1. Workshop Agenda

   Documents: AGENDA.PDF

2. 58 Fore Street

   Documents: MEMO 58 FORE ST.PDF, 58 FORE ST. PLANNING BOARD-HISTORIC PRESERVATION REPORTS.PDF

3. Tax Acquired And Other City Property

   Documents: MEMO FOR TAX ACQUIRED PROPERTY.PDF

4. Memo For Permitting And Inspections

   Documents: MEMO FOR PERMITTING AND INSPECTIONS.PDF, REORGANIZING .PDF

CITY OF PORTLAND, MAINE

CITY COUNCIL WORKSHOP

Monday, February 8, 2016
5:00 p.m.
City Hall – City Council Chambers

<u>AGENDA</u>

1) Portland Company

2) Tax Acquired Property

3) New Department of Inspections and Permitting

MEMORANDUM
City Council Workshop Item

TO: City Council

FROM: Jeff Levine, Planning & Urban Development Director

DATE: 2/2/16

SUBJECT: Materials for the February 8, 2016 Workshop concerning the adoption of a Historic District for 58 Fore Street

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Attached please find the relevant Planning Board (dated January 6, 2016) and Historic Preservation Board (dated September 4, 2015 and October 22, 2015) for the Council workshop discussion on the proposed Historic District for 58 Fore Street (the Portland Company site).

PLANNING BOARD REPORT
PORTLAND, MAINE

Recommendation of Planning Board regarding Designation of Portland Company Historic District 58 Fore Street

Submitted to: Portland City Council	Prepared by: Stuart O'Brien, City Planning Director Date: January 6, 2016

I. INTRODUCTION

On October 27, 2015 the Planning Board voted 5-0 (Hall absent) to recommend to the City Council that a portion of the Portland Company building complex at 58 Fore Street be designated a local historic district subject to the protections and provisions of Portland's historic preservation ordinance. A map illustrating the Planning Board's recommended boundaries for the Portland Company Historic District is enclosed as **ATTACHMENT A**. Note that the map includes a legend with recommended classifications for each building within the proposed district boundaries (i.e. "contributing", "noncontributing"). The Board's findings and formal recommendation are recorded in **ATTACHMENT B**. A description of the Planning Board's October 27th public hearing including summaries of introductory presentations made to the Board, information and clarification provided by staff, a breakdown of public comment, discussion of the Planning Board's deliberations and the stated basis for its final recommendation is provided in Section II of this report. Pursuant to ordinance requirements, a report of the Planning Board's decision was posted in the City Clerk's office within 10 days of the public hearing. This report has been amended for purposes of clarity and to eliminate typographical errors. The version of the report filed in the Clerk's office is included as **ATTACHMENT I.**

The Planning Board's consideration of a Portland Company Historic District was pursuant to a formal recommendation forwarded by the Historic Preservation Board. (In the case of a nominated historic district, the historic preservation ordinance requires review by both the Historic Preservation Board and the Planning Board prior to consideration by the City Council.) The Historic Preservation Board began its analysis of a potential Portland Company Historic District in September 2015 and, following four workshops and two site visits, held a public hearing and voted on a formal recommendation on June 27, 2015. The Historic Preservation Board's recommended historic district boundaries and building classifications are shown in **ATTACHMENT C**. A detailed description of the Historic Preservation

Board's review process, findings and formal recommendation is provided in the staff report prepared for the Planning Board's October 27th public hearing. (See **ATTACHMENT D**.)

The Historic Preservation Board's role in historic district designation deliberations is to determine whether the nominated historic district meets the designation criteria included in Division 3 of the historic preservation ordinance. These criteria address both the *significance* of the nominated resource as well as its *integrity,* including integrity of condition. The HP Board must first address the merits of the overall resource or area nominated for designation—in this case, the Portland Company *building complex.* Following consideration of the overall district, the Board takes up the question of relative significance and integrity of *individual buildings within the district.* Based upon this analysis and following guidelines established by the National Park Service, the Historic Preservation Board is charged with delineating boundaries for the recommended historic district and assigning building classifications, identifying which buildings warrant preservation and which, by virtue of poor condition or lack of significance, may be removed. The Historic Preservation Board is also required to prepare a Designation Report on the proposed district which summarizes the district's history, areas of significance and visual character. (The <u>Portland Company Historic District Designation Report</u> is enclosed as **ATTACHMENT G.2**)

The Planning Board's role in the historic district designation process is to confirm whether the Historic Preservation Board's recommended historic district meets all applicable designation criteria of the historic preservation ordinance and that proposed district boundaries and building classifications are clearly defensible. The Planning Board also considers the effect of such designation on other aspects of the Comprehensive Plan. Based on its findings, the Planning Board forwards its own recommendation to the City Council, which has the final authority as regards local designation of nominated historic properties.

As noted in the following section of this report, the Planning Board's recommendation regarding the designation of the Portland Company complex as a local historic district differs from that of the Historic Preservation Board. The Planning Board is recommending a smaller contiguous historic district on the east side of the current entrance yard and a second "subdistrict" on the western boundary of the property. The subdistrict consists of one building (Building #12). The Planning Board is also recommending that Building #1 (the Erecting Shop), which was classified by the HP Board as a contributing structure, be reclassified as a noncontributing structure. The Planning Board's recommendation for amended district boundaries and for reclassification of Building #1 is contingent upon the execution of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront (See **ATTACHMENT E**). The Planning Board is also recommending adoption of a design guideline specific to the Portland Company Historic District making explicit that building heights in the district will be controlled by the underlying zoning (recently adopted by the Council) and not by historic preservation ordinance review standards as they pertain to regulation of building heights.

II. SUMMARY OF 10/27 PLANNING BOARD PUBLIC HEARING AND DELIBERATIONS

On October 27, 2015, the Planning Board held a public hearing on the recommendation forwarded by the Historic Preservation Board to designate a portion of the property at 58 Fore Street as a local historic district. The Planning Board's public hearing followed one workshop on the designation proposal, held on July 28th. The public hearing had originally been scheduled for September 8th, but was postponed at the request of the property owner to provide more information regarding the status of Building #1 within the proposed historic district boundaries. In agreeing to table the public hearing, the Planning Board requested that the property owner present any supplemental information to the HP Board before the Planning Board's rescheduled public hearing to provide an opportunity for HP Board comment. The supplemental information was presented to the HP Board on October 21. The property owner's supplemental information, as well as the HP Board's response to the new information was provided to the Planning Board as part of the 10/27 public hearing report. (See **ATTACHMENT D, # 7.)**

The proposed Portland Company Historic District as recommended by the Historic Preservation Board encompasses 4.3 acres of the 9.93 acre parcel at 58 Fore Street. Of the sixteen (16) extant Portland Company structures on site, the HP Board-recommended district includes eight (8) "contributing" historic structures and eight (8) "noncontributing" structures. A "noncontributing" classification was assigned to those buildings which were 1) constructed in recent decades, well after the Portland Company's period of most significant production (i.e. the office building of 1950 and the large 1968 addition to the original foundry) or 2) were found to be in severely deteriorated condition, making their rehabilitation infeasible. The district boundary proposed by the Historic Preservation Board also encompasses site elements original to the complex and integral to the Portland Company's operations, such as the entrance yard and entrance drive. As noted above, the basis for the HP Board's recommendation is discussed in detail in the October 27 Planning Board public hearing report. (See **ATTACHMENT D.)**

The Planning Board's public hearing began with an introduction of the Historic Preservation Board's recommendation by HP Board member John Turk (see **ATTACHMENT F** for text of Mr. Turk's remarks), followed by a detailed presentation by Historic Preservation Program Manager Deb Andrews. The Planning Board then provided an opportunity for property owner CPB2, represented by Jim Brady, to make a presentation. Mr. Brady presented an alternative district proposal, details of which are discussed below. The Board then heard public testimony from twenty-three (23) individuals or organizational representatives regarding the relative merits of the proposed historic district designation. Thirteen (13) spoke in support of the HP Board's recommendation; five (5) spoke in support of an amended district as presented by CPB2; two (2) voiced non-specific support for a historic district; and one (1) individual raised general questions/concerns about any designation of the property.

At the conclusion of the public hearing, the Planning Board deliberated on the Historic Preservation Board's recommendation, addressing the research, analysis and findings upon which the HP Board's recommendation was made. The Planning Board also discussed the merits of the alternative proposal made by the property owner at the start of the public hearing. Mr. Brady had proposed that, pursuant to

CPB2 granting to the City a fifty (50) foot wide public access easement from Fore Street across the site (and within the footprint of Building #1) to the waterfront, Building 1 be reclassified as a "noncontributing" structure within the Portland Company Historic District. Mr. Brady also proposed that the boundaries of the historic district be reduced, removing from the district the area that included the Portland Company's original entrance yard and entrance drive. Finally, CPB2's proposal called for creating a second "subdistrict" comprised of one building--Building #12, which is located west of the current entrance yard. (See **ATTACHMENT G** for the historic district map proposed by CPB2 at the meeting.)

During the Planning Board discussion that followed, staff was asked questions related to the potential implications of pursuing a modified historic district proposal such as that proposed by CPB2. In response, staff summarized the implications of a modified district in the context of the preceding Historic Preservation Board review. Staff addressed potential eligibility for historic tax credits, the significance of Building #1, and physical and visual access through the site. Staff cautioned that reclassifying Building #1 to "noncontributing" status despite findings that it was significant to the complex and in salvageable condition, removing from the district boundaries areas and site features that were integral elements of the historic industrial complex, and creating a second, separate "subdistrict" could potentially affect the property owner's eligibility for federal or state historic tax credits. In order to qualify for tax credits the local historic district will need to be "certified" by the National Park Service (NPS) and, based on staff's understanding of NPS requirements for historic district designations and discussions with the Maine Historic Preservation Commission, it is uncertain that a modified district as described above would be supported by the National Park Service. Meeting NPS requirements had been an important consideration for the Historic Preservation Board in developing its historic district proposal because the Board was aware that tax credits could become important to the economics of any future redevelopment of the property.

In responding to CPB2's alternative district proposal, staff reiterated the Historic Preservation Board's findings as regards the significance and condition of Building #1 (the Erecting Building), noting that the building played a key and integral role in the Portland Company's manufacturing process since its construction in 1918 and that it had replaced an earlier wood-frame erecting building in the same location. Building #1 was also found eligible for rehabilitation by both CPB2's consulting engineer and the consulting engineer retained by the City. To be considered noncontributing, the HP Board would have needed to find the building insignificant in the history of the Portland Company and/or to have become "so deteriorated that the overall integrity of the structure has been irretrievably lost".

Beyond the question of Building #1's significance and condition, the Historic Preservation Board found Building #1 to contribute significantly to the historic industrial complex's unique *visual character*. (*See discussion of the complex's visual character in the Portland Company Designation Report—* **ATTACHMENT D.2.**) The Portland Company complex is characterized by a series of linear rows of connected buildings separated by private "streets" or alleys. The placement of the buildings in linear rows and the connected nature of the buildings communicate the sequential nature of the metal fabrication process. With the necessary removal of Building #4 due to its deteriorated condition, the HP Board found that Buildings #1, #2 and #3 of the complex's core manufacturing row become especially important in illustrating how industrial machinery was fabricated in a sequential fashion from start to finish on this site. In the opinion of the HP Board, preserving Buildings #2 and #3 alone would not be enough to communicate this essential characteristic of the complex. Also, if Building #1 were removed from the property, one would no longer be able to appreciate the impressive scale of the Portland Company's operations or its significant presence on the Portland waterfront for more than a century. *(Note: a more detailed response to the preceding questions had been provided in the staff report for the 10/27 hearing—see* **ATTACHMENT D., Section VIII**, *beginning on page 14).*

Lastly, staff responded to the suggestion that removing Building #1 was necessary to provide visual and physical access from Fore Street to the waterfront. Pointing to aerial photographs, staff described how visual and physical access to the waterfront could be provided across the site in a position immediately west of Building #1 and that the removal of Building #7 (which had been classified by the HP Board as noncontributing due to its condition) further facilitated this option. Staff noted that other options could likely be possible as well.

During deliberations, members of the Planning Board noted that its role in historic district designation deliberations is distinct from that of the Historic Preservation Board in that the Planning Board must not only confirm the HP Board's findings that the designation criteria included in the historic preservation ordinance have been met and that the proposed district boundaries are clearly defensible, but also consider the effect of such designation on other aspects of the Comprehensive Plan. The Planning Board did not disagree with the Historic Preservation Board's findings that the district as delineated and described in the HP Board's recommendation clearly meets the historic preservation ordinance's district designation criteria and that the proposed classifications of individual buildings within the district--including the categorization of Building 1 under the criteria of Section 14-602 of the Historic Preservation Ordinance relating to the definition of a contributing structures --are supported by documentation and analysis.

The property owner had argued and presented information throughout the review process that Building #1 was not significant in the history of the Portland Company complex and that its preservation was infeasible due to its condition. While acknowledging that the historic district recommendation forwarded by the Historic Preservation Board was well-founded, the Planning Board discussed the need to balance preservation goals with other goals and objectives included in the Comprehensive Plan, specifically the Eastern Waterfront Master Plan. They noted that the Eastern Waterfront Masterplan includes numerous goals related to the general goal of providing the public visual and physical access to the waterfront as part of any future redevelopment of property along the eastern waterfront. In consideration of the opportunity to secure in perpetuity a public access easement from Fore Street to the waterfront that would ensure consistency with this key goal of the Eastern Waterfront Master Plan and in consideration of CPB2's proposal to locate the public access easement across the site, the Board found that it was appropriate to recommend to the City Council that Building #1 be classified as a "noncontributing" structure.

The Planning Board also discussed the option of reducing the size of the historic district and creating a separate "subdistrict", based on a proposal by CPB2. Planning Board members noted that if the district were made smaller, the Historic Preservation Board would still have at least an advisory role in the review of any new development within the area removed from the original recommended district boundary. Under the site plan ordinance's "100-foot standard", if a proposed development is located within 100 feet of a landmark or historic district boundary the Planning Board must find the project to be "generally compatible" with the abutting portion of the historic district. The standard requires that staff provide a written analysis of the proposed development's immediate historic context to aid the Planning Board in its review and HP staff has the option of forwarding the proposal to the HP Board for preliminary comment. Although not expressly stated, in addition to the provision of the easement, it appeared that the Planning Board's ultimate decision to support a smaller historic district was based in part on its understanding that the HP Board would continue to have a role in the review of projects abutting the reconfigured historic district boundaries.

Following the Planning Board's discussion of historic district boundaries and building classifications, the Board took up the question of how building height will be regulated within the proposed historic district. Although building height is specifically listed in the historic preservation ordinance as one of the building characteristics subject to review by the Historic Preservation Board in its review of new construction within historic districts (see Sec. 14-651 Standards for Review of New Construction), Planning Board members noted that the question of allowable building heights for the 58 Fore Street property had only recently been studied in considerable detail by the Planning Board and Council as part of the applicant's rezoning request. Given this recent analysis and the precedent set for exempting HP review of building heights in the Congress Street and India Street historic districts, members of the Planning Board expressed the view that it was appropriate in this district to allow the underlying zoning to govern building height and not be superseded by the historic preservation review process.

