsibilities mandated by state and city charter and included supervision of all city and state elections, supervision of a staff of three, budgeting, business licensing, preparation of agendas and minutes, interfacing closely with the city's legal counsel and daily interaction with elected officials, political party representatives and taxpayers.

***Assistant Assessor*** **1977 – 1981**

After acquiring the necessary state training, I was given full responsibility for assessment and management of personal property accounts within the city, in addition to the management duties of a very past-paced office. Reported directly to the City Assessor.

**PROFESSIONAL ACHIEVEMENTS:**

IIMC Certified Municipal Clerk and Certified Maine Clerk
Vice-President of Maine Town & City Clerks Association 2005-2008, President elect for 2008/09
2010 Recipient of Distinguished Secretary of State 'Excellence in Elections' Award
Member of IIMC Education & Training Committee
Notary Public and Maine Dedimus Justice

**EDUCATION:**

University of Southern Maine and Andover College (non-degree)
20 years of ongoing educational improvement through seminars, training and conferences in Management, Municipal Clerk and Human Resources disciplines

**REFERENCES:**

Alex Kimball, Cumberland County Finance Director
Cheryl Leeman, Portland City Councilor
Anne Pringle, Former Mayor of Portland

August 28, 2014

Creative Portland Corporation Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland, ME 04101

Dear CPC Appointments Committee Chairman:

It is with great enthusiasm that I submit my application for appointment to the City of Portland's Creative Portland Corporation Committee.

I worked for the City of Portland for ten years and am very familiar with the city operations. I currently serve as Cumberland County Government's Grants and Projects Liaison, working directly with the managers of the municipalities in the county to offer grant sourcing and writing assistance. I also am a small business owner operating a natural bath and body products business out of my home in North Deering.

I appreciate your time in considering my application.

Best regards,

Nadeen Daniels
53 Northwood Drive
Portland, ME 04103

NADEEN M. DANIELS
53 Northwood Drive
Portland, ME 04103~ 207-577-0020
nadeen.daniels@gmail.com

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Vice-President of Maine Town & City Clerks Association 2005-2008, President elect for 2008/09
2010 Recipient of Distinguished Secretary of State 'Excellence in Elections' Award
Member of IIMC Education & Training Committee
Notary Public and Maine Dedimus Justice

**EDUCATION:**

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**REFERENCES:**

Alex Kimball, Cumberland County Finance Director
Cheryl Leeman, Portland City Councilor
Anne Pringle, Former Mayor of Portland

CANAL STUDIO 5

Architecture / Planning / Interior Design

207 653 2115
One Canal Plaza, Suite 888
rtland, Maine 04101

canal@studio.com

Ms. Katherine Jones

September 5, 2014

City Clerk

389 Congress Street

Portland, ME 04101

Re: Creative Portland Corporation Board Appointment

Dear Ms. Jones,

This letter is in response to your correspondence regarding my interest in continuing to serve on the board of the Creative Portland Corporation. I am interested in continuing to serve and request reappointment to another term of service.

I have attached an updated resume as requested.

Please let me know if there is any additional information needed. I look forward to working with Jennifer Hutchins and other board members to help grow Portland's creative economy.

Best regards.

Patrick S. Costin, AIA, LEED AP

Principal

CANAL 5 STUDIO

Patrick S. Costin, AIA, LEED AP

Led by a desire to integrate design excellence with efficient delivery methods and advanced technology, Patrick Costin founded Canal 5 Studio in 2011 after leading one of Maine's oldest and largest architecture firms. Canal 5 Studio is a six person architecture, planning and interior design firm serving institutional, healthcare, higher education, commercial and residential clients. A Registered Architect and LEED Accredited Professional, Mr. Costin has more than 25 years of experience in high performance building design. His projects have received recognition for design excellence from the New England and Maine Chapters of the American Institute of Architects, the U.S. Air Force, the National Association of Commercial Builders, and the Portland Society for Architecture.

Patrick received a Bachelor of Arts at Lake Forest College, where he majored in Art History and Philosophy. His undergraduate experience includes studying art and architecture in Florence, Italy and London, England. He was granted a graduate fellowship by the University of Illinois at Chicago, where he earned a Master of Architecture degree. He is a Registered Architect in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Illinois. He is also a LEED Accredited Professional through the U.S. Green Building Council. And Mr. Costin holds a national licensing certification from NCARB, the National Council of Architectural Registration Boards.

His professional affiliations include: the Portland Society for Architecture, where he was a Founding member and past President, the American Institute of Architects, the Maine Chapter of AIA; and the U.S. Green Building Council, Maine Chapter.

In addition, Mr. Costin is a past member of the Construction Advisory Board of the University of Southern Maine, Department of Technology. And he is on the Board of Creative Portland, serving on the Creative Space Committee. Creative Portland is a nonprofit organization that strengthens Portland's creative community and economy by supporting artists, arts and cultural organizations.

Representative clients include the following organizations:

- MaineHealth
- Fairchild Semiconductor
- Bates College
- East Brown Cow Realty
- Maine Medical Partners
- Devonshire Investors
- RockBridge Capital
- LL Bean
- Gorman Foundation
- Portland Ballet
- InterMed
- The Boulos Company
- The Knickerbocker Group

# ALICE KORNHAUSER

175 ASHMONT ST • PORTLAND, ME 04103
T: 917-843-3343 • E: ALICE.KORNHAUSER@GMAIL.COM

## WORK EXPERIENCE

**2005-Present Portland Symphony Orchestra Portland, ME**
**Director of Marketing and Communications**

- Develop and manage marketing and communication strategies for Maine's largest performing arts organization with a budget of $2.2 million reaching over 60,000 patrons annually. Focus areas include ticket sales, corporate fundraising, education programs, and institutional identity. Align strategies with organizational objectives and ensure tactical consistency and integrity.
- Execute campaigns across multiple channels including direct mail, print, broadcast media, web, social media, telemarketing and public relations
- Manage budget of $250,000 to generate $1.4 million in ticket sales and $200,000 in corporate giving and sponsorships
- Articulate and steward the PSO's brand identity and key values across all channels and provide appropriate guidance and resources to volunteers and external partners
- Establish income and expense projections based on historic trends and industry best-practice metrics. Provide weekly sales analysis and periodic in-depth analyses
- Supervise Publications/Media Manager and Sales/Corporate Relations Manager
- Support all departments including development, education, artistic operations and administration with cross-functional marketing and communications needs
- Establish and manage relationships with vendors including printers, creative agencies, telemarketing, media outlets, consultants, etc.
- Develop and deploy digital assets including web site and social media
- Facilitate and support the Marketing Committee (permanent) and Strategic Planning Task Force (2010-2011)

*Significant achievements:* Launched two new web sites over six years to take advantage of new platforms and emergent technologies. Launched social media presence. Launched Online Insights and secured corporate sponsor. Launched audience retention program (to reduce churn) and Subscriber/Ambassador (to reward and leverage loyalty).

**2003-2005 Lincoln Center, Inc. New York, NY**
**Senior Director, Marketing**

- Oversaw institutional marketing and branding for one of the world's premier arts presenting organizations that also serves as landlord and facilities manager for 13 constituent companies
- Liaised with Lincoln Center constituent organizations including the New York Philharmonic, Metropolitan Opera, Jazz @ Lincoln Center, etc.
- Created and executed marketing programs for Lincoln Center Institute (arts in education) Live From Lincoln Center (public television broadcasts of both Lincoln Center Inc. and constituent organization performances), and institutional identity
- Worked closely with Development and Corporate Sponsorship departments to attract and retain program and institutional sponsors
- Collaborated with marketing and creative services to determine strategy and execute campaigns for all Lincoln Center, Inc. programs including Great Performers, American Songbook, Mostly Mozart, Lincoln Center Festival, Midsummer Night Swing, Lincoln Center Out-of-Doors to generate approximately $10 million towards $70 million budget.



