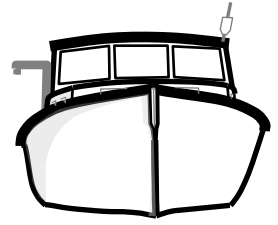




Waterfront Working Group

4th Meeting Agenda
February 21, 2019
Room 24, City Hall
3:00 pm to 5:00 pm



1. Welcome and Introductions:

Jon Jennings, City Manager, Chair

2. Review Meeting Notes from Meeting:

a. Meeting Notes from 2-7-2019

3. Waterfront TIF Program Introduction

Greg Mitchell, Economic Development Director

NOTE: Material for this item was provided for the previous 2-7-19 meeting

4. Zoning Issues Continued from previous meeting:

*Bill Needelman, Waterfront Coordinator Mat Grooms, Planner Jeff Levine,
Planning and Urban Development Director*

NOTE: Material for this item was provided for the previous 2-7-19 meeting

5. Next steps

a. Waterfront Central Zone Maps

City of Portland
Waterfront Working Group

Meeting #3
Thursday, Feb. 7, 2019 - 3:00 - 5:00 pm

Working Group in attendance

JJ: Jon Jennings

BR: Becky Rand

MA: Mike Alfiero

KL: Keith Lane

BC: Bill Coppersmith

WS: Willis Spear

TB: Togue Brawn

DW: Dory Waxman

CP: Charlie Poole

SD: Steve Dimillo

CH: Cyrus Hagge

Staff:

BN: Bill Needelman

JL: Jeff Levine

CG: Christine Grimando

BH: Bruce Hyman

JP: John Peverada

Agenda:

1. Welcome and Introductions
2. Questions on Meeting Notes
3. Zoning Issues
4. TIF Presentation - Postponed
5. Next Steps

Key Summary Notes:

1. Mariners want strict enforcement of zoning restrictions, stronger and more specific restriction language and dedicated open space for public use.
2. Confusion exists as to purpose and distribution of current nmouz.
3. Restricted use is ambiguously interpreted/defined in current waterfront zoning ordinance(s).
4. Mariners pursuing funding options for open space/non-commercial development area.

DIALOG

BN: Identify zoning issues; contract/condition rezoning

City staff suggested approach

Will rely on working group members to provide thoughts on how it should go; looking for areas of consensus, will not focus on disagreements. Hope memo has been read. Identify issue upon request.

Critical Issues as addressed in the Jan 24, 2018 Sandra Guay list:

Contract/Condition Rezoning

City Staff Suggested Approach

Eliminate contract and conditional rezoning from the waterfront central zone.

Alternative approach

Restrict prohibited uses from applying; expand prohibited use list.

BN: Consensus? Restricted use seems to cause more confusion than is useful.

SD: Alternative approach gives more flexibility.

BN: The door is left open without no way/no how.

KL: If you were to eliminate it (contract/conditional rezoning), City can still be approached so would this accomplish anything?

BN: Restrictions are there to constrain, but also to provide a pathway to success. If you meet the standards you will get zoning and a pathway is laid for applicant and for council review. Any applicant can come forward at any time and ask for anything, Council follows present guidelines, future Councils can revisit and make changes.

KL - This includes any large non-marine use (hotels included)?

SD - Neither one seems to do what you want.

JJ: We mostly agreed that the City approach of elimination is the preferred path.

KL: With other routes you can approach planning board any time with anything.

BN: You would have to go through a rezone and ask the Council to change something specific.

WS: We're putting bandaids on amputations. We want most the restricted method we can get to prohibit non-marine use. We need most restricted language to encourage responsible use of the waterfront and sustainable fisheries. All we're doing now is bandaids.

CH: Eliminating does not prohibit someone from approaching; it's base zoning. We feel that base zoning provides some flexibility for property owners -- conditional/contract rezoning

BC: Are you expert on rezoning? We want to eliminate prohibited use completely.

JJ: The language is ambiguous enough to have a workshop for the language in the conditional use section that needs more definition.

KL: That's not satisfactory

BC: The argument is that hotel is not a residence.

JJ: That is a mistake is in the ordinance that can be fixed.

KL: The mistake was that planning board did not shut it down immediately

JJ: The questions is -- how do we want to fix the mistake. Can we anticipate and draft an ordinance that addresses hotel/residence? Or have a small relief valve that allows for unexpected use to come forward.

KL: That's not what I'm talking about - I'm talking about things that are on the prohibited list but still being discussed

JJ: We all admit mistake was made, we're here to fix it. One option is to eliminate contract and conditional rezoning.