FORMAL PLANNING BOARD RECOMMENDATION

Following a series of formal findings that the historic district proposal as recommended by the Historic Preservation Board meets all applicable designation criteria (Sec. 14-610 a & b and Sec. 14-611) within the historic preservation ordinance and a separate finding that the designation of the Portland Company Historic District is consistent with the goals of the Comprehensive Plan (Sec. 14-610 (d)), the Planning Board voted 5-0 (Hall absent) as follows:

> On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district, as amended by the Planning Board pursuant to amended ATTACHMENT 2 adopted at the October 27, 2015 Planning Board Hearing and to designate Building #1 as a non-contributing building, subject to finalization and execution in favor of a fifty (50) foot wide public access easement from Fore Street across the site. A district, including provision of this access easement, ensures consistency with the goals of the Eastern Waterfront Masterplan including supporting public access to the waterfront, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor, the creation of quality open spaces and supports the idea of the eastern waterfront developing into an extension of the surrounding neighborhood

while establishing an identity as a new urban neighborhood. The location of said easement is necessary to satisfy those goals. The easement discussed herein should be reviewed by Corporation Counsel prior to submission of the designation to the City Council to ensure consistency with this recommendation.

In a separate motion, the Planning Board also voted 5-0 as follows:

> In the adoption of design guidelines for the Portland Company Historic District that it be made explicit that building height will be controlled by the underlying zoning and not the historic preservation ordinance review standards.
> *(Staff note: this is an amendment to Sec. 14-651 (a) of the historic preservation ordinance.)*

See **ATTACHMENT B** for full text of Planning Board's formal findings and recommendation to the City Council.

ATTACHMENTS

A. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Planning Board at 10/27/15 public hearing

B. Formal Findings and Recommendation of the Planning Board as voted upon at 10/27/15 public hearing

C. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Historic Preservation Board at its June 27, 2015 public hearing

D. Staff Report for 10/27/2015 Public Hearing - Recommendation of Historic Preservation Board to Designate Portland Company Historic District. Report includes following attachments:
    1. Proposed Historic District Map with Boundaries and Individual Building Classifications
    2. Portland Company Historic District Designation Report

    Attachments prepared in response to questions raised at PB's 7/28 Workshop

    3. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
    4. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
    5. 9/4/15 Letter from Maine Historic Preservation Commission
    6. 8/26/15 letter from Mary Costigan on behalf of CPB2

    Information and Public Comment received since 9/8

    7. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
        a. Staff memo for 10/21/15 HP Board review
        b. October 13, 2015 report from Becker Structural Engineers
        c. Copy of GPL testimony at 10/21 meeting
    8. Compilation of most recent public comment

E. Easement proposed by CPB2

Supplemental Information

F. Introductory remarks of Historic Preservation Board member John Turk at 10/27/15 Planning Board public hearing

G. Proposed historic district boundaries and building classifications as presented by CPB2 on 10/27/15

H. Planning Board report filed in Clerk's office following 10/27 public hearing

I. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).

J. *The Portland Company: Historic Significance and Integrity,* prepared for City of Portland by Sutherland Conservation & Consulting

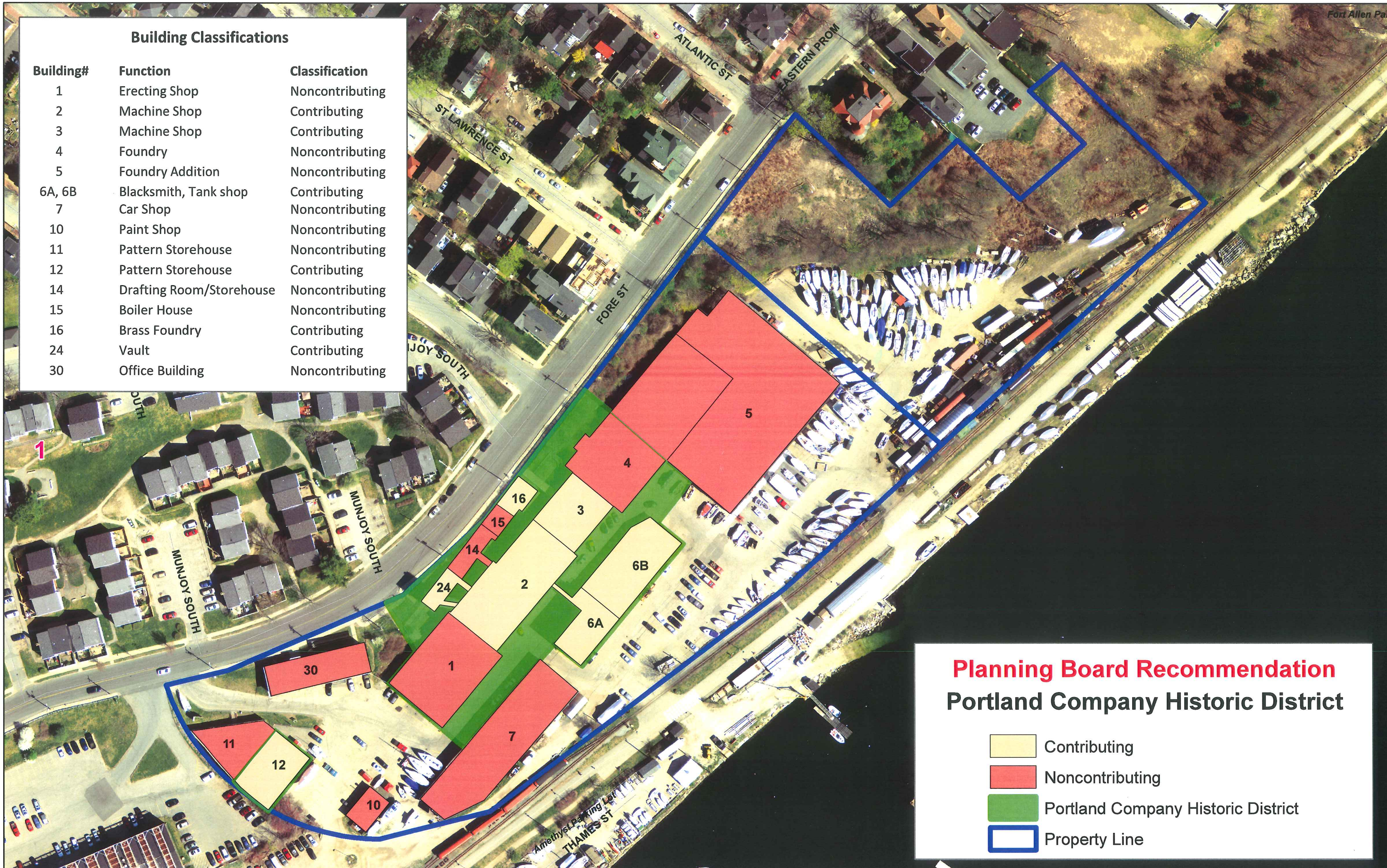
K. *Portland Company Complex General Building Condition Report,* prepared for City of Portland by Resurgence Engineering and Preservation Inc.

L. Evaluation of *Existing Buildings at the Portland Company Property,* prepared for CPB2 by Becker Structural Engineers

M. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)

N. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places

Attachment A



Building Classifications

Building#	Function	Classification
1	Erecting Shop	Noncontributing
2	Machine Shop	Contributing
3	Machine Shop	Contributing
4	Foundry	Noncontributing
5	Foundry Addition	Noncontributing
6A, 6B	Blacksmith, Tank shop	Contributing
7	Car Shop	Noncontributing
10	Paint Shop	Noncontributing
11	Pattern Storehouse	Noncontributing
12	Pattern Storehouse	Contributing
14	Drafting Room/Storehouse	Noncontributing
15	Boiler House	Noncontributing
16	Brass Foundry	Contributing
24	Vault	Contributing
30	Office Building	Noncontributing

Attachment B

10/27/15 Findings and Formal Recommendation of the Planning Board Regarding Designation of Portland Company Historic District

Upon the recommendation of the Historic Preservation Board and on the basis of the Portland Company Historic District Designation Report, documentation and analysis provided in reports prepared by Sutherland Conservation & Consulting and Resurgence Engineering & Preservation, and information included in the staff report for the September 8, 2015 public hearing, and additional evidence presented at the October 27, 2015 continuation of the September 8th hearing,

1) **The Planning Board finds that the proposed Portland Company Historic District:**

   a) **meets the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 (a), specifically Criteria 1, 2, 3, 4, 5 and 6, based on the Board's findings that all of the summary statements as to significance of the Portland Company complex included in the 9/8/15 and 10/27/15 public hearing reports are well-founded and based on detailed research and documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding; and**

   b) **meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of historic and/or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the significant structures located within it. Pursuant to this finding, the Board supports the building classifications included in the Designation Report, except as to Building 1 as discussed in (3) below; and**

   c) **meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and identified contributing structures therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.**

2) **The Planning Board also finds that designation of the Portland Company Historic District, as amended herein, is consistent with the goals of the Comprehensive Plan pursuant 14-610(d), including the Masterplan for Redevelopment of the Eastern Waterfront, based on the analysis provided in the 9/8/15 public hearing report and further evidence provided at the October 27th Planning Board Hearing .**

3) **On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district, as amended by the Planning Board pursuant to amended ATTACHMENT 2 adopted at the October 27, 2015 Planning Board Hearing and to designate Building #1 as a non-contributing building, subject to finalization and execution in favor of a fifty (50) foot wide public access easement**

from Fore Street across the site. A district, including provision of this access easement, ensures consistency with the goals of the Eastern Waterfront Masterplan including supporting public access to the waterfront, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor, the creation of quality open spaces and supports the idea of the eastern waterfront developing into an extension of the surrounding neighborhood while establishing an identity as a new urban neighborhood. The location of said easement is necessary to satisfy those goals. The easement discussed herein should be reviewed by Corporation Counsel prior to submission of the designation to the City Council to ensure consistency with this recommendation.

Vote: 5-0 (Hall absent)

4) **The Board also recommends that in the adoption of design guidelines for the district that it be made explicit that the height for the district will be controlled by the underlying zoning and not the historic preservation ordinance review standards.** *(Staff note: this is an amendment to Sec. 14-651 (a) of the historic preservation ordinance.)*

Vote: 5-0 (Hall absent)

Attachment C

Building Classifications

Building#	Function	Classification
1	Erecting Shop	Contributing
2	Machine Shop	Contributing
3	Machine Shop	Contributing
4	Foundry	Noncontributing
5	Foundry Addition	Noncontributing
6A, 6B	Blacksmith, Tank shop	Contributing
7	Car Shop	Noncontributing
10	Paint Shop	Noncontributing
11	Pattern Storehouse	Noncontributing
12	Pattern Storehouse	Contributing
14	Drafting Room/Storehouse	Noncontributing
15	Boiler House	Noncontributing
16	Brass Foundry	Contributing
24	Vault	Contributing
30	Office Building	Noncontributing

PLANNING BOARD REPORT
PORTLAND, MAINE

Recommendation of Historic Preservation Board to Designate Portland Company Historic District 58 Fore Street

Submitted to: Portland Planning Board Public Hearing Date: October 27, 2015	Prepared by: Deborah Andrews, HP Program Manager Date: September 4, 2015 and October 22, 2015

Note: The following report was prepared in advance of the Planning Board's scheduled September 8 public hearing on the proposed historic district designation. On September 8, the Planning Board agreed to table the public hearing to October 27 to allow time for the property owner to submit additional information related to the condition of Building #1. The Board directed the property owner to submit any additional information to the Historic Preservation for its review and comment in advance of the new hearing date. The supplementary information provided to the Historic Preservation Board at its October 21 meeting, together with a summary of the HP Board's comments are included in ATTACHMENT 14. *Public comment received since September 8 is enclosed as* ATTACHMENT 15.

INTRODUCTION

The Planning Board will hold a public hearing and final deliberations on a recommendation by the Historic Preservation Board to designate a portion of the property at 58 Fore Street as a local historic district subject to the provisions of Article IX (Historic Preservation) of the Land Use Code. The Planning Board's role in this matter is to determine whether the nominated **Portland Company Historic District** meets applicable designation criteria in Division 3 of the historic preservation ordinance, specifically the criteria identified in Sec. 14-610 (a) and (b). The Planning Board is also charged with considering the effect of such designation on other aspects of the Comprehensive Plan. Based on its determination, the Planning Board will forward its recommendation regarding designation of the Portland Company Historic District to the City Council, which has the final authority as regards local designation of nominated historic properties.

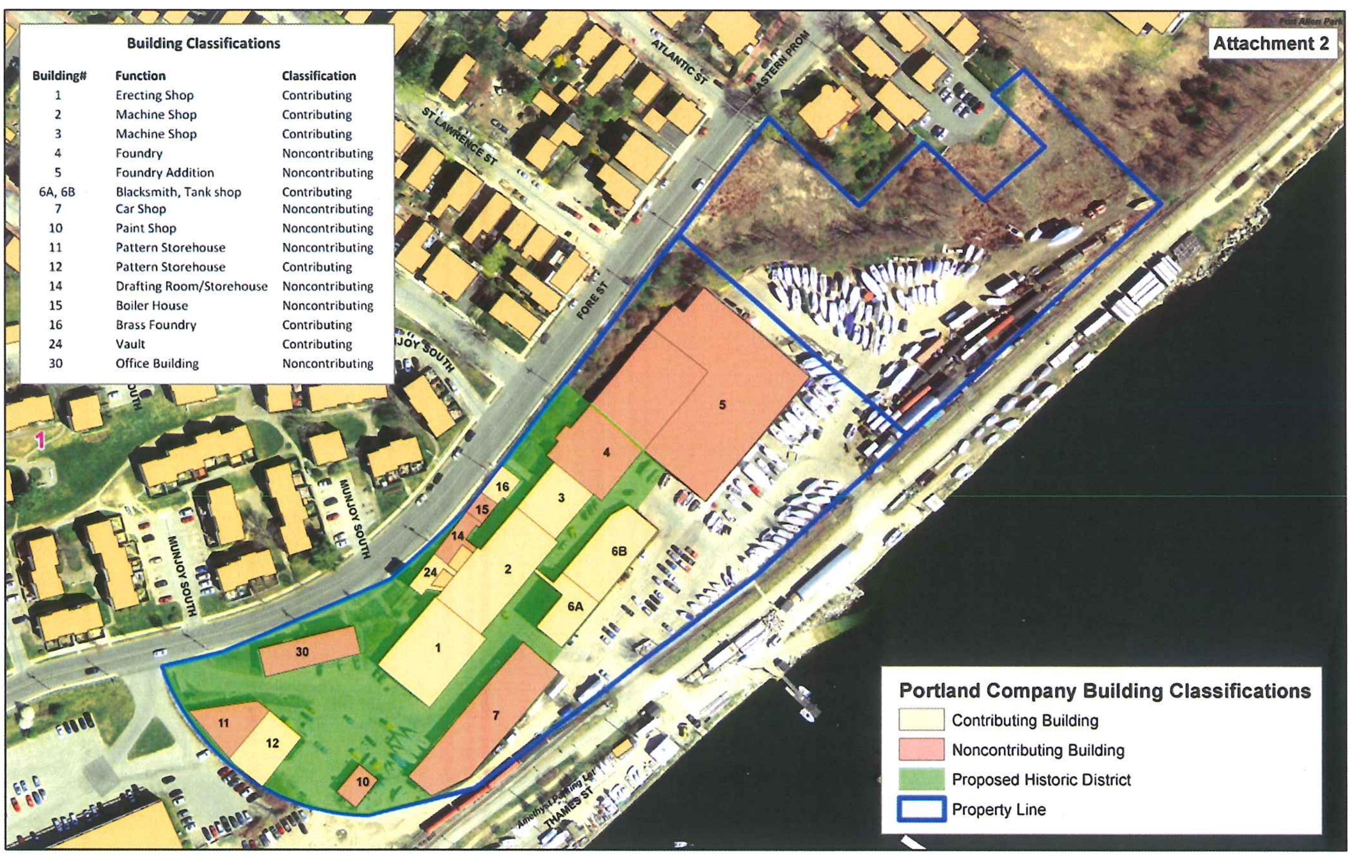
The proposed designation applies to an area occupying approximately 4.3 acres of the 9.93 acre 58 Fore Street parcel and includes 8 identified contributing structures, the footprint of several structures classified as noncontributing due to physical condition or date of construction and common areas associated with the historic Portland company complex.