References available upon request

175 ASHMONT ST • PORTLAND, ME 04103
T: 917-843-3343 • E: ALICE.KORNHAUSER@GMAIL.COM


- Served as primary liaison with Information Technology and Box Office departments to develop tools and resources that met both internal and external needs
- Directly supervised Customer Relations, Audience Development and Internet deparments (four full-time positions)

*Significant accomplishments:* Initiated cross-program marketing tactics and consolidated campaigns, launched live online ticketing, conducted comprehensive market research

**1999, 2002 Consultant New York, NY**
Project planning, coordination and implementation with a particular focus on technology efficiency and integration for non-profit organizations

**2000 - 2002 From the Top New York, NY/Boston, MA**
**Director, FromtheTop.org**
Responsible for strategy and development of a web community designed to support young classical musicians: wrote business plan; cultivated investor-donors; wrote funding proposals; identified potential partners; architected site development and launch; hired staff; developed and maintained budget; oversaw marketing and public relations; and coordinated site activities with other From the Top media including radio, television, and educational materials.

**1996 - 1998 Pegasus Internet, Inc. New York, NY**
**Vice President, General Manager**

- Oversaw strategy, production and marketing on more than 80 web sites for arts and non-profit organizations. Coordinated internal, external and client teams and resources
- Business development (researched potential clients, developed and pursued contacts, wrote proposals and contracts, planned and executed projects, maintained follow-up)
- Developed and implemented staff plans and budgets
- Produced *The Mahler Album* and *Galway: A Portrait* Enhanced CDs

**1990 - 1995 Ziff-Davis Publishing New York, NY**
**Managing Editor (1993 - 1995)**

- Oversaw all aspects of producing editorial content of 900+ page monthly magazine including editorial and production scheduling; layout; trafficking
- Managed staff of six and coordinated activities of staff of 30

## PROFESSIONAL AND VOLUNTEER SERVICE

| | | |
|---|---|---|
| Board member | Creative Portland Corporation | 2009 - present |
| President | Portland Arts and Cultural Alliance | 2008 - present |
| Graduate | Civic Leadership Intensive<br>Institute for Civic Leadership | Pi class, 2008-2009 |
| Member | Editorial Advisory Committee<br>Arts Guide Portland | 2006-2010 |

## EDUCATION

BFA in Music Performance, State University of New York at Purchase, Purchase, NY
Diploma in Music Performance, The Juilliard School, New York, NY



References available upon request

THOMAS F VALLEAU

65 Rockland Avenue

Portland, Maine

Dear Kathy:

I am writing to apply for a renewal of my term as a member of the Board of Directors of the Portland Fish Exchange. I am a Class C Director, which is a seat available to the general public.

My history with the Exchange goes back to the 1980's, when it was first established and opened for business. At that time, I was employed by the City as its Director of Transportation and Waterfront Facilities. After retiring, The City appointed me to the Board and I have had the pleasure of serving as its chairman from time to time.

Great changes have come to the fishing industry in Maine, but we are still in business, still operating in the black, and still have a market share of ninety-five percent of the fin fish landed in the State.

My goals for the Exchange are focused on customer relations, financial self-sufficiency and the agility to stay ahead in a constantly changing commercial and environmental setting.

Sincerely,

Tom Valleau

RESUME

THOMAS VALLEAU

65 ROCKLAND AVENUE

PORTLAND, MAINE

EDUCATION:

University of Colorado, BA

EMPLOYMENT:

Current: Executive Director, North Atlantic Ports Association, Inc.

Past: Director of Transportation and Waterfront Facilities, City of Portland

Assistant City Manager, City of Portland

Executive Director, Portland Urban Renewal Authority

BOARDS AND COMMISSIONS

Current: Portland Housing Authority Board of Commissioners

Portland Fish Exchange, Board of Directors

AVIS C. LEAVITT
2 CRANBERRY PINES ROAD
SCARBOROUGH, MAINE 04074

8/22/2014

Appointments Committee Chairmen
C/O Katherine L. Jones
City Clerk
389 Congress Street
Portland. Maine 04101

Re: Class A (Seller) Seat
Portland Fish Exchange Board of Directors

I have enclosed my resume synopsis for your consideration in renewing my position as a Class A Director for the Portland Fish Exchange.

I am very interested to continue serving the City of Portland with my experience, strength and belief in the local fishing industry.

Thank you for your consideration.

Sincerely,

Avis C. Leavitt
Seller Representative, PFE

**AVIS C. LEAVITT**
**2 CRANBERRY PINES ROAD**
**SCARBOROUGH, MAINE 04074**
**(207) 885-9888 -home / (207) 749-7828-cell**

## Resume Synopsis

1: **Seller Representative at Portland Fish Exchange.** 1/7/1987 to presen

A: Representation of over 50 fishing vessels (registered Sellers)
B: Represent a variety of different fishing styles, species & volumes

2: **Member of Portland Fish Exchange Board of Directors (Class A Seller)** , 4/9/09 to present

3: **Boat Owner F/V Ami Rae.** 1987-1997

A: Presented and sold F/V Ami Rae landings on PFE auctions
B: Maintained regulation compliance
C: Managed financial aspects

4: **Member, Maine Fisherman's Wives Association (MFWA).** 1985 to 2008

A: Helped promote Maine seafood with recipes & samples of under utilized species
B: Helped educate the public on how our fisherman are helping to preserve the resource as a sustainable fishery

5: **Waterfront Alliance, initial MFWA representative, Board member**, served 5 years

A: Worked with other board members, representing all segments of the working waterfront. to form a plan for regulating waterfront zoning
B: Helping to preserve future access to the water for mariners and ensure successful co-existence of other businesses

6: **Member, Women Fisheries Network**

Massachusetts based association of fisheries related business women

7: **Member, Portland Chamber of Commerce, Waterfront Task Force,** 1988-1990

# Raymond Swenton

14 Valley View dr • Gorham, Me 04038 • 207 838 3595 Phone • E-Mail: ducati444@aol.com or rays@bristolseafood.com

## Objective

To continue to serve as a member of the Portland fish exchange Board of directors.

## Experience

GOLDEN EYE SEAFOOD New Bedford Mass. 1974 - 1978

- Plant Manager
- Operated a ground fish fillet line and scallop packing line.
- Assisted in sales and daily seafood purchasing.

KENNEBEC FISH CO. Portland, Maine 1978 - 1979

- Plant manager
- Operated a ground fish fillet and herring packing line.
- Assisted in fresh fish sales and daily purchasing.

AMERICAN TRAWLERS. Newington N.H. 1979 - 1980

- Plant Manager
- Designed and operated a ground fish fillet operation.
- Responsible for offloading fleet of company boats.

STINSON CANNING. Rockland, Maine 1980 - 1982

- Production manager of fresh and frozen ground fish operations.

MILHENCH DESIGN & FABRICATION CO. New Bedford Mass. 1982 -1983

- Sales and design of seafood processing equipment.

CAPEWAY SEAFOOD CO. Providence RI 1983 -1984

- Production Manager of ground fish and pelagic fish lines.

ABBA NO. AMERICA. Portland, Maine. 1984 – 1992

- VP of Operations.
- Responsible for Sales.
- Responsible for purchasing.
- Responsible for production.

BRISTOL SEAFOOD INC. Portland, Maine. 1992 to present.

- Chairman & shareholder.
- Chairman of the Board of directors.
- Special advisor to the President & Board.

## Education

UMASS DARTMOUTH. So. Dartmouth Mass Graduate class of 1974

Majored in Anthropology with minor in Political science.