M#2 - I think property owners are being skewered...

SD: The ordinance needs to be balanced and there has to be the ability to generate vital revenue to take care of what is marine compatible and allows revenue to be generated.

JJ: Can we move on and work things out as we go on?

Non Marine Use Overlay Zone

City staff suggested approach:

Non Marine Use Overlay Zone
Contract north/south extension on Union, Widgery, Fisherman's to 150 ft
Reduce Long wharf to 300 ft

Comments:

M#2 Hotel situation vs. working waterfront - There is a justifiable need, but to meet this need, we are taking away from pier owners to satisfy fishermen

BC: There was a 50 foot nmouz now it's 500

CP: that's to put investment back in infrastructure

KL: I have a proposal -- leave 500 ft but go to zero in Chandler's and Fisherman's. Charlie and Steve can have extended nmouz. Give us zero in Chandler's and Fishermen's wharf -- eliminate the nmouz on those 2 wharves and leave 500 feet for Charlie, 500 feet for Steve between Chandlers and Widgery. The reason is that I don't want a large non-marine use to go in there.

CP: My comment on the 150 ("commercial street zone") -- it's well away from water and existing functioning buildings It's already held away from the water.

-- There has always been a commercial area there with a long history of compatibility. If the goal is to protect waterfront for the future, let's look backwards to see what worked in terms of compatibility and what can't work for compatibility.

KL Those businesses were marine compatible, which is not the case today.

WS: Why not leave it as an open, staging area for fishermen? We are losing the fight for access, Why not have a small park for the public, not just give it to fishermen, but also give it to the City and public.

JJ: That's what we're trying to accomplish with 150 buffer and 300 at Long Wharf. Long Wharf is different, but Fishermen's/Chandlers/Union we felt is a different set of circumstances. We don't own the property.

WS: we're going ahead on our own, meeting with Bateman, land with Maine's future. Even though we're putting the cart before horse, we're trying to secure something for future fishermen so as to not be putting bandaid on gaping wounds. We're doing it on our own, we'll get that out in the open. Whether or not we win, we have hired grant writer, we're not taking this lightly. We'd like something green/open in middle of town instead of another 6 story building.

BC: This would be one of the few places where people can watch boats unloading. I agree we need open space/mix of green space to mix with commercial space.

-- Between Chandler's and Demillos is busy, but another option makes a lot of sense to have open area with fishermen and public all engaged together.

BC: The only thing that locks things down is a referendum for no more building because of rezoning possibilities; we need to do something so we don't have to have a referendum every 5 years. 150 feet is too much, 125 is good -- why 300? For the record, I have no problem with 300 feet. Do you understand why we are fighting so hard for zero? To eliminate the possibility that someone would come in and try to rezone it.

JJ: It cannot be one side or the other; we have been trying to find a balanced approach. To move to zero seems to be targeting someone. The city does not own this property, we're trying to manage it through a balanced approach, allowing some development to help pay for piers. We came up with 150 for balance.

BN: 150 came from existing buildings.

JL: If it dropped to 125 there would be clunky lines.

WS: You have no problem restricting -- for private property owners -- why can't you restrict it there too, to favor the fishermen?

BN: In 2006 and 2009 we were for development opportunity city because it was a different condition than today, that's why there was special treatment of this area originally. Parking lots were not considered the highest and best use.

WS: You see no rationale behind our argument?

KL: Can we have zoning language that will prohibit hotels and government buildings that makes sense? We can have something we're proud of, or we can look like Boston. If we can't get staging area that would enhance the city, then what?

F1: In order to get what you want you need \$\$\$. You're going after private \$\$\$. So, you want restrictions for the time being so you can get your \$\$\$ and a staging area?

BC: I have a series of questions: Would 150 eliminate hotels? Or 125? What would eliminate a parking garage? How can we create more obstacles?

-- The smaller you go the harder it would be to zone a hotel/parking garage.

BN: in or out of the N mouz, the size of the structure is not really an issue. The text of the zoning ordinance can be changed.

-- Will you guys get what you want if Fishermans/Chandlers is off the table for the next few years?

KL: No, next week we're coming out in opposition to the Center Street Hotel. What we're proposing is a big hurdle and stops the bleeding. We're upbeat about future.

-- keeping it out of non-marine development, keep it open for marine compatible use for future generations

WS: All we want to do is save a future for kids coming up.

JJ: We're willing to do what we need to do to give pier owners at least some opportunity, but severely restrict commercial development to create a balanced approach.

KL: We gotta ask for what we'd really like-- an open space. Can you give us some time? We've hired Kurt Brown/grant writer.