A workshop on the proposed designation was held on July 28, 2015. Much of the material provided in the July 28 workshop memo is included in the public hearing report. **New material** included in this report includes:

- Responses to questions raised during the preliminary workshop--see Section IX of the report, page 14. Additional attachments related to these responses are enclosed as ATTACHMENTS 10, 11, 12 and 13.
- An evaluation of the effect of the proposed designation on other aspects of the Comprehensive Plan, prepared by Senior Planner Christine Grimando—see Section X of the report, page 19
- Motions for the Board's consideration

I. HISTORIC PRESERVATON BOARD RECOMMENDATION

On June 24, 2015, the Historic Preservation Board voted 7-0 to recommend to the Planning Board and City Council that the Portland Company complex at 58 Fore Street be designated a local historic district as delineated below and as further defined/described in the attached Portland Company Historic District Designation Report—see ATTACHMENT 2. The Historic Preservation Board's recommendation was based on findings that the proposed district meets the designation criteria in Division 3 (Categories and Criteria for Designation) of the historic preservation ordinance (Article IX of the Land Use Code).



II. ROLE OF THE HISTORIC PRESERVATION BOARD IN THE DESIGNATION PROCESS

As prescribed in Portland's historic preservation ordinance, the Historic Preservation Board's role in the designation of landmarks and historic districts is to review the merits of the nomination and, based on findings as to whether or not the nominated resource meets the ordinance's designation criteria, forward a recommendation regarding designation to the Planning Board and Council for their consideration. The ordinance requires that the Historic Preservation Board's recommendation be accompanied by a report which includes the following information (see Sec. 14-617):

- Explanation of the significance or lack of significance of the nominated district as it relates to the ordinance's criteria for designation
- Explanation of the integrity or lack of integrity (as defined in the ordinance) of the nominated historic district.
- Any proposed design guidelines for review of alterations or construction in the proposed historic district
- Explanation of the relationship of the nominated district to the ongoing effort by the Historic Preservation Board to identify and nominate potential areas, sites and structures that meet the criteria for designation.
- A map showing the boundaries of the nominated district.
- A list of every site, structure and object in the nominated historic district indicating their degree of cultural, historic, architectural or archaeological significance by classification as of a landmark or contributing significance.

The formal **Portland Company Historic District Designation Report**, including map and building classifications, is enclosed as ATTACHMENT 2. The report reflects the findings of the Historic Preservation Board and is informed by documentation and analysis provided in two consultant reports commissioned by the Portland Planning Department for the City's evaluation of a potential Portland Company historic district. These include *The Portland Company: Historic Significance and Integrity*, prepared by Sutherland Conservation & Consulting (ATTACHMENT 4) and *Portland Company Complex General Building Condition Report,* prepared by Resurgence Engineering and Preservation Inc. (ATTACHMENT 5).

III. ROLE OF THE PLANNING BOARD

In the case of a recommendation for historic district designation, the Historic Preservation Board forwards its recommendation to the Planning Board for its review and recommendation to the City Council. (Recommendations for individual landmark designations are forwarded directly to the City Council.) Like the Historic Preservation Board, the Planning Board must determine whether the district as defined and delineated in the Designation Report meets the minimum criteria for designation set forth in Division 3, Sec. 14-610 (a) and (b) AND Sec. 14-611 of the historic preservation ordinance. These criteria address the *significance, historic and architectural integrity, as well as physical integrity* of the nominated historic district. The Planning Board shall also consider the effect of the proposed designation on other aspects of the comprehensive plan.

IV. BACKGROUND – DOCUMENTATION AND ASSESSMENTS COMMISSIONED BY THE PLANNING DEPARTMENT

In preparation for the Historic Preservation Board's consideration of the proposed designation, the Planning Department commissioned two detailed reports to provide the level of documentation and assessment needed to fairly evaluate the nominated resource and its eligibility for local historic district designation. Mindful of the fact that the Maine Historic Preservation Commission identified the Portland Company as eligible for listing in the National Register of Historic Places as early as 1976 but that the detailed documentation required for nomination had never been prepared, the Planning Department contracted with Sutherland Conservation & Consulting to document the history of the company (which remained in continuous operation on Fore Street from 1847to 1982) and to assess its place in the history of Portland and its significance in the history of manufacturing and transportation at the local, state and national levels. The Sutherland report provides a detailed description of the development history of the complex itself as the company evolved to accommodate changes and expansion in production over time. The report also provides a description and assessment of the individual extant historic structures within the complex, describing their respective role in the Portland Company's operations and their level of historic and architectural integrity. Finally, the Sutherland report provides an analysis of the visual character of the overall building complex. See ATTACHMENT 4 for a copy of the Sutherland report.

The Planning Department also commissioned a building condition report on the individual structures within the complex. A condition report was important in this instance given the fact that the historic structures within the Portland Company complex appear not to have received any significant level of maintenance, repair or rehabilitation in recent decades and given that the historic preservation ordinance requires that a nominated district not only meet the ordinance's designation criteria related to *significance,* but also a separate criterion related to the *integrity* of the resource. In order to designate a landmark or historic district, the nominated resource must be found to have sufficient integrity of location, design, *condition*, materials and workmanship to make it worthy of preservation (see Sec. 14-611). The Sutherland report provided adequate information to assess the question of several other relevant aspects of integrity, but it did not address the question of condition.

Although the owners of the property had retained Becker Structural Engineers to provide a condition assessment for their own planning purposes and had provided a copy of the report to the City (see ATTACHMENT 6), Planning and Historic Preservation staff determined that an independent condition assessment would be important to the Board's deliberations. Resurgence Engineering & Preservation, a structural engineering firm with expertise and experience in historic rehabilitation, was hired by the City to conduct the assessment. It should be noted that the Resurgence report, like the Becker report, was necessarily limited in scope and taken from a "30,000-foot view". Given the number of buildings to be assessed, the limited budget for the report and the fact that no specific use had yet been identified for any of the buildings which would inform a full assessment of applicable building code, life safety and other requirements, the review was limited to the current condition of the building envelope and structural systems. (The limited parameters of the assessments were acknowledged in both reports.) Additionally, neither consulting firm was asked to explore or recommend specific solutions to address identified building envelope and structural deficiencies.

Although the two condition reports include a fairly detailed written narrative for each building that describes the building envelope and structural system and include observations and identification of issues, both reports also summarize their findings in a rating system for ease of reference—with 1 representing very poor condition and 5 representing a good structural condition. Although the Resurgence report, which came after the Becker report, used the same rating system for ease of comparison, Resurgence provided an alternative rating system as well. As stated in the Resurgence report, "REP believes there is a more accurate and further defined way to classify the buildings in terms of condition."

In addition to the condition index, both reports provide a "relative structural renovation cost index". As stated in the Becker report, the cost index was prepared "in an effort to quantify what a renovation might cost". An inverse rating system was used here—with 1 representing a relatively low renovation cost and 5 representing a relatively high renovation cost. It should be noted that the historic preservation ordinance does not include rehabilitation cost as a factor in the evaluation of nominated historic resources.

A copy of Resurgence Engineering's *Portland Company Complex General Building Condition Report* is enclosed as ATTACHMENT 5. An excerpted chart from the Resurgence Report (ATTACHMENT 7) provides a building-by-building comparison of Resurgence Engineering's findings as regards condition and relative rehab cost with those of Becker Structural Engineers.

V. SUMMARY OF PRELIMINARY HP BOARD REVIEW SESSIONS

As noted in the introduction, the Historic Preservation Board held four preliminary workshops on the proposed historic district designation, as well as two site walks.

Workshop and Site Visit to Review History and Significance of Complex

The first workshop, held on September 24, 2014, followed the completion of the Sutherland report. Sutherland's Scott Hanson made a detailed, illustrated presentation on the history of the Portland Company itself, explaining that it was built in conjunction with construction of the Atlantic & St. Lawrence Railroad and was the first complex in the country built specifically for the manufacture of railroad equipment where the foundry and all of the necessary related shops were located on a single site. He reviewed the extraordinary range of machines, engines and products related to the fields of railroad and marine transportation, industry, manufacturing, and architecture that were produced over the company's 135-year history, as well as the distribution of its products to industries and municipalities throughout the country. Mr. Hanson also described the pivotal role the Portland Company played in the city of Portland's development and economy (it was the single largest business in the City in the mid-19th century), as well as that of the state of Maine.

Mr. Hanson also discussed the Portland Company's "period of significance", noting that National Register listing requires the identification of a period of significance. (Portland's ordinance does not specifically require the identification of a period of significance.) The Maine Historic Preservation Commission had determined a period of significance extending from the company's founding in 1847 to its closing in 1982. Within that period, however, Sutherland found that there are more specific (and more limited) periods of significance for key aspects of the Portland Company's production. Mr. Hanson indicated that as of the end of World War II, most of the Portland Company's marine and transportation-related work--the type of engines, machinery and products the company had been founded to produce--had ended and it had diversified its operations to produce a wide range of architectural, industrial and other products. The last building constructed for the express purpose of serving the company's marine and transportation-related work was the Erecting Building, built in 1918.

In his presentation, Mr. Hanson described the specific role each of the extant buildings played in the overall manufacturing process and the sequence in which products moved throughout the complex—from the initial drawing and pattern-making stage onto the foundry and machine shops and finally, onto assembly in the Erecting Building or Car Shop. Mr. Hanson explained that while some of the Portland Company's original buildings were lost due to fires or were replaced or expanded over time to respond to changing production needs, the historic buildings that remain on the site today collectively encompass the complete historic manufacturing process of the Portland Company. In this respect alone, the Portland Company complex as it exists today is highly significant and underscores Sutherland's finding that *the Portland Company property derives its significance as a complex of related, interdependent structures.* Collectively, the buildings provide a substantially complete record of the type of industry that was located at this site and of the specific functions or steps involved in its fabrication process. The number and size of extant buildings on the site also convey the company's scope and scale of operations during the 19th and 20th centuries.

Mr. Hanson also reviewed Sutherland's findings regarding the <u>historic integrity</u> of each of the extant buildings on the Portland Company property. As Mr. Hanson explained, historic integrity, as defined by the National Register," is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship, feeling, and/or association, to convey the significance of a property." Sutherland found that all of the buildings retained sufficient historic integrity to convey the significance of the property. Most of the buildings were found to retain a high degree of historic integrity.

Finally, Mr. Hanson reviewed the <u>visual character of the Portland Company site</u> and described how the complex's visual character contributed to the overall significance of the historic property. Contributing elements to the complex's visual character are the primary entrance drive into the site from Fore Street, which has been the entrance since 1847, as well as the entrance yard which serves the function of entranceway to the linear manufacturing paths of circulation. The entrance yard is also the point from which one can best appreciate the linear alignment of the manufacturing complex. The historic functional organization and placement of the Portland Company buildings in linear proximity to each other is also a major visual characteristic of the site and is unique to Portland in the way that the industrial buildings form private streets or alleys. The overhead pedestrian bridges spanning these private streets were also found to be unique in Portland and contribute to the visual character of the site. As summarized in the Sutherland written report, "to a large degree, the architectural significance of the Portland Company exists in the relationship of the buildings to each other within the complex. The proximity and orientation of the buildings to each other permitted related manufacturing processes to take place in a way that allowed for the efficient progress of stages in the production of the company's products."

Except for a follow-up site walk of the complex in December led by Mr. Hanson, the Historic Preservation Board's consideration of potential historic district designation of the Portland Company was temporarily suspended until April of 2015. Board review was suspended at the request of the Planning Director in order to allow the property owners' pending rezoning request for the property to proceed through review by the Planning Board and Council to conclusion and provide for a sequential review process. Rezoning was felt to be a threshold issue for any potential redevelopment of the site and that consideration of potential historic district designation would appropriately follow.

<u>Formal District Nomination</u>

On February 23, 2015, Board members John Turk and Ted Oldham submitted a formal letter to the Planning Department nominating the Portland Company complex as a local historic district, consistent with the requirements for nomination and designation set forth in the preservation ordinance. While the previous workshops had been conducted in anticipation of/preparation for the formal designation review process, the nomination letter set the formal process into motion. The letter of nomination was filed as the Planning Board was concluding its review of the rezoning request and the matter was being sent to the City Council for final action.

Workshops and Site visit to Review Building Condition

On April 1, 2015, Al Hodson, principal of Resurgence Engineering, presented his analysis and findings regarding building condition in a detailed workshop session. Like Mr. Hanson, Mr. Hodson provided a building-by-building analysis, describing each building's original structural system and building envelope as well as any modifications which had affected the structural system over time. He reviewed his general observations of condition and highlighted specific areas of concern. He also presented the ratings he had assigned to each building based on his analysis and explained that he had adopted the same rating system used in the Becker report for ease of reference and comparison, while noting that perhaps a more nuanced rating system would provide a more accurate summary of the condition and potential of the buildings. An alternative building condition index was offered for consideration.