Graduated with distinction 1974 with a Bachelors of Arts degree.

## Boards, committees and volunteer work.

President of the Board of directors for the Portland Fish Exchange, [PFE].

Board member of the Portland Fish Pier Authority.

Member of the Growing Portland Waterfront committee.

Member of Department of Marine resources, [DMR] Maine Scallop advisory council.

National Oceanic Atmospheric Administration, [NOAA]. Member of the seafood promotion and sustainability committee.

Member of the Gulf of Maine Research Institute, [GMRI] Science and Community committee.

Chairman of GMRI Fisheries improvement project for Jonah Crab.

Daniel T. Haley, Jr.
140 Eastern Promenade
Portland, Maine 04101

August 25, 2014

Cheryl A. Leeman, Nominating Committee Chair
C/O Katherine Jones, City Clerk
389 Congress Street
Portland, Maine 04101

Re: Application for Harbor Commission Position

Dear Ms. Leeman,

I would like to re-apply for the volunteer position on the Harbor Commission. I have served as a Harbor commissioner since March of 2009 and would like to continue my service.
I have always had a keen interest in the city and its working waterfront. I have become even more aware of the great need to protect and revitalize our harbor and develop our marine resources as I have served on the Harbor Commission.
I have engaged in many work and volunteer positions that serve me well as a member of the Board of Harbor Commission.
Enclosed please find a listing of my education, work and volunteer experiences.
I appreciate you taking the time to consider me for re-appointment to the Harbor Commission.

Sincerely,

Daniel T. Haley, Jr
danielthaleyjr@gmail.com
207-772-8984 (H)

Daniel T. Haley, Jr.
140 Eastern Promenade
Portland, Maine 04101

Education:
Portland High School 1965
Ricker College 1969
USMC Basic School 1970
Amphibious Embarkation Course 1970
Motor Transportation Course 1971
Command and General Staff College 1982

Work History:
1969-1972
United States Marine Corps
I was an Infantry Officer with additional duty as an Embarkation Officer. As an embarkation officer I configured combat loads for naval amphibious ships and supervised the loading/offloading of Marine Corps equipment and supplies in coordination with a Naval Officer during a Caribbean deployment as well as a deployment to the Mediterranean.

1972-1973
Aetna Life Insurance
Life Insurance sales in Atlanta, Georgia

1973-2008
Daniel T. Haley Insurance Agency
I worked with my father until 1989 and than purchased the business from him.

1976-1994
Maine Army National Guard

As an officer in Maine Army National Guard I held various leadership roles in a supply and service battalion. I was Commander of the 286th Supply and Service Battalion for three years and was activated for Desert Storm. I served in Saudi Arabia as the Commander of a logistical task force formed with five support, maintenance and transportation companies from the United States and Germany. Our 750 men and women supported the First Infantry Division in the execution of the main attack into Iraq as well as the nondivisional units in our area of operations. I was awarded a Bronze Star Medal for meritorious service in the Gulf War. I retired as a Colonel with 28 years of active and reserve service.

Community Service:

Portland Harbor Commissioner (March 2009-present)

Gubernatorial Appointment as Aide de Camp (2012-present)

Portland Boys and Girls Club of Southern Maine:
I serve as a Board of Director, Executive Committee member, Facilities Committee Chair, Human Relation Committee member, Board Member and Past President of the Alumni Association.

Board Member of the Friends of Eastern Promenade
Co-Chair Fort Allen Bicentennial Celebration

Co-Chair Adam School Re Use Committee (2006-2008)

Member Eastern Promenade Master Planning Committee and chair of the East End Commercial Boat Ramp subcommittee (2003)

Portland History Docent/Greater Portland Landmarks

Insurance Industry Volunteer Service:

State National Director Professional Insurance Agents (PIA) 2001 -2007. I served on the National PIA Regulatory Affairs and the Nominating Committee.

Maine Insurance Agents Association. I served on the Board of Directors for many years and the Executive Committee for six years.

National Alliance of Insurance Education and Research. I served on the Board of Governors for six years.

Maine Auto Insurance Plan. I served as a producer representative for 15 years.

Certified Insurance Counselors. I served on the New England Insurance Education Committee for 10 years.

August 28, 2014

Katherine Jones
City of Portland: Office of City Clerk
389 Congress Street
Portland, Maine 04101-3509

RE: Historic Preservation Board

Dear Katherine:

With reference to your attached correspondence, this letter is my expression of interest in being considered for re-nomination. Please find a copy of my current resume enclosed.

Sincerely,
SMRT, Inc.

Scott L. Benson

Scott L. Benson, AIA
Principal, Licensed Architect MA, ME, NH, NJ & RI

Attachments

144 Fore Street
P.O. Box 618
Portland, ME 04104
p 207.772.3846 f 207.772.1070 email:sbenson@smrtinc.com

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cc: Deb Andrews, File 01

# Scott L. Benson, AIA, NCARB
## Principal/Senior Architect

**Education:**
Bachelor of Arts in Architecture, University of Oregon

**Registrations:**
Registered Architect Maine, Massachusetts, New Hampshire, New Jersey, and Rhode Island
National Council of Architectural Registration Certification

**Presentations:**
Featured Speaker: Northern New England Association of Homes and Services for the Aging
Speaker, CleanRooms East
Speaker, Assisted Living Federation of America National Conference

**Legal – Expert Witness Testimony**
9 Green Street, Augusta, Maine
253 U.S. Rt. 1, Scarborough

**Professional Memberships/Affiliations:**
Member, American Institute of Architects
Member, Construction Specifications Institute

**Community Service and Teaching:**
Member, City of Portland Historic Preservation Board
Member, Greater Portland Landmarks:
*Design Consultant, Commercial Façade Improvement Program
*Volunteer, Marker Committee
Member, Maine Historical Society
* Volunteer, Collections
Learning Group Leader, National Alzheimer's Design Assistance Workshop, University of Wisconsin, Milwaukee
Panelist, Advisory Delphi Group, University of Wisconsin, Milwaukee: "Towards a Language of Assisted Living" funded by AHA and AIA.
Adjunct Faculty – Southern Maine Community College:
*Commercial Architectural Design
Teaching Assistant – Univ. of Oregon
*Furniture Design and Construction
*Descriptive Geometry

Scott Benson is an architect with over 25 years of professional experience. Mr. Benson has participated in several projects nationally recognized for their design excellence. His project experience is comprehensive, extending from programming and concept design through construction administration and post-occupancy evaluation.

In addition to his project responsibilities, Mr. Benson is an Officer and Director of SMRT's Corporate Board where he presently serves as Treasurer. Mr. Benson is also a member of SMRT's Operations Committee, and helps direct the day-to-day activities of one of SMRT's architectural design groups located in the Portland office.

**Select Building Projects:**

**Medical Office Building with Structured Parking, Martin's Point Health Care, Portland, Maine**
Principal-in-charge and architect for a new three story 126,000 s.f. building containing one level of medical offices over two levels of structured parking. The new building is located on a campus overlooking Casco Bay and immediately adjacent to a military hospital constructed for Civil War veterans that is listed on the National Register of Historic Places. The medical office floor is programmed and organized into ten "medical homes." Each home will serve two physicians, their associated nurses, support staff and patients. The facility also includes imaging, laboratory, pharmacy and administrative functions. The project will be LEED certified.

**Maine Turnpike Authority Office Building - Portland, Maine**
Principal-in-charge and architect for a new three-story, 55,000 s.f. office building that consolidates the Turnpike Authorities' executive, financial, operations, customer service, state police, and public outreach facilities into a single, accessible and economical structure. The building fulfills the complex technical requirements of the Authority's communications, information technology and public safety programs while presenting a durable and attractive landmark for the Authority's commercial office and public retail/access functions that is derived from traditional Maine commercial and institutional building construction practice and imagery. The building is LEED certified.