JJ: We don't want to leave it as is...

KL: We're not too smooth at this; whatever it takes to get prohibited uses outta there...please

JJ: That's what we're trying to do with zoning

-- can something be restricted AND prohibited from rezoning?

JJ: You can put a deed restriction on the parcel

BN: A deed covenant is on the Fish Pier property; a deed is more restrictive than zoning ordinance -- the deed runs with the property and is not subject to future zoning changes (seller to buyer).

-- if Union and Widgery go back to 150 and Dimillo goes to 300, is there an opportunity on Fishermans Pier to secure more property? If Fisherman's is part of the plan, where are the other opportunities?

KL: Our focus is central, things are better on Commercial Street if that was left undeveloped.

BC: would 125 feet matter to you?

CH: Maybe the thing to do is to draft language of 125 or 150. The city can come back with some ordinance language and then we can work on rezonings. What's permitted, what's prohibited, specific definite language, then.... How do we deal with Commercial Street. Then the TIF pot. Then, how do we keep buildings from falling apart? Resources can be allocated if the Council and manager are willing to do it. We're getting hung up on line. We have traffic, Center Street Hotel, TIF money -- the other half of this process. How do we convince Council to start spending some of this money?

JJ: We thought that this group had come up with consensus -- now it's zero on fisherman's wharf. We need consensus. Briefly on TIF, it is my recommendation/intent that this group will help with determination of where money goes. If Center Street Hotel does get built, that will add more money to waterfront TIF district. That's why we didn't want to add upland side, because we wanted added value to go to waterfront. In the budget, this group will help decide what to spend waterfront TIF on.

Group agreed to return to this issue later or at another meeting.

55% - 45% Marine/Non-Marine Use Split

City Staff suggested approach:

Consider carefully, separate conversation between open space and building first floors

Alternative Approach:

Reduce non-marine allowance

JJ: We can address open space issue and separate that out from 55/45

-- Can we clarify open space -- is that parking?

BN: It's either open space or unbuilt pier deck, minus driveways; the basis for calculation is intended to be leasable space.

JJ: We have been listening to fishermen concerns that open space is going away, that you need to store gear, off load, park...

BN: The value of rents is generated from building itself. There are no distinctions between uses in and outside of nmouz.

Use restrictions outside of the NMUOZ may be considered as well. Example, allowing The development is highly tied to marine industry (Lukes example.) Maybe restaurants should be seafood restaurants. There are other ways to consider the balance. Has allowance been causing a problem for marine industry?

-- Parking demand is putting more pressure on the wharves. Parking has to be off the wharf, so as to not put fishermen out of competition.

-- If marine uses are 100% covered in terms of access and parking, it would seem that whatever is left over is available for anything.

JJ: I suggest that parking be taken up in separate meeting.

BN: If non-marine parking use is proposed, analysis is needed to see if parking needs are met.

BC: I can give you an example: they're not compatible, but they're in compliance

they have to be 55% marine before they can be approved for 45% non-marine.. with marine space marketing requirement and inventory requirement.

Marine Use Inventory

City Staff Suggested Approach:

Keep pier inventory requirement for regulatory review

Replace annual aggregate inventory with report of "significant development"

Conduct broad assessment of marine economy 3-5 yrs

Alternative approach:

Keep system and reinforce

-- What is the penalty for someone not 55/45?

BN: Take us to the wood shed, City enforces its own ordinance. We don't issue permits without compliance.

JJ: That's where we need to do a better job

BC: If there was some sort of a whistleblower reward...these piers are falling down, inspections are late but if you had a whistleblower reward....(Fine the offender and the fine will go back to whistleblower as a reward.)

JJ: We will take it under advisement

JJ: Summarize the expectations

BN: We need to tighten contract/rezoning language -- as for the prohibited list, we didn't hear consensus from group.

We will continue to use the circulated map as a discussion document, but adding 125 foot line in there to see what it looks like

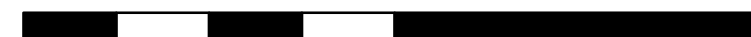
On the 55/45 split we need to do further analysis; full 55/45 compliance is worth exploring. Legal would have to make determinations, but closer to spirit of 2010.