Mr. Hodson explained that while all of the buildings had suffered some level of deterioration due to years of deferred maintenance, three buildings stood out as presenting the greatest structural and building envelope challenges. Of the buildings his firm evaluated, three buildings were found to be in the most compromised condition. These were Building #7 (Car Shop), Building #10 (Paint Shop), and Building #11 (Pattern Storehouse). (*Resurgence Engineering's report is enclosed as* ATTACHMENT 5. *See pg. 2 of Executive Summary; pgs. 25-28 for written condition analysis of each building; pg. 1 of Appendix A for assigned condition and cost rating.*

Mr. Hodson also identified Building #4 as having unique condition issues with an exterior brick masonry wall system that is integrated with built-up iron or steel structural columns, which columns are exposed to weather and in an advanced state of disrepair. The columns at the building exterior would require replacement as part of any rehabilitation program. Detailing for replacement would need to consider both improved performance as well as preservation of historic integrity, including degree of replacement of original material. Like the roof structures at Buildings #1, #2, and #3, Mr. Hodson noted that the roof structure at Building #4 will need to be evaluated for snow load capacity, the decking above the beams will need to be replaced at deteriorated areas and all of the roof sheathing may need replacement. Recognizing these issues, Mr. Hodson's report also noted that the large and consistently framed building has fewer variations in its framing than many other structures on the Portland Company site and this repetition in detailing along with open access to structural members may serve to simplify necessary structural repairs. *(See pg. 1 of Executive Summary, pgs. 19-22 for written condition analysis of Building #4, pg. 1 of Appendix A for assigned condition and cost rating, and pg. 6 of Appendix A for an explanation of the basis for cost opinion conclusions for Building #4.)*

In preparation for the April 1 workshop, Board members were provided copies of the Resurgence Engineering report as well as the Becker Structural Engineers report, which had been produced for the current property owner. During the workshop session, Mr. Hodson made frequent reference to the findings of the Becker report as well as his own. Based on Resurgence's written report and Mr. Hodson's presentation, it appeared that the findings of the two reports were quite similar as regards most buildings. (A comparison chart of the summary rankings for building condition and relative cost to address condition was provided in Mr. Hodson's report (Appendix A, pg. 1) and is enclosed with this report as a separate attachment – ATTACHMENT 7.

On May 20, a second site walk was conducted of the Portland Company complex, this walk focusing on the issue of condition. Both Mr. Hodson and Paul Becker of Becker Structural Engineers provided commentary, summarizing their findings relative to each building. Given the constraints of a site visit in terms of providing opportunity for Board discussion or public comment, a follow-up workshop session was scheduled for May 27th in City Hall. At the May 27 workshop, Board members shared their observations from the site visit. Staff also provided information about the requirements of the federal and state historic tax credit program and summarized discussions held with staff of the Maine Historic Preservation Commission (MHPC) regarding potential access to tax credits.

Consideration of NPS Certification and Availability of Tax Credits

As the availability of historic tax credits can be a significant factor in the feasibility of an historic rehabilitation project, staff and the HP Board had identified early on in the review process that it would be important to learn more about what might affect the property owners' eligibility for the tax credits. Staff explained that distinctions between Portland's local designation criteria and National Register designation criteria (especially as regards the issue of building condition) made the question of whether current or future owners of the property would be able to take advantage of tax credits fairly complicated. Eligibility for tax credits might be particularly challenging if several buildings were determined under Portland's designation criteria to be noncontributing by virtue of condition. MHPC staff had indicated, however, that if a strong case could be made that the *local* Portland Company Historic District was clearly based on and supported by its local designation criteria, it might be approved as a "Certified Local Historic District" and thereby make the project eligible for federal and state tax credits. A clear and rational basis would have to be demonstrated for the boundaries of the local district and the assigned classifications of individual buildings (landmark, contributing, and noncontributing).

Final Workshop – Preliminary Board Deliberations

On June 10th, the Historic Preservation Board held a final workshop to synthesize the information provided in the various consultant reports, staff reports, site visits and preliminary workshop sessions. While each of the previous workshops had focused on a specific aspect of the Board's overall deliberations, the June 10 session was the first opportunity for Board members to consider the various applicable designation criteria in the aggregate and begin to assign a net "preservation value" for each structure within the complex. The Board also took up the question of appropriate, defensible district boundaries. Chair Benson organized the discussion, focusing on the specific designation criteria (Sec. 14-610 and 611) that must be met in the ordinance and the questions that must be addressed in the designation report that accompanies the Board's recommendation to the Planning Board and City Council (Sec. 14-617).

Following discussion of the significance and integrity of the complex as a whole, the Board spent considerable time discussing the integrity (*historic/architectural* as well as *condition)* of each building and assigned a preliminary classification to each. In taking up each building, Chair Benson summarized the salient findings for each structure included in each of the consultants' reports.

The assignment of a classification is required by the ordinance as part of the designation process. A list of every building, object or site within a nominated historic district must be included in the designation report and assigned a classification of "landmark", "contributing" or "noncontributing" indicating its degree of significance and that a list of structures.

The ordinance's definitions for these terms are instructive in assigning a classification:

Landmark: A property, site, structure or object designated by the Council as having a high degree of historical, cultural and/or architectural significance.

Contributing: A classification applied to a site, structure or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archaeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark.

Noncontributing: A classification applied to a site, structure, object, or portion thereof within a historic district signifying that 1) it does not contribute generally to the qualities that give the district...significance as embodied in the criteria for designating a historic district; 2) was built within 50 years of the date of district designation unless otherwise designated in the historic resources inventory; or 3) where the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the site, structure or object has been irretrievably lost. A portion of an otherwise contributing or landmark structure may be determined by the historic preservation board to be noncontributing if it meets one or more of the above conditions.

The Board's June 10 preliminary deliberations informed its formal findings and vote on June 24, a summary of which follows.

VI. HP BOARD PUBLIC HEARING – BOARD FINDINGS AND FORMAL RECOMMENDATION

A public hearing on the nomination was held on June 24, 2015. At the start of the hearing, attorney Mary Costigan, representing the property owner, distributed a letter requesting a reclassification of several buildings identified as contributing structures during the Board's preliminary deliberations. These included Buildings 1, 4, 14, and 16. Arguments for reclassifying the buildings were included in her letter. (See ATTACHMENT 9**)**. Ms. Costigan also proposed that the district boundaries be reduced. Finally, Ms. Costigan asked that the Board include in its recommendation to the Planning Board language (likely in the form of an ordinance amendment) making clear that the height allowances established by zoning supersede the historic preservation regulations as they would apply to height for new construction.

Following a review of the Ms. Costigan's letter and a public hearing, the Board conducted its formal deliberations. Following are the Board's formal findings:

CRITERIA FOR DESIGNATION

Sec. 14-610 (a) Minimum Criteria for Designation (*Note: nominated districts must satisfy a minimum of one of the following criteria*)

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

   Finding: the Portland Company complex exhibits local, state *and* national significance, as described in detail in the Sutherland report, *The Portland Company: Historic Significance and Integrity.* The Board identified the following major areas of significance:

National significance

- Research suggests that the Portland Company was the first complex in the country built specifically for the manufacture of railroad equipment with all necessary shops and foundry on a single site.
- Rare surviving example of a pre-civil War foundry, machine shop and car shop complex, and apparently the only surviving plant in the nation where locomotives were built for the US Government as part of the war effort.

Significance to the State of Maine

- Contributed significantly to the development of Maine's railroads and maritime industries through manufacture of locomotives, railroad cars, marine engines and boilers.
- Played a significant role in the development of Maine's paper-making, textile and canning industries.
- The state's largest 19th century foundry/machine shop

Local significance

- Founding was directly tied to the establishment of the Atlantic & St. Lawrence Railroad. Company was founded to manufacture railroad locomotives for the railroad.
- Company's founding was directly associated with the creation of Commercial Street and filling of Broad and Clay Coves, as well as the organization of rail service throughout the City

- Only intact 19th and early 20th century industrial complex remaining in the city.
- Largest 19th century employer in the city.

2. Its location as a site of significant historic or prehistoric activity which may have taken place within or which involved the use of any existing structure on the property.

   Finding: The Portland Company complex was the site of significant industrial activities of local, state and national importance, as detailed in #1 above, which took place within extant structures on the property.

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

   Finding: The Portland Company was founded by John Poor, director of the Atlantic and St. Lawrence Railroad and the person most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail. Other stockholders in the company included noted industrialist, developer and civic leader J.B. Brown and U.S. Secretary of the Treasury William Pitt Fessenden. William Chapman, electrical engineer in charge of the company's research department, did important work in the research that led to the development of microwave technology as well as experimentation and invention related to the use of electricity in manufacturing. Chapman's inventions were used in mills and factories throughout the state.

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship.

   Finding: The building complex as a whole, and the individual structures included in it express the evolution of construction techniques developed for industrial building types as was required to enclose increasingly complex and large scale manufacturing processes. Located within the complex are substantially unaltered examples of several distinctive industrial building types constructed between 1847 and 1920. The Portland Company buildings from the 1840's and 50's are the only industrial buildings of that period remaining in the city today.

5. Its identification of the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England Region or the United States.

   Finding: Although noted Portland architect Frederick Tompson was responsible for the design of the projecting shed dormers that were added to the roof of Building # 2 (Machine Shop), this designation criterion is not applicable for the Portland Company.

6. Its representation of a significant cultural, historic, architectural or related theme expressed through distinctive areas, site, structures or objects that may or may not be contiguous.

   Finding: The Portland Company complex is representative of Portland's role as a major center of rail and maritime transportation for Maine and northern New England as described in detail in the Sutherland report.

Sec. 14-610 (b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, site, structures or objects have a high degree of cultural, historic, architectural or archaeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties site, structures or objects, which while not of such cultural,....significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites structures or objects located within it.

> Finding: The Board found that the Portland Company complex meets this requirement. Given the high degree of significance of the district as a whole and the interrelated role each building plays within the district, the Board discussed the possibility of designating it as "landmark district", however this designation type is not included in the preservation ordinance. Also discussed was the possibility of classifying each building as a landmark. Ultimately, the Board determined that the individual buildings are appropriately characterized as "contributing" structures to the overall complex, which is highly significant.

Sec. 14-611. Integrity of landmarks and historic districts.

Any area structure or object that meets the criteria in Section 14-610 must also have sufficient integrity of location, design, condition, materials and worksmanship to make it worthy of preservation or restoration. *(Note that this integrity standard applies to the district as a whole; the question of integrity also applies in the assignment of a classification or "preservation value" to each individual building or structure within the nominated district boundary.)*

Finding: As described in the Sutherland report, the complex as a whole retains a high degree of *historic and architectural integrity* within its identified period of significance. (A period of significance *for the buildings* within the complex was identified as extending from1847 when the first building was constructed to 1920 when the last building associated with the Portland Company's core transportation and/or marine-related business had been completed. Note that the *company's* period of significance extends much longer, as it remained a leader in its field until the end of WW II, and continued to operate until 1982. It should be noted that Portland's ordinance does not require a determination of period of significance, but the Board discussed the question as part of its effort to determine the relative significance of the more recent extant structures on site: the office building, built in 1950, and the large metal building, built in 1968.

As regards the question of *integrity of condition*, the Board found that although a number of the 16 extant structures have become so deteriorated due to deferred maintenance as to make their rehabilitation infeasible (see assigned classifications of individual structures below), the complex as a whole retains sufficient integrity of condition to make it worthy of preservation and rehabilitation. This finding was based on assessments provided in two separate condition reports prepared by Resurgence Engineering & Consulting and Becker Structural Engineers.

DESIGN GUIDELINES

In the report which is required to accompany the Historic Preservation Board's recommendation regarding designation, the Board may recommend specific design guidelines for the review of alterations or new construction within the proposed district—See Sec. 14-617-(c). Following discussion, the Board elected not to recommend specific design guidelines for the Portland Company district, but to include in the designation report a description of the complex's major visual characteristics that contribute to the district's significance and should be recognized in evaluating future proposals for alterations and infill construction within the district. (See pages 8-10 of Designation Report, ATTACHMENT 2.) The visual character of the site is also described in the Sutherland report (see pg. 4). Major visual characteristics include the presence of a major entrance off Fore Street at the west end of the complex; the open entrance yard; the linear alignment and east-west orientation of the buildings; the separation of connected buildings by private streets and alleys; the presence of overhead pedestrian bridges; the predominance of brick and granite building exteriors; and large scale windows typical of industrial structures.

DISTRICT BOUNDARY DELINEATION and ASSIGNED BUILDING CLASSIFICATIONS

Taking into consideration the documented significance of the Portland Company complex as a whole, the assessment of the complex's extant historic structures in terms of their significance and current condition, and in consideration of the identified visual character of the Portland Company complex, which was determined by the Board to contribute significantly to one's understanding of and appreciation of the historic resource, the Board determined that the district boundary and building classifications as delineated on ATTACHMENT 1 should be recommended to the Planning Board and Council.

Assigned Classifications for Individual Structures within the Proposed District Boundaries

Building 1	Erecting Shop	1918	Contributing
Building 2	Machine Shop	c. 1847	Contributing (a)

Building 3	Machine Shop	c. 1847	Contributing
Building 4	Foundry	1895	Noncontributing (b)
Building 5	Foundry Addition	c. 1980's	Noncontributing (c)
Building 6A, 6B	Blacksmith & Tank Shop	1883, 1896-1904	Contributing
Building 7	Car Shop	1873, 1904	Noncontributing (d)
Building 10	Paint Shop	c. 1873	Noncontributing (e)
Building 11	Pattern Storehouse	1885	Noncontributing (f)
Building 12	Pattern Storehouse	1895	Contributing
Building 14	Drafting Rm/Storehouse	1858-64	Noncontributing (g)
Building 15	Boiler House	1848-64	Noncontributing (h)
Building 16	Brass Foundry	1864-71	Contributing
Building 24	Vault	c. 1905	Contributing
Building 30	Office Building	1950	Noncontributing (i)

Notes:

(a) Cantilevered roof addition noncontributing due to structural instability
(b) Noncontributing due to condition, potential requirement for significant reconstruction
(c) Constructed in 1968, outside the period of significance
(d) Noncontributing due to severely deteriorated condition
(e) Noncontributing " " " " " "
(f) Noncontributing " " " " " "
(g) Noncontributing " " " " " "
(h) Noncontributing " " " " " "
(i) Constructed in 1956, outside the period of significance

Note that a classification of noncontributing allows a building to be demolished as of right. Any proposed replacement new construction would, however, be subject to review and approval under the historic preservation ordinance's new construction standards.

Although several of the buildings included within the recommended district boundary were determined by the Board to be noncontributing due to condition or date of construction, Board members expressed the view that the boundary should include the footprint of most of these noncontributing buildings.

In coming to this conclusion, the Board noted that the placement, alignment and relationship of the extant structures is key to conveying the Portland Company's history and significance and is an important character-defining element of the complex. They also noted that whatever is built in close proximity to the remaining historic structures has the potential to either reinforce or undermine the remaining buildings and one's appreciation of this historic complex. Acknowledging that noncontributing buildings may be demolished as of right under the provisions of Portland's historic preservation ordinance and that new construction within the district is likely, including the footprints of most of the historic extant structures within the district boundary will ensure that whatever new construction is introduced within the historic core of the complex will be reviewed for general compatibility with the abutting or adjacent contributing structures. They also noted that district designation would not preclude future adjustments or alterations to buildings or site features within the district boundaries.