**Veterans' Administration Inpatient Surgical Care Unit, Third and Fourth Floors Building 200, Togus Maine**
Principal-in-charge and architect for a complete interior demolition and renovation of approximately 30,000 s.f. within the main hospital complex. The renovations updated this floor of the 1932 building to include private rooms and bathing facilities, and provides for electronic medical records, safe patient handling and pandemic management practices.

**Publications:**

* Maps, analytical diagrams and drawings of Maine farms, Big House, Little House, Back House, Barn, Tom Hubka, University Press of New England
* Maps, analytical diagrams and Drawings of 18th and early 19th century homes of southern Maine, Agreeable Situations, Laura Sprague, Editor, The Brickstone Museum.

**Awards:**

Scott has designed several award winning & published projects:
Allen Bethea Cottage
*AIA New England Design Award
*National Wood Council Design Award
Sedgewood Commons
Olin Microelectronic Materials
Community Care Concepts of Viera
Robinson Guest House
Eldredge Residence
Harlan Residence
One Riverfront Plaza

**Veterans' Administration Inpatient Psychiatric Care Unit, Third Floor Building 206, Togus, Maine**

Principal-in-charge and architect for a complete interior demolition and renovation of approximately 25,000 s.f. within the main hospital complex. This collection of buildings was designed in 1932, and is listed on the National Register of Historic Places. Renovations provide the hospital with a dedicated, safe and secure environment for psychiatric care of both inpatient and outpatient populations. Design of the unit addresses the special needs of female and geriatric patients, and includes seclusion, airborne isolation, and observation suites.

**University of Southern Maine - Portland & Gorham, Maine**

- Glickman Family Library Expansion: Principal-in-charge of programming, design, documentation, and construction administration services for the interior fit-up and furnishing of the top three floors. The fit-up includes a reading room and community events room on the top floor, special collections display, workshop and storage facilities, a café, stack space for both books and periodicals, and a variety of seating and study spaces.
- Masterton Hall: Principal-in-charge of programming and schematic design studies for the renovation and expansion of classroom, lecture, laboratory and office spaces for the College of Nursing and Health Professions. The project advances the objectives of the College by updating facilities to incorporate Patient Simulation Robotics. The project also recognizes the building as a significant campus getaway and crossroad by inclusion of a new food service and community space called "The Oasis," which connects Masterton to two neighboring buildings.
- Interior and exterior renovations to the President's Residence on the Gorham Campus.

**University of Maine Presque Isle, Health & Physical Education Complex - Presque Isle, Maine**

Principal-in-Charge for a new 60,000 s.f. Health & Physical Education Complex. It houses a 25-meter pool, 160 meter elevated track, gym with multi-purpose courts including basketball and tennis, a fully equipped fitness center, an aerobics room, a 28 foot high six station climbing wall as well as classroom and laboratory space.

**Maine Community College System - Various Locations in Maine**

Owner's Representative (CM Advisor) for the procurement of three Maine Community College residence halls at Central Maine Community College (148 beds), Eastern Maine Community College (163 beds) and Southern Maine Community College (326 beds). The mode of procurement was design-build.

**Core Inc. & Disability Reinsurance Management Services (DRMS)**
**One Riverfront Plaza - Westbrook, Maine**

Principal-in-Charge and Architect for a new 150,000 s.f. new corporate office building constructed in Westbrook as the primary component of its downtown revitalization plan. The building serves as the headquarters for a major re-insurance provider. Project included programming and forecasting of physical plant requirements based on tenant business plan, preparation of Request for Proposals, assembly of development team and proposal, and design, documentation and administration of both core-and-shell and fit-up aspects of the project for both developer and tenant. This 6-story brick building celebrates the historic mill architecture of Westbrook.

**Wright Express - Longcreek Office Park - South Portland, Maine**
Principal-in-Charge and Architect for two commercial office buildings on a 14.5 acre parcel of land, totaling approximately 145,000 square feet of space within two four-story steel frame and masonry clad structures.

**Pineland Center, New Gloucester, Maine**
Principal-in-Charge for facility assessment, design, documentation and construction administration services for the exterior restoration and interior renovation of 18 existing buildings and construction of 1 replacement building on a campus formerly housing a State of Maine institution for developmentally challenged youth. Restoration and renovations include roof, window and masonry restoration, structural upgrades, ADA and life safety and building code upgrades, change-of-use upgrades, and new fire protection, mechanical and electrical services. Buildings form a corporate campus for 1,500 employees with support buildings such as a conference center, gymnasium and cafeteria/banquet center.

**Maine Veterans' Homes - Various Locations in Maine**
Principal-in-Charge and Architect for programming, design and permitting of Federal grant-funded projects for providing long-term care to military veterans in Maine including:

- 120-bed nursing home with 30-bed special care unit in Augusta.
- 120-bed nursing home with 40-bed special care unit in Bangor.
- 120-bed nursing home with 30-bed special care unit in Scarborough.
- 90-bed nursing home with 30-bed special care unit in South Paris.
- 30 bed domiciliary care facility in conjunction with an outpatient care facility addition to Downeast Community Hospital.
- 30 bed domiciliary care facility in conjunction with renovations and additions to existing 40 bed nursing care facility in Caribou at Cary Medical Center.

Maine Veterans' Home facilities have been recognized by the VA for their humane, efficient and innovative plans.

**Sedgewood Commons - Falmouth, Maine**
Architect for a 96-bed Alzheimer's Residential Care Facility. Includes 66 intermediate care beds and 30 residential care beds and a day care program for 15 clients. Sedgewood Commons has been recognized for its innovative plan organization and well-detailed material treatment.

**Steere House Nursing and Rehabilitation Center- Providence, Rhode Island**
Architect for addition and renovation to convert portions of an existing skilled care facility to supportive environments for persons with Alzheimer's disease.

**Harbor Hill - Belfast, Maine**
Architect for a 70-bed assisted living facility which includes skilled nursing, dementia care, and day care components.

**Community Care Associates - Viera, Florida**
Design Architect for new congregate care living facility for Alzheimer's patients.

**The Wardwell Retirement Neighborhood - Saco, Maine**
Master planning, market analysis, financial feasibility study and design for the redevelopment of an historic in-town neighborhood adjacent to Main Street.

**Larrabee Village - Westbrook, Maine**
Architect for 150-unit assisted living residence to serve low-income, frail elderly population.

**St. Mary's Regional Medical Center - Lewiston, Maine**
- Renovations to Sisters' existing residence.
- Women's Pavilion: Design of a 37,000 s.f. free-standing health pavilion on the hospital campus. The building houses the hospital's obstetrical/gynecological services, including a birthing center.
- Bulk Oxygen System: Equipment coordination and distribution to existing facility

**Coastal Cancer Treatment Center - Bath, Maine**
Architect responsible for a new 1½ story wood-framed cancer treatment center, equipped with linear accelerator and designed with full laboratory and administrative support facilities. Located overlooking a tidal estuary, this building evokes imagery of 19th century coastal recreational architecture to provide a cheerful and relaxing environment for fragile patients undergoing radiation treatment.

**State of Maine Correctional Facilities Capital/Operating Plan - Various locations**
Project Director for design, operational, and staffing standards for all of the State's current and future adult and juvenile correctional facilities. The plan addressed life-cycle costs and replacement value. The plan organized SMRT's programming, design and documentation of the following facilities:

- **Longcreek Youth Development Center - South Portland.** New construction of 160-bed juvenile facility.
- **Mountain View Youth Development Center - Charleston.** New construction of a 140-bed juvenile facility.
- **Warren Adult Correctional Facility - Warren.** New construction of an 886-bed adult male facility at the site of the existing 100-bed maximum custody facility.
- **Windham Female Correctional Facility - Windham.** New construction of a 100-bed adult female facility.