Legend

-  Existing NMUOZ
-  300 ft Offset
-  150 ft Offset
-  125 ft Offset

Waterfront Central Zone: Non Marine Use Overlay Options

175 87.5 0 175 Feet



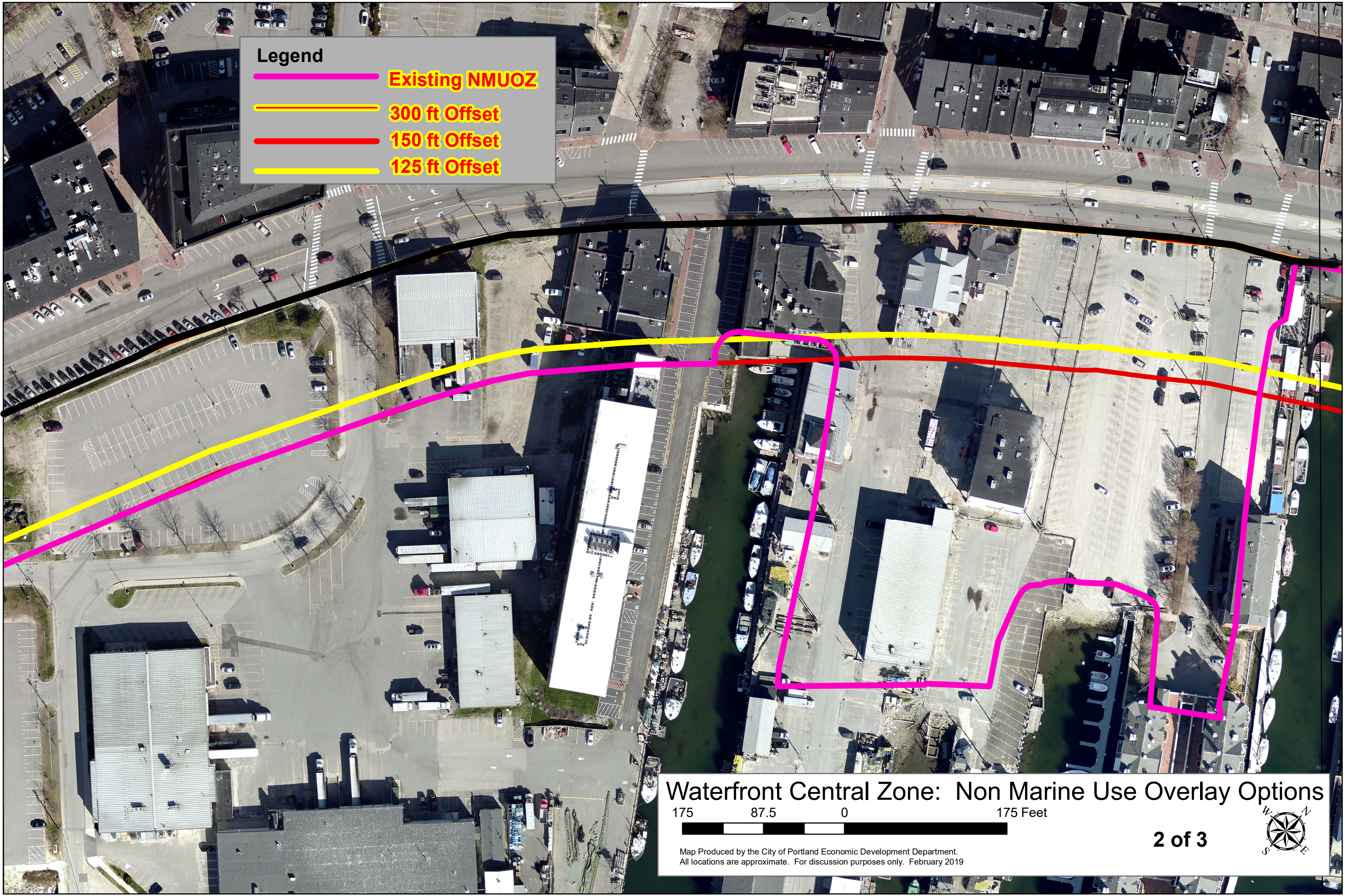
Map Produced by the City of Portland Economic Development Department.
All locations are approximate. For discussion purposes only. February 2019

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Legend

- Existing NMUOZ
- 300 ft Offset
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Waterfront Central Zone: Non Marine Use Overlay Options

175 87.5 0 175 Feet



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Legend

- Existing NMUOZ
- 300 ft Offset
- 150 ft Offset
- 125 ft Offset

Commercial St

125 Ft

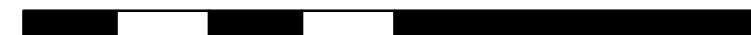
150 Ft

300 Ft

500 Ft

Waterfront Central Zone: Non Marine Use Overlay Options

175 87.5 0 175 Feet



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