In response to the property owner's request to classify additional buildings as noncontributing (i.e. Buildings 1 and 16), Board members found these buildings to be important contributing structures to the overall complex, as documented in the preservation consultant's report, and that their condition did not warrant their removal. Board members also expressed the view that allowing the removal of additional historic structures from the property would materially affect one's ability to understand and appreciate the history, significance and scale of operations of the former Portland Company complex.

REQUESTED ORDINANCE AMENDMENT

As noted above, Ms. Costigan requested that the Board include as part of its recommendation to the Planning Board an ordinance amendment providing that the height allowances established by the underlying zoning for this property supersede the HP Board's authority as regards review of building height. As the Historic Preservation Board had not been involved in discussions regarding building heights for this property and had not been briefed on details of the final rezoning, including allowable building heights, the Board did not think it was appropriate to include such an amendment as part of its recommendation. They also noted that review of building height for compatibility with a development's surrounding context is an integral part of the Historic Preservation Board's review process for new construction. While it is rare that the Board has required heights lower than that allowed by zoning, maintaining the authority to impose this requirement may be important in some instances. The Board also pointed out that they made an exception to this rule for the Congress Street Historic District given the wide range of building heights exhibited within the district and the fact that recently adopted building heights for the B3 zone had been based on a careful analysis of Congress Street's existing building stock.

VII. FINAL HP BOARD VOTE ON PROPOSED DISTRICT DESIGNATION

Based on the above findings, the Board voted 7-0 to recommend to the Planning Board and City Council that the former Portland Company complex be designated as a local historic district as delineated in the map enclosed as ATTACHMENT 1.

Note: Following the Historic Preservation Board's formal vote on June 24, staff prepared a draft designation report for the Board's review and comment. The draft designation report was reviewed on July 15. Following an opportunity for public comment, the Board confirmed the content of the report with minor clarifications and amendments.

New Information (for 9/8/15 public hearing)

VIII. RESPONSES TO QUESTIONS RAISED AT PLANNING BOARD's 7/28 WORKSHOP

At the Planning Board's July 28 workshop a number of questions were raised about various aspects of the Historic Preservation Board's deliberations and recommendation. Following are responses to specific questions raised by members of the Planning Board as well as clarification on aspects of the Historic Preservation Board's deliberations and findings that appeared to warrant further explanation.

What was the Historic Preservation Board's process for assigning a classification to each building? Is it a balancing act between consideration of significance and condition?

The Board's review process began with an analysis of the Portland Company complex *as a whole*, rather than a focus on individual buildings. This was the appropriate approach given the fact that the Portland Company property is comprised of buildings that are historically and functionally related to each other. Only after the significance and integrity of the overall complex was evaluated was it appropriate to move on to a detailed evaluation of the individual buildings within it. The building-by-building evaluation focused primarily on the question of *condition* because the *significance* of virtually every extant building within the complex was made clear in the report prepared by Sutherland Conservation & Consulting. The Sutherland report explained that each building within the complex played a specific, necessary and interdependent function in the overall manufacturing process and that much of the property's significance is due to the fact that, collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

The Board's first task was to consider whether the complex of buildings meets the ordinance's *minimum criteria for designation*, which are outlined in Sec. 14-610 (a) and (b) of the ordinance.

Sec. 14-610 (a) lists six potential areas of significance, at least one of which must be clearly met by the nominated resource. In the case of the Portland Company complex, all six of the criteria were found to be met. For two of the criteria, the Portland Company complex was found to be significant at the local, state *and* national level. (A more detailed description of the Board's findings as regards significance is included in the 9/2/15 PUBLIC HEARING report.)

Next, the Board had to determine whether the complex (proposed district) meets the criterion in Sec. 14-610 (b), which states: "*In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.*"

Here, the Board determined that all of the extant buildings within the Portland Company complex, with the exception of the 1956 office building (Building #30) and the large 1968 metal building addition to the foundry (Building #5), exhibit a high degree of historic significance as they all played an important, distinct and interdependent role in the overall manufacturing process of the Portland Company. Since the office building did not represent the core function of the historic complex and was added much later in its history, it was found not to be significant. Building #5 was found not to be significant because it was built late in the company's history, when the nature of company's product line began to change.

Note that this review criterion also requires demonstration of "integrity". "Integrity" as defined under this ordinance criterion applies only to a structure's cultural, historic or architectural integrity. Historic integrity is distinct from structural integrity or integrity of condition. "Historic integrity", as explained in the Sutherland report, "is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship and/or association to convey the significance of the property. The Sutherland report includes an entire section on the integrity of the individual buildings within the complex and on the integrity of the complex as a whole--see SECTION II, beginning on page 21. Here, the Board found that the remaining historic structures within the complex exhibited a high level of *historic and architectural integrity*, as they remain in relatively unaltered condition from the time of their construction.

Following consideration of these two threshold criteria, the ordinance requires that the Board then address the nominated resource's *integrity of condition*:

Sec. 14-611. Integrity of landmarks and historic districts
Any area, structure or object that meets the criteria in section 14-610 <u>must also have sufficient integrity of</u> location, design, <u>condition</u>, materials and workmanship <u>to make it worthy of preservation or restoration.</u>

Under this criterion, the Board considers the *integrity of condition of the overall complex*, taking into consideration the condition of the individual buildings within the complex. Notwithstanding the poor condition of a number of individual buildings, as documented in two reports available for the Board's reference, the Board found that the complex, or proposed district as a whole, had "sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration."

The assignment of a classification for each building within a proposed district is a requirement of the historic preservation ordinance and must be provided as part of the historic district designation report that accompanies the Historic Preservation Board's recommendation. (See Sec. 14-617 (f).) It should be noted that the ordinance does not provide specific criteria which must be met to prove that a building is "noncontributing"; the only guidance provided for this determination is the ordinance definition included in Sec. 14-602 Definitions, which states:

Noncontributing: A classification applied to a site, structure, object, or portion thereof, within a historic district signifying that 1) it does not contribute generally to the qualities that give the historic district cultural, historic, architectural or archaeological significance as embodied in the criteria for designating a historic district; 2) was built within 50 years of the date of district designation unless otherwise designated in the Historic Resources Inventory; or 3) where the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the site, structure or object has been irretrievably lost. A portion of an otherwise contributing or landmark structure may be determined by the historic preservation board to be non-contributing if it meets one or more of the above conditions.

In reviewing the results of the condition reports, the question for the Board was not whether a building was in poor condition, but whether it had "so deteriorated that the overall integrity of the…structure…had been irretrievably lost." The two condition reports, one prepared for the CPB2 for initial planning purposes and cost/benefit analysis (which is not a relevant consideration in the designation review process) and the other for the City for the purposes of designation deliberations, were by their nature preliminary assessments of the overall condition of the buildings. Neither consultant was asked to develop specific proposals for addressing identified structural or building envelope deficiencies. Without knowing what use was proposed for a given building, it would be impossible to develop specific recommendations or to reasonably determine the feasibility of its adaptive reuse.

Given the preliminary nature of the condition reports, it is fair to say that the Historic Preservation Board demonstrated a willingness to accept the findings of the reports where the two reports were clear, definitive and in strong agreement. Accordingly, Buildings #7, #10, #11 and #15 were identified early on in Board's discussions as noncontributing due to condition. Later, based on additional information from CPB2, the Board reclassified Building #14 as well, from contributing as noncontributing

Classification of the foundry (Building #4) proved to be the most difficult. In the Resurgence report, Building #4 was not one of the buildings identified as being in significantly deteriorated condition. (See pg. 32 of Resurgence report, Recommendations and Conclusion - <u>ATTACHMENT 5</u>. Both the Resurgence and the Becker reports, however, noted that Building #4 exhibits unique condition issues with an exterior brick masonry wall system that is integrated with iron structural columns. The columns are exposed to weather and in an advanced state of disrepair. They noted that in order to correct the structural deficiencies, it might be necessary to dismantle the exterior masonry walls (or portions thereof). The roof structure was also identified as inadequate for snow loads and might need replacement or substantial reinforcement. In response to the findings in the two reports, CPB2 representatives questioned whether this degree of potential intervention (partial or complete reconstruction) could reasonably be defined as preservation or rehabilitation.

At the final workshop, several members of the Board argued that it was premature to classify the foundry as noncontributing without a more detailed structural analysis or exploration of options. They suggested that Building #4 be classified as contributing, but that the classification be annotated to indicate the Board's willingness to reconsider its classification upon more detailed structural analysis. CPB2 argued that the ordinance does not provide for annotated or qualified classifications. Ultimately, the Board voted to classify Building #4 as noncontributing due to condition. This was a particularly difficult decision, as the foundry represents to a large extent the "heart" or center of the Portland Company's operations. The foundry is also a key component of the complex's core manufacturing row, which is comprised of four connected structures through which most of the company's product line moved from raw material stage to final assembly. Also making the decision difficult was the Board's recognition that the removal of the large foundry building would inevitably impact one's ability to appreciate the scale and magnitude of the Portland Company's operations and the significance of the company to Portland's economy from the mid-19th to the mid-20th century.

<u>How were the district boundaries determined? Why does the proposed boundary include the footprint, or partial footprint, of buildings that have been determined to be noncontributing due to condition?</u>

As noted above, the Portland Company property derives its significance *as a complex*. This complex is defined not only by the buildings within it, but also by the alignment and spatial relationship of the buildings and by its contributing site features such as the entrance drive, the alleyways, the entrance yard and the elevated bridges. Collectively, these elements communicate how this industrial complex functioned.

Although several buildings within the complex have been determined to be noncontributing due to their physical condition and it is very likely that new development will be introduced in their place, the question of how future development relates to the remaining historic resources--in terms of placement, orientation, massing, etc.--is an important consideration. It is appropriate to include the footprints (or portion thereof, in the case of Building 4) of these noncontributing structures within the district boundary because of their close proximity to what will likely become the only remaining historic structures on site and so that the architectural characteristics that distinguish this historic complex are taken into consideration in future development. Similarly, it is appropriate to include within the district boundary the entrance drive and entrance yard, as these are elements have been part of the complex since the company's inception. While it is likely that the position, size and/or function of these key site elements will change with any future redevelopment scheme (the Historic Preservation Board has acknowledged this possibility) including them within the district boundary provides an opportunity to preserve the primary visual characteristics of the Portland Company complex by maintaining such attributes as the spatial relationship between the buildings and building rows as well as a general sense of the footprint, scale and sequential nature of the overall complex.

See page 4, *Historic Significance and Visual Character of the Portland Company Site* of Sutherland report (<u>ATTACHMENT 4</u>) for a description of the contribution each element makes in conveying the significance of this property.

Is Building 1 (Erecting Building) significant and does its condition warrant classification as a noncontributing building?

With respect to the question of the Erecting Building's significance, please see attached memo from preservation consultant Scott Hanson, the principal author of the Sutherland report. (ATTACHMENT 10)

With respect to the Erecting Building's condition and feasibility of rehabilitation, please see attached letter from structural engineering consultant Al Hodson, who prepared the building condition report for the City. (ATTACHMENT 11)

It should also be noted that, apart from the Erecting Building's individual merits, it is a key component of the Portland Company's core manufacturing/assembly row, which is currently made up of four buildings. With the potential removal of Building #4 due to condition, preservation of Building 1 becomes especially important if the overall scale and magnitude of the Portland Company's operations and its major presence on the Portland waterfront for almost 150 years is to be conveyed. The Executive Summary in the Sutherland report (see pg. 4) includes the following: "The removal of any of the historic buildings existing in the complex will diminish the ability of the complex to demonstrate the historic manufacturing process of the Portland Company."

What is the condition of Building 16 (brass foundry) and how will the removal of Building 15 affect Building 16?

Please see attached memo from Al Hodson of Resurgence Engineering & Preservation. (ATTACHMENT 11)

Why is the district's eligibility for National Park Service certification (and thus eligibility for historic tax credits) a relevant consideration in the City's local district designation process?

Any conversation about eligibility for Federal or State historic tax credits is only to highlight the opportunity as a possible path to pursue for a future rehabilitation project. Tax credits have proven to be a powerful financial incentive and have been employed in approximately 110 historic rehabilitation projects in Portland alone. It behooves the City of Portland to determine whether the proposed historic district is likely to meet the requirements for National Park Service certification, because NPS certification will be *required* in order to access the historic tax credits.

Reference to the possibility of NPS certification and tax credit eligibility is also relevant to the discussion because Portland's designation criteria are patterned directly after the criteria used by the Maine Historic Preservation Commission and the National Park Service. (The only difference is that Portland's ordinance takes into consideration the physical condition of nominated resources while the National Park Service does not.) If the National Park Service determines that the Portland Company Historic District as proposed by the City of Portland does not include sufficient historic resources to adequately convey the history and significance of the Portland Company complex, it will not certify the district. Portland must be able to make a strong and defensible argument for the removal of historically significant buildings and site elements if the district is to be certified.

See letter from the Maine Historic Preservation Commission - ATTACHMENT 12.

Should the height allowances established in the underlying zoning should govern height within the proposed district or should the HP review standards as they apply to height supersede the zoning regulations?

The Historic Preservation Board did not include as part of its recommendation a proposed ordinance amendment that would pertain to the regulation of building height for new construction within the Portland Company Historic District. As the Historic Preservation Board was not involved in discussions regarding allowable building heights for this property and has not been briefed on details of the final rezoning, the Board did not think it was appropriate to include such an amendment as part of its recommendation. Board members noted that review of building height for compatibility with a proposed development's surrounding context is a standard and integral part of the Historic Preservation Board's review process for new construction. While it is rare that the Board has required a height lower than that allowed by zoning, maintaining the authority to impose this requirement may be important in the review of some projects, particularly in very sensitive contexts. While an exception to this rule was made for the Congress Street Historic District, it was based on the fact that Congress Street exhibits a very wide range of building heights. Additionally, the allowable building heights in the B3 zone had been based on a careful, and recent, analysis of Congress Street's existing building stock. In the Board's view, waiving otherwise applicable review standards should be carefully considered.

<u>Responses to information and attachments included in Ms. Costigan's letter of August 26, 2015:</u>

Note that the district boundary map proposed by CPB2 as provided in Ms. Costigan's letter of August 26 (ATTACHMENT 13) includes two separate boundaries: one around several buildings on the east side of the entrance yard and another around Building # 12. According to cite NR Bulletin 16A, pg. 57, as cited by staff of the Maine Historic Preservation Commission, this is not consistent with standard requirements for delineating boundaries of historic districts. Historic *districts* typically comprise a single contiguous area.

Also, on page 2 of Ms. Costigan's letter, she states "as we know, these credits are reviewed annually and should not be considered as planning tools and may in fact not be available at the time of development or any other rehabilitation project". Maine Historic Preservation Commission staff has confirmed that there is no sunset provision for the Federal tax credits and the State tax credits were recently extended to 2023. An annual *report* on state historic ta credit activity is required, but no *reauthorization review* is required.