**Cumberland County Pre-Release Center - Portland, Maine**
New 44 room minimum-security facility to house pre-release and work release inmates.

**Hilton Garden Inn - Portland, Maine**
Principal-in-Charge for design and programming of a new six-story hotel in the historic Old Port District of Portland, Maine. The 120-room hotel includes a restaurant, pool and exercise room.

**The Cliff House - York, Maine**
Principal-in-Charge for the masterplan expansion of this coastal resort hotel. The development includes a spa, coffee shop, indoor and outdoor pools, separate recreation facilities, staff housing and a maintenance building as well as hotel rooms and suites.

**Black Rock Golf Community Recreation Facility - Hingham, Massachusetts**
Principal-in-Charge and architect for a new 11,000 s.f. recreation facility that includes a fitness center, pool, tennis courts and locker facilities.

---

**Buildings 76 & 80 - Foundry & Metals Fab. Shops, Portsmouth Naval Shipyard - Kittery, Maine**
Architect of Record for renovations to two circa 1900 industrial buildings with steel frame structures and brick, steel framed sash and slate roofed enclosure which contain offices, foundry and metals fabrication work areas within the base security perimeter. he project included removals including hazardous materials, minor site development including surface drainage and waterproofing of below grade structures, window and wall repair, roof repair, floor slab replacement, flammable liquids containment area, office and break room facilities, new HVAC and electrical systems and life safety systems upgrades.

**Brunswick Naval Air Station, Bachelors' Enlisted Quarters -- Brunswick, ME**

Project Manager for mechanical, electrical and structural renovations to the Bachelors' Enlisted Quarters. Major project components included: increased electrical capacity, roof repairs, security; temperature control, and also refurbishing all public circulation areas, activity rooms, laundries, bathrooms, and sleeping quarters.

**Tiffany & Co. - Cumberland, RI**
Architect for a new 100,000 s.f. silver manufacturing facility which includes casting, stamping, striking, polishing, grinding, assembly, mass finishing and hollow ware production operations plus administrative and support functions.

**Allegro Microsystems, Inc. - Worcester, MA**
Clean room, semiconductor fabrication and gowning areas.

**Fairchild Semiconductor - South Portland, ME**
Architect of Record for the expansion/addition to the manufacturing facility. Renovations to EPI and Gowning areas

**Olin Microelectronic Materials - North Kingstown, RI**
Site masterplan and 75,000 s.f. expansion of manufacturing and research facilities on property adjacent to current operations.

**National Semiconductor - South Portland, ME**
Architect for:

- Building 1 TEM Labs
- Building 4 Materials Analysis Lab
- Building 10 Wafer Sort and Electronic Testing Areas
- Buildings 10 & 18 - Analysis Labs

**Sensor Research & Development - Bangor, ME**
Planning and design for an R&D facility containing corporate office, wet chemistry, bioscience and electronic testing laboratories, electronic fabrication workshop, and clean rooms containing thin film deposition, photo lithographic and electronics assembly processes.

**Cumberland Avenue Parking Garage - Portland, ME**
Architect, New, 650 car, 8 story, 220,000 sq.ft. precast concrete open parking garage.

**Allen / Bethea Cottage - Cushings Island, ME**
Architect responsible for a wood frame summer cottage on an island in Casco Bay which received awards from both the New England Regional Council of the American Institute of Architects, and the American Wood Council.

**Booth Tarkington Estate - Kennebunkport, ME**
Architect responsible for the renovation of an early twentieth century Colonial Revival home built for the novelist Booth Tarkington, and its conversion into luxury residential condominiums. All renovations and additions are massed and detailed to match the character of the existing structure.

# NEIL J. KIELY, ESQ.

161 Woodlands Drive Falmouth, ME 04105 | (207) 210-1590 | Nkiely1@me.com

## EXPERIENCE

Dec. 2009-Present **Director, Development—New England, First Wind**

- Lead internal and external project teams in all aspects of renewable energy project development including site identification, land acquisition, community outreach, design engineering, permitting, grid interconnection, tax agreements, construction planning and budget management.
- Northern Maine Wind Project: Developed $100 million dollar wind project, acquiring 5,000+ acres of land rights, winning town votes of approval, completing engineering design, negotiating a TIF agreement, pursuing permitting process and winning an RFP to sell the power to a RI utility
- Mass Solar Portfolio: Developed $80 million portfolio of four Massachusetts solar energy projects that went operational this year. Acquired land rights, negotiated PILOT Agreements, obtained all permits and secured Power Purchase Agreements with the University of Massachusetts and local municipalities

[illegible]

- [illegible]

Jan. 2007-Aug. 2008 **Principal, *Maine Commercial Financing, LLC***

- Founded and operated commercial financing company providing equipment leasing, asset based lending, DIP financing, purchase order financing and commercial mortgages

Aug. 2008-Dec. 2009 **Principal, *Blue Horse Properties, LLC***

- Founded and operated a successful real estate rental and development company focused on residential land division, condominiums and entry level home building.
- Identified opportunities, performed due diligence, negotiated transactions, procured financing, secured permits and managed construction

May 1998-June 2002 **Principal, *Cornerstone Marketing, Inc.***

- Co-founded company to broker services to the telemarketing industry
- Formulated business concept and strategies, negotiated and drafted all agreements, supervised financials including completion of an external audit.
- Sold 50% interest in company to my partner in June 2002.

June 2001-Dec 2002 **Principal, *Freeupsells.com, Inc.***

- Co-founded new internet business model based on proprietary upsell technology from concept to full scale implementation with 15 employees in 18 months.
- Responsibilities included customer and vendor negotiations, accounting, information technology and personnel recruitment and management.
- Negotiated sale of the Company's technology and closed down operations.

Jan 1997-May 1998 General Counsel; Vice President of Business Affairs, Talk America, *Inc.*

- Served as first General Counsel for direct response marketing company with over 900 employees
- Successfully settled multi-state Attorney General advertising investigation initiated prior to my tenure.
- Developed and implemented comprehensive legal compliance program for every aspect of the business from human resources to advertising.
- Promoted to Vice President of Business Affairs and charged with streamlining and integrating the Company's various business units.

Sept. 1994-Dec. 1996 Associate Attorney, King &Spalding

- Practiced on White Collar Criminal and Civil Litigation Teams and served as corporate compliance program specialist.
- Second chaired trials, conducted internal corporate investigations, performed legal research, drafted documents and supervised document reviews.

## OTHER BOARD EXPERIENCE

Sept. 2011-Sept. 2014 Board Member, Portland Development Corporation

- Evaluate and award loans and grants to Portland based businesses and non-profits and make recommendations to City Council on issues related to economic development.

Mar. 2004-Feb. 2007 President of the Board of Directors, Serenity House, Inc.

- Served as President of the Board of a 44 bed residential half-way house for men.
- When the Executive Director resigned, I directly supervised the facility for six months, overseeing a major transformation of the clinical program, personnel and regulatory relationship before recruiting a new Executive Director.

## EDUCATION

1994 Juris Doctor, *Emory University School of Law*

*Honors: Class Rank 3/230; Recipient Woodruff Full Tuition Scholarship; Order of the Coif*

1989 Bachelor of Arts, *Boston College*

*Honors: Summa cum Laude; Phi Beta Kappa*

September 3, 2014

Appointments Committee
c/o City Clerk
389 Congress Street
Portland, Maine 04101

To Whom It May Concern:

Please allow this letter and enclosed resume to serve as indication of my interest in remaining on the board of the Portland Development Corporation. The following is the text from my original cover letter from 2011 as the information remains pertinent.