IX. ANALYSIS OF PROPOSED DESIGNATION'S CONSISTENCY WITH COMPREHENSIVE PLAN

Senior Planner Christine Grimando has evaluated the proposed historic district designation consistency with the Comprehensive Plan. Following are Ms. Grimando's findings:

The Comprehensive Plan is widely supportive of preservation of Portland's historic resources. Volume 1, State Goal I, *To preserve the State's historic and archeological resources*, endorses preserving and enhancing distinctive areas, sites, structures and objects that have historic, cultural, architectural and archeological significance. It includes an overview of preservation efforts in the city, recommendations for furthering preservation, and reference to the adoption, as part of the 1990 Comprehensive Plan, of the <u>Historic Preservation Ordinance</u>, and the <u>Historic Resources Design Manual</u>, both still being utilized today.

There are several, but not extensive, references to the Portland Company site/58 Fore Street, as well as more general policy for the Eastern Waterfront as a whole, within elements of the Comprehensive Plan. Below are pertinent components for preservation as it concerns 58 Fore Street.

- Volume 1 gives an overview of the years of waterfront planning efforts of the City, and addresses redevelopment of the Waterfront East specifically, which encompasses and extends beyond the Portland Company complex. It outlines four redevelopment principles for development in this area: 1) Character and Impact of Development; 2) Mixed-use as a component of an active, vibrant urban area; 3) maintaining Maritime Resources; and 4) Economically Responsible Development that benefits the city and the region. *Character and Impact of Development* calls for a variety of related outcomes, including compatibility with surrounding neighborhoods and maritime uses, historic preservation and adaptive reuse, compatible architecture, protection of view corridors, as well as integrated street and trail networks.

- Volume I, State Goal I references the <u>Historic Resources Design Manual</u>, which identifies 58 Fore Street as eligible for the National Register of Historic Places on the basis of the 1976 Portland Historic Resources Inventory.

- **A Masterplan for Redevelopment of the Eastern Waterfront** (Masterplan) consists of three documents: 1) **A Masterplan for Redevelopment of the Eastern Waterfront**, 2) **Eastern Waterfront Building Height Study** (Height Study), and 3) **Design Guidelines for the Eastern Waterfront** (Design Guidelines) - the latter are two freestanding documents that were both adopted by reference into the Masterplan. The Height Study does not mention preservation of historic structures, and is focused on height recommendations for new construction, without explicit consideration of how new construction would interact with the existing urban fabric.

The Masterplan reiterates and expands upon the four redevelopment principles for the Eastern Waterfront of Volume 1, encouraging historic preservation and active reuse of historic structures as a component of the *Character and Impact of Development* principle (page 12). The document also encourages aggregation of surface parking for better use of valuable land, including more intensive reuse of historic buildings, replacement of non-historic structures, and open space enhancement (page 6). This also is a recommendation that applies to the entirety of the Eastern Waterfront. In regard to specific recommendations for the Portland Company complex (page 8), the Masterplan notes its potential for adaptive reuse, and that it is a property that has been deemed eligible for inclusion in the National Register of Historic Places. It goes on to note that parking enhancements and better site access will better integrate the property with the rest of the Eastern Waterfront, which in turn is expected to spur adaptive reuse and restoration of historic structures. Finally, adaptive reuse and sensitive rehabilitation of existing historic structures is a primary development consideration.

The Design Guidelines note the historic character of the area by making strong recommendations for new construction that respects the historic character of the waterfront, while representing the best elements of contemporary design (page 4). In regard to historic structures the guidelines state: *Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated in a way that is consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character. New additions to historically significant buildings should be designed for compatibility with the original structure in size, composition and material and should result in the minimum necessary loss of original architectural material* (page 7).

An historic district on the site of the Portland Company complex is consistent with Comprehensive Plan policy. The Comprehensive Plan recognizes the importance of historic preservation and rehabilitation for the city as a whole, the unique characteristics of the Eastern Waterfront, and the significant legacy of the Portland Company complex. It also anticipates new construction, and the need for sensitive, compatible architecture beside and (in some cases) in place of the existing building stock. While recognizing the value of preservation and adaptive reuse, its support is framed broadly enough to allow for the Historic Preservation Board, and ultimately the Planning Board and City Council, to make final, informed determinations about the appropriate parameters of a district boundary and its specific contents.

X. MOTIONS FOR CONSIDERATION

Upon the recommendation of the Historic Preservation Board and on the basis of the Portland Company Historic District Designation Report, documentation and analysis provided in reports prepared by Sutherland Conservation & Consulting and Resurgence Engineering & Preservation, and information included in the staff report for the September 8, 2015 public hearing,

1) **The Planning Board finds that the proposed Portland Company Historic District:**

    a) **meets the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 (a), specifically Criteria 1, 2, 3, 4, 5 and 6, based on the Board's findings that all of the summary statements as to significance of the Portland Company complex included in the 9/8/15 public hearing report are well-founded and based on detailed research and documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding; and**

    b) **meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of historic and/or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the significant structures located within it. Pursuant to this finding, the Board supports the building classifications included in the Designation Report.; and**

    c) **meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and identified contributing structures therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.**

2) **The Planning Board also finds that designation of the Portland Company Historic District is consistent with the goals of the Comprehensive Plan, including the Masterplan for Redevelopment of the Eastern Waterfront, based on the analysis provided in the 9/8/15 public hearing report.**

On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district (as delineated in ATTACHMENT 2 of the 9/8/15 public hearing report) subject to the provisions of Article IX of the Land Use Code.

ATTACHMENTS

1. Proposed Historic District Map with Boundaries and Individual Building Classifications
2. Portland Company Historic District Designation Report
3. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).
4. *The Portland Company: Historic Significance and Integrity*, prepared for City of Portland by Sutherland Conservation & Consulting
5. *Portland Company Complex General Building Condition Report,* prepared for City of Portland by Resurgence Engineering and Preservation Inc.
6. Evaluation of *Existing Buildings at the Portland Company Property,* prepared for CPB2 by Becker Structural Engineers
7. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)
8. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places
9. Letters from interested parties

Attachments prepared in response to questions raised at PB's 7/28 Workshop

10. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
11. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
12. 9/4/15 Letter from Maine Historic Preservation Commission
13. 8/26/15 letter from Mary Costigan on behalf of CPB2

Information and Public Comment received since 9/8

14. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
    A. Staff memo for 10/21/15 HP Board review
    B. October 13, 2015 report from Becker Structural Engineers
    C. Copy of GPL testimony at 10/21 meeting
15. Compilation of most recent public comment

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council
FROM: Greg Mitchell, Economic Development Director
DATE: February 1, 2016
SUBJECT: **Proposed Amendments to Rules for the Disposition of Tax-Acquired and Other City-owned Property**

This memorandum will provide you an overview of proposed amendments to current administrative rules and City ordinances to improve and streamline the process to dispose of City tax-acquired and other City-owned property. The goal of these amendments is to return both tax-acquired properties and surplus City-owned properties to productive use and taxable status.

Background

City-Council approved rules and ordinances govern the City process to dispose of tax-acquired and City-owned properties. The rules were last updated in 2009.

Tax Acquired Properties. Properties with past due property taxes cannot be tax-acquired until after an eighteen (18) month redemption period has expired. Property owners are first given a 30-day notice that they are delinquent. If they do not pay within 30 days, then a lien is filed in the Cumberland County Registry of Deeds, with a copy to the taxpayer, and the 18-month redemption period begins. Between 45 and 30 days before the expiration of the 18-month redemption period, the City sends out a Notice of Impending Automatic Foreclosure. If the taxes, interest, and costs are not paid before the expiration of the 18-month redemption period, the property is automatically foreclosed and the municipality owns the property. The following timeline illustrates when tax bills are mailed and when taxpayers were notified of the steps of the tax lien process:

1st Tax Bill Mailed:	One Month Prior
1st Tax Bill Due:	9/13/2013
Overdue reminder notice:	11/2013
2nd Tax Bill Mailed:	One Month Prior
2nd Tax Bill Due:	3/14/2014
30 Days Notice:	5/17/2014
Lien Filed:	6/15/2015
Impending Foreclosure Notice:	11/17/2015
Automatic Foreclosure:	12/18/2015

Note: In addition, prior to City sale of tax-acquired property, the Treasurer may also send a 60-day notice for a last opportunity to redeem the property.

City owned properties. Examples of surplus City owned properties becoming available for sale include soon to be vacated Public Works properties in Bayside and a seven acre site owned by the city on Riverside Street.

Tax Acquired Property Committee

The responsibility of implementing the City's Property Disposition Guidelines and Procedures are delegated to the Tax Acquired Property Committee (TAPC) per current Rules. TAPC is a City staff committee representing all City departments involved with the disposition of tax acquired and other City owned property. The Committee is advisory in nature recommending: properties for sale using pre-established criteria; conditions, if any, for the sale of individual properties; method of marketing and disposition; reviewing bids/proposals for recommendation of sale.

Members of TAPC include:

- Director of Economic Development, or designee
- Director of Finance, or designee
- Associate Corporation Counsel
- Director of Planning and Urban Development, or designee
- Tax Assessor, or designee
- Deputy City Manager, or designee
- Public Services Director, or designee

Proposed Amendments to Rules and Ordinances

The Tax-Acquired Property Committee, working with the City Manager, is proposing amendments to its Rules and supporting Ordinances to streamline the property sale process.

For a brief description of the current process, please see column 1 of Attachment 3, which includes a side-by-side comparison of existing rules and proposed amendments.

Tax-Acquired Property Sales – Highlighted Amendments

We are seeking policy guidance for proposed rule and ordinance amendments. The following are the highlighted amendments for the tax-acquired property sales:

- City Manager, under specific circumstances set forth in an amended Ordinance, would be authorized to dispose of tax-acquired properties with no City Council involvement. Suggested parameters include, for example:
    - Tax-acquired properties with a total municipal assessed value of $400,000 and under;
    - Residential properties only (up to three units), including residential vacant land; and,
    - Minimum sale price may be no less the sum of back taxes, interest, marketing costs, attorney fees, and other expenses due to the City.

- Current rules have a Council Committee authorizing disposition process, reviewing bids/proposals for a recommendation for sale to the City Council. This would be removed from the process.

- Department survey to determine if excess or not to City's needs would be to City staff and School only; District Councilor and Land Bank Commission were previously included in the survey.

- In the event that the property is to be retained by City and/or Land Bank,there will be no opportunity for redemption by prior owner. Retention by City will be handled administratively; retention by Land Bank needs City Council vote.

- Occupied properties can be sold:

    - Upon notice to occupants, the City may evict; or,
    - City also can sell properties as occupied, with purchaser being responsible for the occupants.

- Rules would now have a sample 60-day redemption letter and sample payment plan attached to strengthen tax collection results; prior Rules did not have these attached.

City-owned Property Sales – Highlighted Amendments

The following are the major highlighted amendments for City-owned sales:

- Department survey to determine if excess or not to City's needs would be to City staff and School only; District Councilor and Land Bank Commission previously included.

- If excess to City's needs, City Manager makes a recommendation to the City Council to begin the disposition process and be authorized to execute all documents to close the sale.

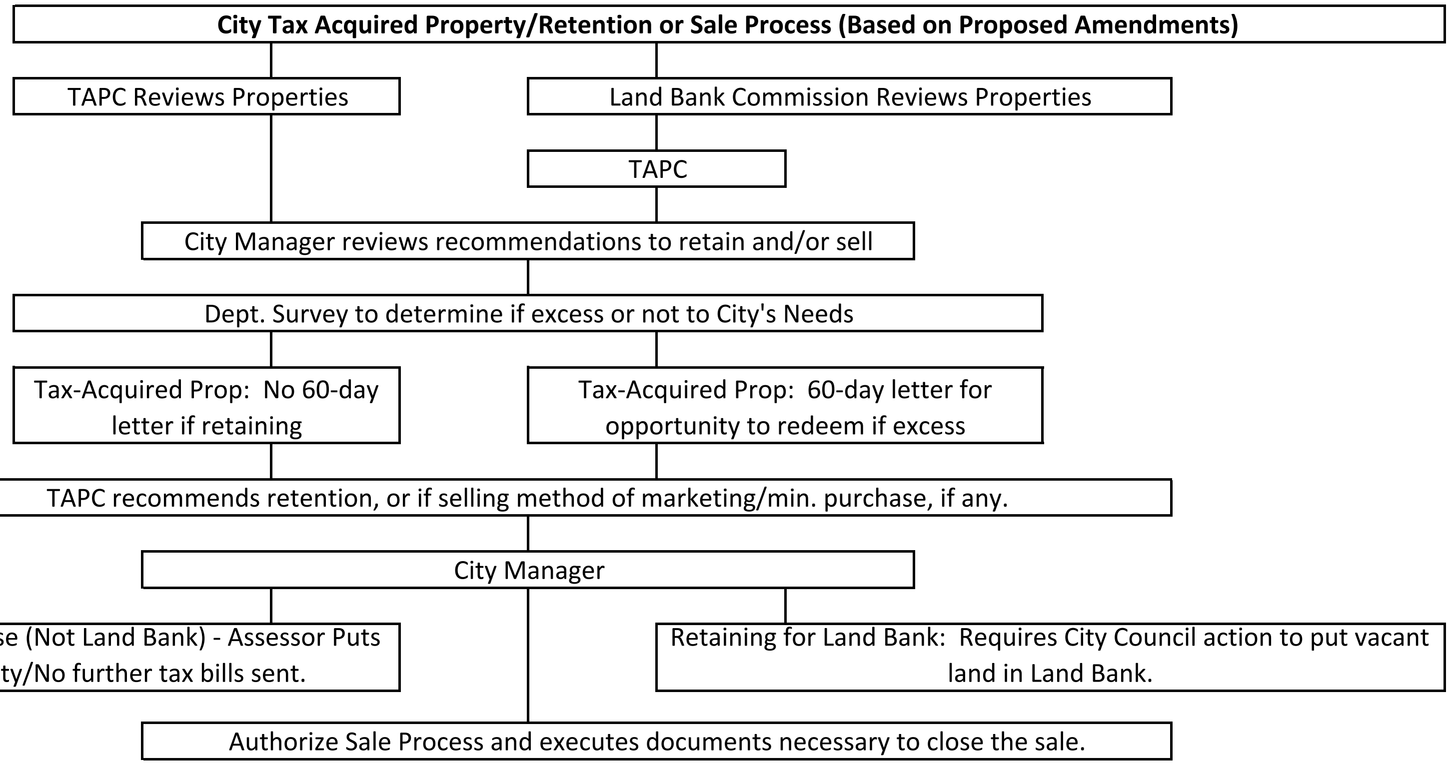
    - Current rules have a Council Committee authorizing disposition process, reviewing bids/proposals for a recommendation for sale to the City Council.

Attachments:
1. Flow Chart of Retaining or Disposing of Tax-Acquired Properties (based on proposed amendments)
2. Flow Chart of Disposing of other City-Owner Property (based on proposed amendments)
3. Side-by-Side Comparison of Current Rules and Proposed Amendments
4. Marked Revisions to Current Rules
5. Clean Version of proposed amended Rules

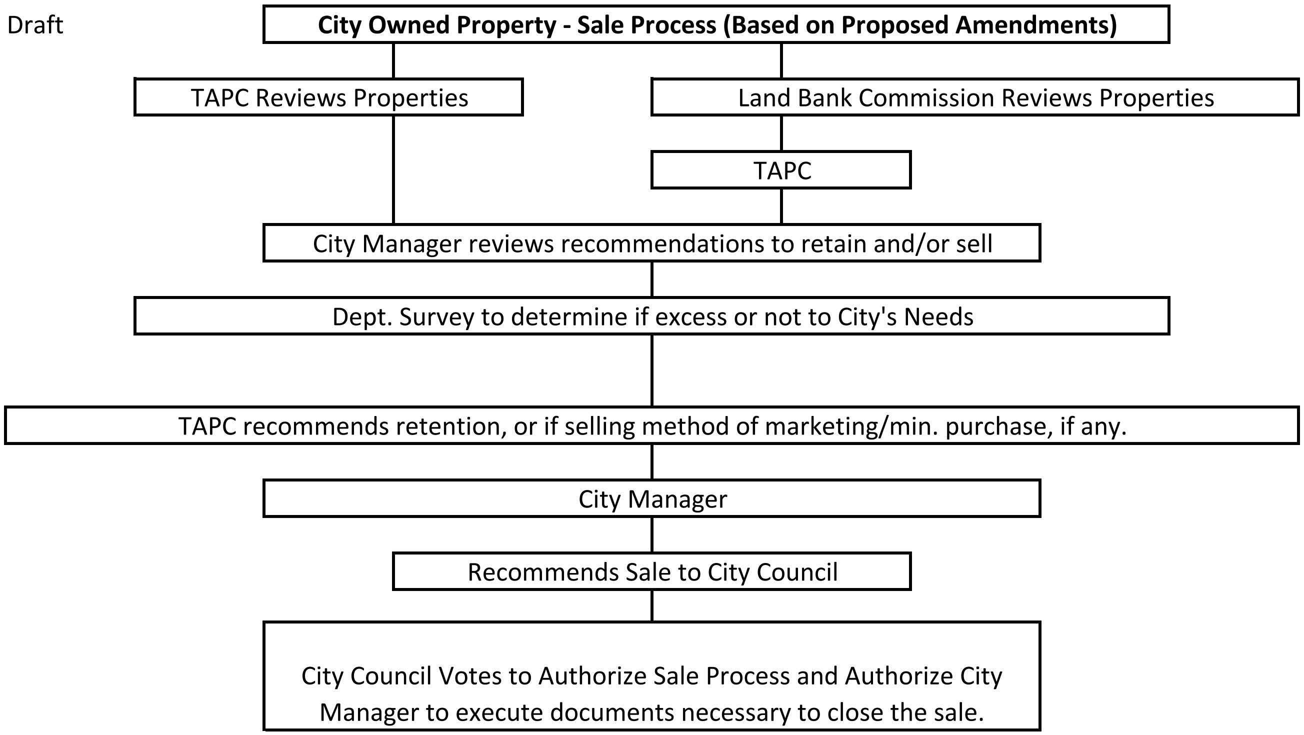
cc: Jon P. Jennings, City Manager
Michael Goldman, Associate Corporation Counsel
Suzanne Knight, Deputy Finance Director
Lori Paulette, Senior Executive Assistant

NOTE: Tax-acquired properties are City tax foreclosures after 18-month redemption period has expired.

1/20/2016 Draft



1/20/2016 Draft



Disposition Process Steps of City-owned and tax-acquired property.

updated 2/2016

		PROPOSED 2/2016 AMENDMENTS	
	Tax-Acquired Disposition Rules as of 12/7/2009	**TAX-ACQUIRED**	**CITY-OWNED**
		Heading at beginning of rules now includes " . . . any further amendments to these Rules shall be effective upon approval by the City Manager."	Heading at beginning of rules now includes " . . . any further amendments to these Rules shall be effective upon approval by the City Manager."
		Rules to have 60-day letter with blank payment plan attached.	Rules to have 60-day letter with blank payment plan attached.
1	City Forecloses Each December	No Change	n/a
2	Review of foreclosed property by TAPC and Land Bank Commission	No Change	n/a
3	Land Bank provides TAPC, within 60 days, its recommendation for properties to be retained in the LB (vacant land properties); TAPC also reviewing the list for properties to retain for City purposes and those for disposition.	No Change	n/a
4	**Retention of Tax-Acquired Properties:** TAPC reviews Land Bank recommendations for retention. For those properties TAPC also agrees to place in Land Bank, as well as those properties TAPC recommends should be retained by the City, Treasurer will issue 60-day letter for last chance to redeem. If not redeemed, or entered into a payment plan, TAPC brings its recommendation to HCDC for its recommendation to Council.	TAPC recommends to City Manager properties for Land Bank retention, as well as properties to retain for City purposes. City Manager administratively handles those properties to be retained for City purposes. For those retained for Land Bank, City Council authorization needed. City will provide notice to prior owner's address on record and/or occupant that the City is retaining the property.	n/a
5		No 60-day letter will be issued as Land Bank and City are retaining.	n/a
6	**Sale of Properties:** TAPC reviews which properties to recommend for sale by the City.	Same, with an addition of TAPC bringing its recommendations to the City Manager for approval to move forward, beginning with Department Survey.	City Manager approval prior to start of disposition process, beginning with Department Survey.
7	Survey all City Departments, District Councilor, Land Bank to determine if property is excess to the City's needs or not.	All City Departments surveyed only.	All City Departments surveyed only.
8	Field survey conducted, if necessary, by various City Department.	Same.	Same.
9	After Department survey complete and a property is determined to be excess to the City's needs, if a tax-acquired, TAPC will have Treasurer issue 60-day letter. If not redeemed or entered into a payment plan, and for City-owned properties, TAPC will recommend to the HCDC method of marketing and if a minimum purchase price should be included. HCDC authorizes disposition process to begin.	After survey completed and a property is found to be recommended for retention, TAPC brings its recommendation to the City Manager to administratively retain for City purposes. No 60-day letter will be issued as City is retaining. City will provide notice to prior owner's address on record and/or occupant that the City is retaining the property.	TAPC brings its recommendation to the City Manager for his recommendation to the City Council for approval to start disposition process and execute any and all documents necessary to close the sale. City will attempt to provide reasonable notice to prior owner and/or occupant of City Council meeting date/time.
10		After survey completed and a property is found to be recommended to be sold, TAPC will have the Treasurer issue the 60-day letter to the prior owner for last chance to redeem. If not redeemed, or entered into a payment plan, TAPC brings its recommendation to the City Manager for his recommendation to start the disposition process.	
11	OR, if a property is a vacant, undersized lot, under $5,000 in assessed value, TAPC will bring recommendation to City Manager to authorize the disposition process; no Council authorization needed if there are no neighborhood issues. Sale handled administratively.	Same	Same.
12	All property owners within a 500-foot radius notified that City intends to sell.	Same.	Same.

		PROPOSED 2/2016 AMENDMENTS	
	Tax-Acquired Disposition Rules as of 12/7/2009	**TAX-ACQUIRED**	**CITY-OWNED**
13	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to HCDC for its recommendation to the City Council.	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to the City Manager his approval to sell.	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to the City Manager for his approval to sell.
14	City Council authorizes Purchase and Sale Agreement.	City Manager/Finance Director execute closing docs.	City Manager/Finance Director execute closing docs.
15	Sale closed.	Same.	Same.
16			
17	**Other Conditions/Edits:**		
18	City will not dispose of occupied residential tax acquired property that will result in the displacement of occupants, unless a payment plan has not been kept current.	For properties that are occupied, the City will attempt to provide reasonable notice to the occupant(s) that the City intends to sell or retain the property. For occupied properties, the City Manager, on TAPC's recommendation, shall decide whether to evict the occupant(s) or sell the property as occupied.	For properties that are occupied, the City will attempt to provide reasonable notice to the occupant(s) that the City intends to sell the property. For occupied properties, the City Manager, on TAPC's recommendation, shall decide whether to evict the occupant(s) or sell the property as occupied.
19		If a property is sold with occupants, the purchaser shall be responsible for any and all occupants of the purchase property and forever indemnfiy, defend, and save harmless the municipality for any and all claims arising out the sale of the property brought by the previous owners, occupants, and tenants of the property.	If a property is sold with occupants, the purchaser shall be responsible for any and all occupants of the purchase property and forever indemnfiy, defend, and save harmless the municipality for any and all claims arising out the sale of the property brought by the previous owners, occupants, and tenants of the property.
20	Proposals to re-purchase properties will not be accepted form the prior owner.	Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.	n/a
21		Method of Marketing now includes Auction, as well as opportunity to sell to a specific person/entity in unusual circumstances.	Method of Marketing now includes Auction, as well as opportunity to sell to a specific person/entity in unusual circumstances.

City of Portland

Rules for the Disposition of City Owned and Tax Acquired ~~and City Controlled~~ Property

Adopted by City Council October 18, 1999
Amended by City Council December 7, 2009 by Order #116
Amended by City Council ________________, 2015 by Order # _____; any further amendments to these Rules shall be effective upon approval by the City Manager pursuant Section 2-313 of the City Code.

Pursuant to Section 2-~~302~~313 of the City Code, the following rules will apply to the sale of City owned and tax acquired ~~and City-controlled~~ property.

~~**Note:** References to "tax-acquired property" also includes City-controlled property where appropriate.~~

I. Background and Goals and Objectives of the Disposition Process:

A. Background for Tax-Acquired Property

These rules govern the process by which the City disposes of tax-acquired property **after** the lien process established under Maine law which automatically confers ownership of these properties to the City by operation of law. The process that has occurred up to the date of the application of these Rules is set forth in Title 36 of the Maine statutes and takes nearly two years to complete. First, within eight months and a year of the original commitment day of the real estate taxes, the municipality must send out a "30-day notice" letter, notifying the property owner that if their property taxes are not paid within thirty days, the municipality will file a lien against the property in the Registry of Deeds. 36 M.R.S.A. § 942. This creates a tax lien mortgage on the property which has priority over most other mortgages, liens, attachments and encumbrances. *See* 36 M.R.S.A. § 552.

Next, once the lien is recorded, the 18-month redemption period begins to run. Between 45 and 30 days before the expiration of the 18-month redemption period, Treasury must send out a Notice of Impending Automatic Foreclosure. If the tax lien mortgage, interest, and costs are not paid before the expiration of the 18-month redemption period, then the mortgage is automatically foreclosed and the municipality owns the property. 36 M.R.S.A. § 943. From this point forward, these Rules govern the disposition of this property.

B. Goals and Objectives of Disposition Process for Tax-Acquired and other City-owned Properties

There are two major goals of the ~~tax acquired~~ property disposition process. First, to find the highest and best use for ~~tax acquired~~ property for the benefit of the City, its neighborhoods and its citizens. Second, to establish a clear and fair policy for the disposition of ~~tax acquired~~ property. In establishing this policy for the sale and reuse of ~~tax acquired~~ property, both land and buildings, the City has several goals/objectives, including but not limited to:

- Eliminate neighborhood blight
- Assist with neighborhood preservation and revitalization efforts
- Improve the City's housing stock
- Put properties back on the tax rolls

II. City Owned and Tax Acquired Property Committee (~~TAPC~~COTAPC):

The responsibility of implementing the City's Property Disposition Guidelines and Procedures will be delegated to the City Owned and Tax Acquired Property Committee (~~TAPC). The TAPC~~COTAPC). COTAPC is an internal staff committee representing all City departments involved with the disposition of tax acquired and other ~~c~~City-owned property. The Committee has four major functions:

- Selecting properties for sale using pre-established criteria
- Establishing conditions for the sale of individual properties
- Selecting the method of marketing and disposition
- Reviewing bids/proposals to purchase and making a recommendation to the ~~appropriate City Council Committee or~~ City Manager~~, as required~~

Members of ~~the Tax Acquired Property Committee~~COTAPC include:

- Director of Economic Development, or designee
- ~~Assistant~~ Director of Finance, or designee
- Associate Corporation Counsel
- Director of Planning and Urban Development, or designee
- Tax Assessor, or designee
- Deputy~~Assistant~~ City Manager, or designee
- Public Services Director, or designee

III. Conditions for the Retention or Sale and Reuse of ~~Tax Acquired~~ Properties:

A. ~~1.~~ **All Tax-Acquired Properties**

1. Except as otherwise set forth below, all tax acquired properties ~~will be~~are eligible for disposition immediately following foreclosure by the City~~, with~~ upon approval of the City Manager pursuant to City Code Section 2-313.

2. Upon approval of the City Manager to sell ~~the following exceptions:~~ a tax acquired property, the Treasurer may send a letter, in substantially the form attached hereto as Exhibit A (a "60-Day Letter") by First Class Mail with Certificate of Mailing to the owner's(s) last known address and the address of the property to provide the owner a final opportunity to redeem their interest in the property through the payment of back taxes, interest, and costs. To do so, owners must pay their taxes, interest, and costs in full within 60 days of the date of the 60-Day Letter. In the alternative, the City will postpone the sale of the property if the owner, within 60 days of the date of the 60-Day Letter, enters into an agreement with the Treasurer for a payment plan in substantially the form attached hereto as Exhibit B. In the event that the owner fails to redeem their interest in the property within the 60-day time period, enter into a payment plan agreement within the 60-day time period, or if the owner fails to comply with the terms of such an agreement, the City will proceed with the sale of the property pursuant to these Rules. Any notice of these rules shall be deemed complete by regular mailing

~~**a)** In cases where the City has negotiated a payment arrangement, prior to foreclosure or within sixty (60) days of letter from City Treasurer regarding City's intent to dispose of real property (see Section IV(1)(A), for back taxes, interest, and costs with the owner and payments are being made accordingly.~~

~~**b)** In~~

3. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain ownership of a tax-acquired property for municipal purposes, ~~such as~~including, but not limited to: open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation and education~~.~~, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property or postpone the sale through a payment plan agreement.

~~**c)** In~~ 4. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain tax-acquired property ~~Land Bank Commission has recommended the property be retained~~ in the Land Bank for purposes of preservation of open space~~.~~, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property or postpone the sale through a payment plan agreement.

~~**2.**~~

B. Conditions for Sale of Property (City-owned and Tax-acquired)

1. All properties will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition, as well as back taxes, interest, and costs if tax-acquired. In cases where two or more acceptable bids/proposals are received for the same use of the property, ~~the TAPC~~COTAPC will recommend the highest offer.

2. ~~**3.** All properties must be sold for uses in keeping with City Zoning Code.~~ It is the responsibility of the purchaser to obtain all required federal, state, and local approvals.