> With well over twenty years of banking experience as focused in commercial lending, I believe I would surely be an asset to this group. Furthermore, having spent nine years in the economic development field at Coastal Enterprises, I well understand the mission of the DPC and co-invested in many deals over those years.
>
> Since leaving CEI, I came to Evergreen Credit Union to ramp-up a commercial lending program all but from scratch. Credit Unions as a movement are still in the early stages with regards to business financing; I liken it akin to where savings banks were some twenty years ago. As such, we truly focus on serving the local community and more so in regularly assisting smaller or less savvy borrowers navigate the complex world of financing their operations. I provide this information as a framework to show my continued belief and desire to serving the small business community in Maine, especially in the City of Portland where my office is located and I had lived for over ten years.
>
> I have a strong network in the business community throughout greater Portland and the entire state. Numerous professionals from many walks of life – attorneys, bankers, executives and so on – can attest to my capabilities and integrity. And given my background in economic development, I should add real value in assessing loan requests with the DPC and understanding its risk spectrum. Furthermore, I strive to be a creative problem solver and may be helpful in devising ways to make deals happen even when significant challenges exist.

My other recent and relevant community and economic development board memberships include the following: past President and Treasurer of the Board of SMART Child and Family Services in Windham (served 6 years); past Chair of a Maine Technology Institute sector board (12 years); director of the Maine Center for Enterprise Development (10 years).

I enjoyed my service on the PDC board these past three years, and look forward to a continued opportunity in serving another term. I thank you for this consideration.

Best regards,

Jere G. Shaw
8 Royal Grant Way
Westbrook, Maine 04092
mobile (207) 232-1762
jereshaw@gmail.com

*Resume Attached*

# Jere G. Shaw

225 Riverside Street, Portland, Maine 04103 * PO Box 1038 Portland, Maine 04104
phone (207) 221-5000 x322 * fax (207) 221-5017 * mobile (207) 232-1762
email: jshaw@evergreencreditunion.org

## QUALIFICATIONS

**Evergreen Credit Union**, Portland, Maine (January 2006 to present)
*ECU is a state chartered credit union serving Cumberland County*

**Vice President of Business Banking**

Responsible for expanding a fledgling member business loan program to include commercial real estate transactions, as well as to increase the maximum exposure to borrowing entities. Revised policies and procedures to provide enhanced guidelines towards identifying risks and mitigants for the expanded program. Developed relationships with economic development agencies to provide credit enhancements, as well as to leverage additional loan funds in order to participate in larger loan transactions beyond internal lending limits. Initiated the organizations first participation loans, both as acquisition towards augmenting revenues as well as sales in deferring concentration risks. Market the credit union products and services to existing and prospective members. Additionally, served as interim Compliance Officer from Sep 2006 to Oct 2007.

**Coastal Enterprises, Inc.**, Wiscasset & Portland, Maine (July 1996 to October 2005)
*CEI is a private, non-profit community development corporation*

**Loan and Investment Officer**

Responsible for marketing CEI and its lending programs to potential clients and partnering institutions. Duties comprised reviewing and assessing requests for financing from businesses in Maine, managing a loan portfolio, maintaining and monitoring accounts to ensure asset quality and customer satisfaction. Lending products included subordinated debt facilities, permanent working capital loans, fixed asset financing, business start-ups and acquisitions, troubled debt restructures and near-equity deals. Originated and managed structured financing under the US Small Business Administration's 504 Loan Program. CEI's target sectors included manufacturing, telecommunications, natural resources, community facilities, micro-enterprise and environmental improvement. Other duties consisted of development and implementation of special products, including a pilot micro-equity program, and working with the organizations venture capital and staffing subsidiaries.

**Pepperell Trust Company**, Biddeford, Maine (June 1986 to June 1996)
*PTC, since acquired by Bangor Savings Bank in 2007, was an independent, full-service community bank*

**Commercial Loan Coordinator and Credit Analyst**

Responsible for preparing financial analyses and economic investigations, as well as all aspects of managing commercial loans including preparing loan documents and conducting closings. Duties also entailed a full range of loan functions such as customer service, collections, reviews and account maintenance. Loan product experience comprised conventional and public financing for working capital, equipment purchases, real estate sales, business acquisitions, start-ups and work-outs for businesses within markets serving manufacturing, professional services, retailers, wholesalers, construction and technical trades. Prior positions held at the bank included compliance coordinator, retail loan assistant, accounting associate, head teller, service representative and system operator.

## BOARD MEMBERSHIPS

Portland Development Corporation – Member Board of Directors, 2011 to present
SMART Child and Family Services – Past President and Treasurer of Board of Directors, 2007 to 2013
Maine Technology Institute – Past Chair of the Aquaculture and Marine Technology Board, 2001 to 2013
Maine Center for Enterprise Development – Member Board of Directors, 2002 to 2012

## PRESENTATIONS

Debt Financing Primer, Maine Technology Institute Commercialization Workshops, Portland & Bangor, Maine, Apr 2005
Maintaining Credit Quality in a Sluggish Economy, National Community Capital Association Conference, New York NY, Oct 2003
Environmental Lending and Investing, National Community Capital Association Virtual Learning Center, Jul 2002
Financing High Growth Firms, Appalachian Regional Entrepreneurship Initiative VC Conference Gazelle Panel, Marietta OH, Oct 2001
Micro-Investment Pilot Program, Community Development Venture Capital Alliance Annual Conference, New York NY, Feb 2001
Access to Credit Panels, Maine Centers for Women Work and Community, throughout Maine, various 1998 to 1999
Marketing Your Program in Rural Areas, US Small Business Administration Microloan Conference, New Orleans LA, Sep 1997

## EDUCATION

University of Southern Maine, BA in Economics, focus on international development, graduated cum laude June 1992
Venture Capital Institute, Atlanta GA, certificate program, September 2001
Numerous industry courses through RMA and Lorman Education Services, 2006-present
Numerous industry trainings and economic development conferences, 1996 through 2005
Numerous industry courses through the American Institute of Banking, 1992 through 1995

254 Bruce Hill Road
Cumberland, ME 04021

207.749.4171
bsheff@woodardcurran.com

# Barry Sheff, P.E.

## Experience

1996–Current Woodard & Curran Portland, ME

**Senior Vice President / Senior Project Manager**

- Site/Civil Engineering Service Line Leader
- Hiring manager for various positions in the organization
- Collaborate with owners and design partners on multi-million dollar private sector urban infill economic development projects
- Manage public infrastructure planning and capital improvement projects
- Board of Directors HR and Compensation Committee

1993–1995 David Evans & Associates, Inc. Bend, OR

**Project Engineer**

- Performed environmental engineering tasks including due diligence/property transfer related evaluations

## Education

1992 University of Vermont Burlington, VT
B.S., Civil Engineering – Environmental Option

2006 Institute for Civic Leadership Portland, ME
Nu Class Leadership Intensive

## Interests

Portland Development Corporation Board of Directors – Secretary; Friends of Casco Bay Board of Directors – Treasurer; Woodard & Curran Foundation Board of Directors – Vice President; Cumberland-North Yarmouth Little League Board of Directors; husband and father of three sons; outdoor enthusiast.

## Presentations

APWA 2014 International Congress, August 17, 2014 "Asset Management for Sanitary Sewer Systems", Presenter.

ASCE Eastern Region Younger Member Conference, "Valuable Experience Early in Your Career" – An Executive Perspective, Panelist January 15, 2011.

ASCE 2010 International LID Conference, April 13, 2010 "LID as a Mechanism to Manage Separated Stormwater in a Cold Climate CSO Abatement Community", Presenter.

ASCE 2010 International LID Conference, April 14, 2010 Panel Discussion, "Green Streets in Harsh Climates", Panel Moderator.

SMPS Maine Watershed Management/Land Development Panel Moderator, January 21, 2010.

ACEC Maine Fall Conference, Why should engineering firms be interested in sustainable design? November 18, 2009

New England Interstate Water Pollution Control Commission 20th annual Nonpoint Source Pollution Conference: How to affect Change in Policy to Eliminate Barriers to implementation of LID, May 18, 2009.

USGBC Maine Chapter Panel Discussion, Business Case for Building Green, January 13, 2009.

New England Chapter APWA Fall Meeting, Worcester Ma, Ocean Gateway: Revitalizing Portland, Maine's Eastern Waterfront, October 18, 2006.

ASCE of Maine 2006 Annual Meeting, Ocean Gateway, March 22, 2006

Drew E. Swenson, CPA, JD, LLM
2 Market Street, Suite 500
Portland, Maine 04101

dswenson@swensonandco.com
tel: 207-775-2464
fax: 207-775-4440



**Drew Swenson**

Real Estate Development &
Financial Advisory Services

August 22, 2014

Katherine Jones
City Clerk
Portland City Hall
389 Congress Street
Portland ME 04101

Re: PDC Board

Dear Ms. Jones:

Please accept this cover letter and attached resume for consideration for my re-nomination to the PDC Board.

Please do not hesitate to contact me should you have any questions with regard to the attached.

Sincerely,

Drew E. Swenson

**DREW E. SWENSON, CPA, JD, LLM**
**49 Danforth Road**
**South Portland, ME 04106**
**207-415-3829**
**Email: dswenson@swensonandco.com**

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## PROFESSIONAL EXPERIENCE

**Owner/CEO & CFO** **Swenson and Co. & Paragon Management** **2001 to Present**

- Developed in excess of $100 million in real estate projects.
- Developed and managed the Ocean Gateway Garage on the Portland Maine waterfront.
- Financed in excess of $100 million in real estate projects.
- Provide property management and asset management services for own portfolio and for clients' commercial, retail and industrial properties throughout southern Maine.
- Provide business, tax and management advisory services to investors and clients.
- Served from 2007 to 2008 as interim CFO for a national affordable housing development Company, The Eagle Point Companies, and successfully helped establish and implement an internal management company with company-wide policies and procedures, investor relations programs, standardized reporting and HR department.
- Serve as in-house CFO and CPA business advisor to several Maine-based businesses with role as strategic decision maker for acquisitions and dispositions, start up feasibility, financing, organizational structuring and ownership transitioning.

**Board of Directors** **Rivergreen Bank** **2004 to 2008**

- One of the founding investors and Board members of Rivergreen Bank serving as chair of the Audit Committee, member of the Personnel Committee, sourcing the Maine Seed Capital Credit for investors and assisting in sale to Bank of Maine in 2008.

**Board of Directors** **Premier Tech Capital LLC** **2003 to Present**

- Board member for the international finance arm of Premier Tech, a Canada based publicly traded Fortune 500 environmental company.

**Managing Principal** **Harborview Investments LLC** **2003-Present**

- Partner and managing director of a private investment management and money management firm in Portland with $250MM+ under management.

**Partner/President** **Olympia Equity Investors** **2000 to 2001**

- President of national hotel/real estate development company based in Portland, Maine.
- Developed and/or managed a portfolio of 20+ hotels and commercial properties.
- Reorganized the hotel management company and organized and staffed both a real estate management and development division that developed over $100 million in projects.
- Development opportunities with the company ceased as a result of September 11, 2001.

- Oversaw the activities of over 550 employees in multiple states.
- Active partner in several multi-tenanted mixed use and office buildings.

**Principal/CPA** **Berry Dunn McNeil & Parker** **1993 to 2000**

- Senior principal in the largest non-Big 5 public accounting firm in New England.
- Directed the real estate, construction and hospitality departments
- Chaired the operating committee and was national liaison to other CPA group B firms.
- Specialized in strategic and general business advisory services, real estate and hotel syndication, development, financing, tax planning, bankruptcy and turnaround consulting
- Specialized in component costing and cost recovery studies for the construction, renovation and acquisition of multi-family, commercial, banking, retail and industrial real estate.

**Senior Manager** **KPMG** **1984 to 1993**

- Directed the Real Estate Tax Practice for the six KPMG New England offices.
- Worked with hundreds of real estate syndications of low income housing, commercial, residential and tax-exempt use property throughout the United States.
- Served as the firm's reorganization and bankruptcy taxation expert and acted as a court appointed CPA and CRO for many companies and real estate properties.

**Education**

1981 B.A. English, Magna Cum Laude, University of Maine
1981 B.A. Political Science, Magna Cum Laude, University of Maine
1984 J.D. University of Maine School of Law
1986 LL.M.Tax, (Masters in Tax Laws) Cum Laude, Boston University School of Law
1986 CPA Certification, State of Maine

**Professional & Civic Affiliations**

Certified Public Accountant, Maine Society of CPAs and American Institute of CPAs

Non-Practicing Attorney, Member of the State of Maine Bar

Founder and Former Treasurer, President and Director of The Maine Real Estate & Development Association

Former Trustee, Director, Officer and otherwise active in numerous other civic, charitable and political committees and fundraising activities throughout southern Maine including:

Big Brothers and Big Sisters of Southern Maine
University of Maine School of Law
Susan Curtis Foundation
Boy Scouts of America
Star Foundation
United Way

40 Hollis Road
Portland, Maine 04103

September 5, 2014

Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland, ME 04101

Re: Volunteer Opportunities

Dear Sir or Madam:

I am writing to express my interest in either of the two following positions that were listed as open in the Portland Press Herald:

1. Portland Development Corporation. I have a long background in commercial lending from the legal perspective, though no underwriting expertise. You'll see from my CV that I have written and spoken pretty extensively on commercial topics.

2. Portland Public Art. This is prompted more by personal interest than professional training. I have read a good deal of art history and have visited most of the major museums on the East Coast and in Western Europe. I think that Portland's aesthetics are a big part of its appeal as a city, and would be interested in contributing to their development.

Please let me know if you are interested in speaking with me further about these opportunities.

Very truly yours,

Christopher J. Devlin

**CHRISTOPHER J. DEVLIN**
40 Hollis Road
Portland, Maine 04103
(207) 332-4191 (Cell)
(207) 575-4218 (Work)
e-mail: cdevlin@unum.com

## LEGAL EXPERIENCE

2005-present

**Unum Group,** Portland, ME: Assistant Vice President and Managing Counsel (2012-present); Assistant Vice President and Senior Counsel (2005-2012). Manage four attorneys located in Maine and Tennessee performing all legal work relating to approximately $45 billion investment portfolio consisting of corporate bonds, private placements, municipal bonds, commercial mortgage loans and other investment assets. Responsibilities include supporting Mortgage and Real Estate Department in negotiating and drafting loan applications; identifying and resolving legal issues in loan transactions; educating loan officers and analysts about pertinent legal developments; establishing and managing relations with outside counsel; drafting and updating commercial loan documentation; managing closing of loan, workout and restructuring transactions, including document negotiation and oversight of outside counsel; monitoring workload and conducting regular evaluations of reporting attorneys; planning for staffing of legal group and allocation of workload within it; maintaining communications with investment officers for all asset classes and CIO regarding workflow, business trends, and sufficiency of legal support; prepare reports for activities of legal group and minutes for meetings of investment committee and subcommittees of holding company and all investing subsidiaries.

1993-2005

**Bernstein, Shur, Sawyer & Nelson, P.A.,** Portland, ME: Shareholder and Chair of Finance Practice Group. Member of Management Committee (2002-05); Member of Hiring Committee (1998-2000). Commercial practice concentrating in areas of commercial lending and commercial real estate sale, acquisition and leasing and condominiums. Borrower and lender representation in real estate-secured loans, construction loans, and asset-based credit facilities in transactions ranging in amount from $250,000 to $50,000,000.

1989-1993

**Verrill & Dana,** Portland, ME: Associate. Practice in areas of real estate, commercial leasing, commercial lending, litigation and bankruptcy. Authored or co-authored all legal briefs submitted to Maine Public Utilities Commission, Maine Law Court and U.S. Supreme Court arguing successfully for preemption of the Maine Nuclear Decommissioning Financing Act.

## OTHER WORK EXPERIENCE

| | |
|---|---|
| Fall 2013 | **University of Maine School of Law**, Portland, ME: Adjunct faculty. Taught course on commercial finance to second and third year law students. Designed course and curriculum and assembled all course materials. |
| Summer 1994 | **Andover College**, Portland, ME: Instructor. Taught course providing an introduction to law and the legal system, including lessons in constitutional, domestic, criminal, tort, contract and real estate law. |
| 1987-1989 | **Murphy, Lamere & Murphy**, Braintree, MA: Newspaper columnist. During law school, performed legal research on topics of common interest and converted results into column which appeared in several Massachusetts newspapers of general circulation. |

## BAR ADMISSIONS

Member of Maine Bar and Bar of the United States District Court for the District of Maine.

## EDUCATION

| | |
|---|---|
| Law | **Boston College Law School**, Newton Center, Massachusetts, Juris Doctor, May 1989. |
| Undergraduate | **Vassar College**, Poughkeepsie, New York, Bachelor of Arts, May 1986. |
| | Honors: General Honors; Departmental Honors; Thesis Distinction; Laura Adelina Ward Prize (for excellence in English). |

## PEER REVIEW RATING

Rated AV (Preeminent) in Martindale-Hubbell Peer Review Ratings.

## PROFESSIONAL AND CIVIC ACTIVITIES

| | |
|---|---|
| 2014-Present | **American College of Real Estate Lawyers.** Fellow. |
| 2007-Present | **American College of Mortgage Attorneys.** Fellow; Co-Chair of Committee of Corporate Counsel (2011-13); Member of Opinions Committee. |
| 2002-2004 | **Big Brothers/Big Sisters of Greater Portland.** Member of Board of Directors. |
| 1999- Present | **American Bar Association, Commercial Financial Services Committee.** Maine State reporter. |

1999 — **Longfellow School Parent-Teacher Organization.** President of elementary school parent-teacher organization.

1994-Present — **Vassar College Alumni Admissions Program.** Member and prior Chair (1996-2000) of state-wide committee interviewing Maine high school students applying to Vassar College.

**BOOKS**

*The Maine Commercial Lending Handbook* (with Mark K. Googins) (458 page commercial law guide) Tower Publishing Company 2011.

**CONTRIBUTIONS TO BOOKS**

*Commercial Lending Law, a State-by-State Guide, Second Edition* (chapter on Maine State law) (with Mark K. Googins) American Bar Association, Commercial Finance Committee – Work in Process.

*The Law of Guaranties, A Jurisdiction-by-Jurisdiction Guide to U.S. and Canadian Law* (chapter on Maine State law) (with Mark K. Googins and Alistair Y. Raymond) American Bar Association, Commercial Finance Committee 2013.

*Commercial Lending Law, a State-by-State Guide* (chapter on Maine State law) (with Mark K. Googins and Alistair Y. Raymond) American Bar Association, Commercial Finance Committee 2009.

"Tobias Wolff," in *Encyclopedia of American Literature* (S. Serafin ed. 1998).

**LEGAL ARTICLES**

"Ten Things That a Commercial Lender in Maine Should Know" *The Abstract* (newsletter of the American College of Mortgage Attorneys), Fall, 2011.

"Enforceability of Treasury-Based Prepayment Premiums on Commercial Loans" *Maine Lawyers Review*, September 13, 2007.

"The Special Priority of Purchase Money Mortgages" *Maine Lawyers Review*, January 11, 2007.

"Profit and Loss: Mentoring and the Legal Business" *Maine Lawyers Review*, August 24, 2006.

"Assignments of Lease in Maine: Status and Developments," *Maine Lawyers Review*, April 20, 2006 (Part I), May 18, 2006 (Part II), June 15, 2006 (Part III).

"Maine Lending Law: A Guide For Commercial Lenders and Businesses," Website of American Bar Association, Section of Business Law: Commercial Financial Services Committee (http://www.abanet.org/buslaw/committees/CL190000pub/surveys.shtml) (July 1, 2005).

"Articles of Faith: UCC Fixture Filings," *Maine Lawyers Review*, July 16, 1997 (Part I), July 30, 1997 (Part II).

"How Binding Are Letters of Intent?," *Maine Bar Journal*, Sep. 1995.

"Law -- The Year In Review," *Profile Magazine*, January/February 1995 (with Jaimie P. Schwartz).

"The American Inns of Court: A Brief Introduction and Briefer Critique," *Maine Bar Journal*, Jan. 1992.

**OTHER PUBLICATIONS**

"Mr. Mojo Gonzo" (essay), Website of *The Big Takeover* magazine (http://bigtaker.com), Feb. 10, 2007.

"The Worktable" (essay), recorded for broadcast by Maine Public Radio, Dec. 1992.

**LECTURES/SEMINARS**

"Maine Commercial Lending," (Maine State Bar Association), February 16, 2012 (with Mark Googins).

"What Can I Do Now? – Workout Options for A Troubled Loan," (American College of Mortgage Attorneys annual meeting), October 15, 2011.

"Insurance Issues in Commercial Mortgage Loan Transactions," (Moderator) (American College of Mortgage Attorneys annual meeting), October 17, 2008.

"Terrorism Insurance and Acord 28 Update," (American College of Mortgage Attorneys annual meeting), October 6, 2007.

"Structuring the Commercial Loan in Maine," (National Business Institute seminar), June 11, 2003 (with Mark Googins and Lawrence Clough).

"Structuring the Commercial Loan in Maine," (National Business Institute seminar), January 16, 2002 (with Mark Googins and Lawrence Clough).

"New Article 9 of the UCC" (Maine State Bar Association seminar), October 24, 2001 (with Michael High, George Marcus, Timothy Poulin and F. Bruce Sleeper).

"Are You Ready For Article 9?" (Maine State Bar Association seminar), June 30, 2001 (with Michael High, Richard Hackett, Timothy Poulin and F. Bruce Sleeper).

"Structuring the Commercial Loan in Maine," (National Business Institute seminar), December 14, 2000 (with Mark Googins and Lawrence Clough).

"How to Draft Deeds to Avoid Malpractice," (Maine State Bar Association seminar), August 16, 1996 (with John Cunningham).

"The Irish Rebellion of 1916," (history lecture), April 24, 1994 (with Christopher Byrne).

**RECORDINGS**

Gunther Brown (all keyboards on MP3 download album released August 17, 2011 and available at **http://www.amazon.com/Gunther-Brown/dp/B005JOFNOU/ref=sr_shvl_album_1?ie=UTF8&qid=1317059180&sr=301-1**).

**PERSONAL**

Married to Julia Sheridan (Assistant District Attorney, Office of the Cumberland County District Attorney) since 1987; Three Children: Nicholas (22, a senior at Oberlin College), Timothy (20, a junior at Boston College) and Claire (18, a freshman at Wellesley College). Interests include piano, reading and travel.

**REFERENCES**

Available upon request.