3. ~~**4.** The TAPC~~COTAPC, on behalf of the City, may place criteria on the disposition of individual properties or groups of properties that meet the City's objectives. More specifically, these conditions may be in the form of: affordability covenants and restrictions for residential property, type and density of development, design standards, required local approvals and easements. Also, for properties with potential commercial/industrial uses, job creation standards may be required.

~~**5.** The TAPC~~ 4. COTAPC, when determining the reuse of a ~~tax acquired parcel~~property, may consider a role that property has historically played in the neighborhood and any benefits it has provided to area residents.

~~**6.** The~~ 5. For properties that are occupied, the City will ~~not dispose of occupied residential tax acquired~~ provide notice to the occupant(s) by First Class Mail with Certificate of Mailing that the City intends to sell or retain the property ~~that will result in the displacement of~~. For occupied properties, the City Manager, on COTAPC's recommendation, shall decide whether to evict the occupant(s) or sell/retain the property as occupied.

6. In the event that a property is occupied when sold, the purchaser shall be responsible for any and all occupants~~, with the following exception:~~ of the purchased property and shall, in writing, forever indemnify, defend, and save harmless the municipality from any and all claims arising out of the sale of the property brought by the previous owners, occupants and tenants of the property.

~~**a)** In cases where the owner has to pay taxes in full within three (3) years of the payment arrangement, or failed to comply with the terms of the payment arrangement in three (3) consecutive months, the City will take steps to dispose of the property and assist with placement of displaced resident or renegotiate a payment arrangement.~~

~~**7.** Residential properties may be sold to create opportunities for affordable, owner-occupied or rental housing.~~

~~**8**~~
7. Properties will be sold to buyers who can show evidence of financial resources and expertise~~.~~

~~**9.** Proposals to re-purchase properties will not be accepted from the prior owner.~~

~~**10.**~~
8. The City will provide ~~tax~~ title only through a quit claim deed without covenant to all purchasers of ~~tax acquired~~ property.

~~11~~9. Prior to conveyance, the City Manager has the right to reject any and all bids/proposals at any time during the process, if it is determined to be in the best interest of the City. The City Manager will give the bidder/proposer reasons whenever a rejection of a bid occurs.

IV. ~~Revised~~ Disposition Process:

A. ~~Since properties are foreclosed on a yearly basis~~ **Tax-acquired Properties**

1. Tax-acquired property foreclosures occur annually each December. As soon as practicable thereafter, the Treasurer will provide the City's Land Bank Commission ~~will then receive~~(LBC) and ~~review the~~COTAPC with a list of tax acquired properties ~~foreclosed on to~~. Within 60 days of its receipt of the list, the LBC shall recommend to ~~TAPC~~COTAPC which properties should be retained by the Land Bank for open space -purposes. ~~The Land Bank Commission will provide its list to TAPC by February 28 each year or within 60 days of receipt of list. TAPC~~COTAPC will then make a recommendation to the City Manager ~~City Council based on Land Bank's request. One of the first TAPC meetings of each calendar year will be to~~ as to which properties should be recommended to be forwarded for a Department wide survey to determine if excess or not to the City's needs. If survey results are to retain, City Manager will authorize retention of those properties by the Land Bank or for City use.

- **a.** If the property is to be retained by the Land Bank, the City Council will need to vote to put the properties in the Land Bank.
- **b.** City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address that the Land Bank is retaining the property, together with the Council meeting date/time.
- **c.** If the City is retaining for a municipal purpose, this will be done administratively, and the City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address that the City is retaining the property.

2. Contemporaneously, COTAPC will begin to determine which tax-acquired properties ~~foreclosed on during the previous year to start the sale process beginning with the 60-day letter from the Treasurer as noted in Section IV(A)(1), and which will~~should be retained for municipal purposes~~. Those~~ and which properties ~~identified for retention will also~~should be ~~given the 60-day letter as noted in Section IV(A)(1). TAPC~~sold in accordance with these Rules. Its recommendations for retention or sale shall be forwarded to the City Manager for approval to conduct the Department wide survey determine if excess or not to the City's needs.

(a) If survey results are to retain for a City use (not Land Bank), City Manager will authorize retention of those properties. City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address and/or the address of the property that the City is retaining the property.

(b) If the survey results are to sell, COTAPC will move forward with the disposition process described in Section B below. COTAPC will meet as needed throughout the year to implement the disposition process. ~~Once a property or group of properties has been identified for resale, the TAPC and staff will undertake the process outlined below.~~

~~Regarding residential, commercial, business, and/or industrial City-controlled and/or tax-acquired property, TAPC may refer these to the appropriate City Council Committee as noted in Section IV(1)(L)(i) and (ii) below.~~

~~***1) All Properties***~~

~~**A.** The Treasurer will send letters to owners in a last attempt to have them redeem their interest in the property through payment of back taxes, interest, and costs. Payment arrangements can be negotiated within 60 days of the date of the letter. Owners must pay their taxes, interest, and costs in full within 60 days or arrange to have a payment arrangement in place, or the disposition process will begin.~~

~~**NOTE:** For requests to purchase City-owned property (non-tax-acquired), TAPC will be following steps 1(B) on below.~~

3.~~**B**~~Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.

B. Process for Sale of Tax Acquired and Other City-Owned Property

1. In all cases, upon approval of the City Manager, staff will survey City D~~d~~epartments~~, the Land Bank Commission, and the District Councilor~~ to obtain information on whether to sell or retain a specific property for municipal use, to ascertain whether there are neighborhood issues involving the use of the property, or whether conditions should be placed on a sale.

~~**C**~~**2.** A field survey will be conducted, if necessary, by a combination of staff from the Housing and ~~Neighborhood Services~~Community Development Division, Inspections, Corporation Counsel, Executive, Public Services, and the Economic Development ~~Division~~Department (as staff members determine the most appropriate representation for a particular piece of property) to determine the general conditions of the building and/or land and its potential use.

~~**D**~~**3.** Corporation Counsel's Office will determine status of title and degree of difficulty to clear using either the quiet title process or negotiations with other owner of record to release their interest.

~~E~~4. Assessors Office will confirm assessed value of property.

~~F~~5. After the survey is completed and a tax-acquired property is determined to be excess to the City's needs, COTAPC, upon City Manager approval, may have the Treasurer issue a 60-day letter to the prior owner as a last attempt for the prior owner to redeem the property or enter into a payment plan agreement (as detailed previously in Section III(A)(2). Should neither occur, or the prior owner fails to comply with the terms of such an agreement, COTAPC will follow steps 7 through 13 below.

6. After survey is completed and a City-owned property is determined to be excess to the City's needs, COTAPC will follow steps 7 through 13 below.

7. ~~TAPC~~COTAPC will meet to determine if a minimum acceptable ~~bid~~purchase price can and should be set for a particular parcel based on assessed value, ~~back taxes, interest, and costs,~~ potential for reuse, ~~and~~ current condition of the property~~.~~, and, if tax-acquired, the amount of outstanding back taxes, interest, and costs. When minimum ~~bid~~purchase prices are set, they will be included in the marketing materials. Excepting those lots that are vacant and undersized to be offered directly to abutters upon approval by the City Manager and pursuant to Section IV(C), ~~TAPC's~~COTAPC's recommendations, including method of marketing and conditions~~, if any,~~ to be placed on sale, if any, will be forwarded to the City Manager for approval and recommendation ~~will be forwarded to either~~ to move forward with the disposition process as follows:

a) For tax-acquired properties, the City Manager authorizes the disposition process following Steps 8 to 13 below ~~the Housing Committee for residential property, or to the Community Development Committee for commercial, business, and/or industrial property~~ and will execute any and all documents to close the sale by the City Manager and Finance Director; and,

b) For City-owned properties, the City Manager will recommend to the City Council that it authorize City Manager and Finance Director to dispose of the property and execute any and all documents to close the sale. After approval of the City Council, COTAPC will move forward with Steps 8 to 13 below. ~~for review and approval to move forward.~~

~~G.~~

8. All property owners within a 500-foot radius of the subject property, measured from the property line of the subject property, will be notified that the City intends to sell the property as detailed in Section IV(D~~3~~)(1~~A~~) below. Immediate abutters will be re-notified if the City is considering a ~~different~~change of use.

~~H~~9. Upon reaching a stated due date to make an offer to purchase to the City, ~~staff~~COTAPC will then proceed with the sale process with the offers it has received. If the City receives no response, the property ~~will~~may be further marketed ~~per Section V below~~in accordance with these Rules and the City Code.

~~I~~10. Staff will keep all bidders/proposers informed throughout the sale process to ensure they have the information regarding the status of the process, the procedures from that point on, and the timeframe for a decision.

~~J.~~ ~~If TAPC~~**11.** In cases where only one bid or ~~a City Council~~proposal is received and COTAPC recommends to the City Manager rejection ~~Committee rejects a recommended~~ of the bid/~~offer~~proposal, the sale process will automatically terminate, unless the process is extended by the City Manager.

~~K~~12. In cases where more than one ~~bid~~ proposal is received for the same property~~,~~ but for different uses, the ~~TAPC~~COTAPC may recommend to the ~~bid~~City Manager the proposal and use that will best accomplish the City objectives -as detailed in Section ~~1~~I of these Rules, regardless of price offered.

~~**L.** In all cases where recommendations are forwarded to a City Council Committee, the following committees will review TAPC proposals for housing and commercial reuse and proceed as noted in Section IV(3)(C), (D), and (E);~~

~~(i) Housing Committee reviews all proposals for residential reuse, as well as vacant lots in residential zones, excepting those referred to in Section IV(2)(A), (B), and (D);~~

~~(ii) Community Development Committee reviews all proposals for commercial and industrial reuse within business and industrial zones excepting those referred to in Section IV(2)(A), (B), and (D).~~

~~2)~~C. Vacant Undersized Lots (properties under $5,000 in assessed value)

~~A~~1. Vacant lots that do not meet minimum lot size for construction will be offered first to direct abutting property owners giving abutters 30 days to respond. If the City receives no response, these properties ~~will~~may be marketed per Section V below.

~~B~~2. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where no neighborhood issues or municipal uses have been identified, will proceed directly to the City Manager for review. If the City Manager approves the sale, he will sign the Purchase and Sale Agreement. The Finance Director will sign the Quit Claim Deed and Corporation Counsel's Office will prepare the closing. City Council approval will not be required.

~~C. Vacant~~3. The sale of vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where neighborhood issues have been identified, will proceed to the ~~appropriate~~ City Council ~~Committee~~ for review and recommendation for the City Manager and Finance Director to execute any and all documents to close the sale~~to the City Council~~.

~~D~~4. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition. In cases where two or more acceptable bids/proposals are received for one property, for the same reuse, the ~~TAPC~~COTAPC will recommend the highest offer to the City Manager.

~~3)~~D. All Other Properties (properties over $5,000 in assessed value)

~~A~~1. The Finance Department, Housing and ~~Neighborhood Services~~Community Development Division and/or the Economic Development ~~Division~~Department, will market specific property or groups of properties, utilizing one or more of the methods described in Section V below. In this marketing, all property owners within a 500-foot radius will be notified.

~~B. TAPC~~2. COTAPC will evaluate bids/proposal(s) received for a specific property and will select a bid/proposal to recommend to the City Manager for approval to sell~~appropriate City Council Committee based on objectives as detailed in Section 1 of these Rules for this process~~.

~~C~~3. The City Manager ~~City Council Committee~~ will review all bids/proposals and ~~the TAPC~~COTAPC's recommendation. The City Manager~~ommittee~~ can either endorse the recommended bid/proposal, endorse a different bid/proposal, hold his~~table the~~ decision for additional information, or reject all bids/proposals. If all bids or proposals are rejected, City Manager may terminate the sale process or continue to market the property and seek bids or proposals in accordance with these Rules.

~~D. The City Council will review the Committee's recommendation for authorization of the sale of property, one reading required.~~

~~E. The~~4. The City Manager will sign the Purchase and Sale Agreement~~.~~ and other documents approved by the Corporation Counsel's office. The Finance Director will ~~then~~ sign the Quit Claim Deed, and Corporation Counsel's Office will prepare the closing.

V. Methods of Marketing:

Depending on the type of property and its value, ~~the Tax Acquired Property Committee (TAPC) will~~COTAPC may use a variety of methods to market ~~tax acquired~~ property to the general public. In some cases more than one method may be employed. Regardless of the method used, prior to conveyance, the City reserves the right to reject any and all bids/proposals at any time during the process if it is determined to be in the best interest of the City. The City will give the bidder/proposer reasons whenever the rejection of a bid/proposal occurs.

~~Whichever method is used, TAPC will determine when to bring a recommended sale to the appropriate City Council Committee for its recommendation to the City Council.~~

1~~. Public Listing:~~

~~TAPC will maintain a listing of tax acquired properties available for sale. TAPC can review proposals for sale off the public listing at any time. The list will be available to the public upon request. The City reserves the right to request additional proposals, through an RFP process, for properties selected by the public for purchase from the list.~~

~~2~~. Real Estate Broker Contract:

For a specific ~~properties~~property or groups of properties, ~~TAPC~~COTAPC may ~~choose~~recommend to contract with a pre-qualified approved Real Estate Broker to find a buyer. The City's contract with the Broker will contain the City's terms and conditions of sale. The City will negotiate the amount of the commission with the Broker based on market rate and the assessed values of the properties involved. Broker commissions will be paid from the price received.

~~3~~2. Public Offering – Straight Bid Process:

~~TAPC~~COTAPC may recommend to solicit sealed proposals with an advertised public offering of a property or grouping of properties. Under this method, the offer with the highest bid will be selected.

~~4.~~ 3. Public Offering - Request for Proposals:

~~TAPC~~COTAPC may ~~solicit~~ recommend soliciting proposals using a Request for Proposals (RFP) process.

4. Auction

COTAPC may recommend to solicit a pre-qualified approved Auctioneer or Attorney for the sale of property.

City of Portland

Rules for the Disposition of City Owned and Tax Acquired Property
Adopted by City Council October 18, 1999
Amended by City Council December 7, 2009 by Order #116
Amended by City Council ___________, 2015 by Order #____; any further amendments to these Rules shall be effective upon approval by the City Manager pursuant Section 2-313 of the City Code.

Pursuant to Section 2-313 of the City Code, the following rules will apply to the sale of City owned and tax acquired property.

I. Background and Goals and Objectives of the Disposition Process:

A. Background for Tax-Acquired Property

These rules govern the process by which the City disposes of tax-acquired property **after** the lien process established under Maine law which automatically confers ownership of these properties to the City by operation of law. The process that has occurred up to the date of the application of these Rules is set forth in Title 36 of the Maine statutes and takes nearly two years to complete. First, within eight months and a year of the original commitment day of the real estate taxes, the municipality must send out a "30-day notice" letter, notifying the property owner that if their property taxes are not paid within thirty days, the municipality will file a lien against the property in the Registry of Deeds. 36 M.R.S.A. § 942. This creates a tax lien mortgage on the property which has priority over most other mortgages, liens, attachments and encumbrances. *See* 36 M.R.S.A. § 552.

Next, once the lien is recorded, the 18-month redemption period begins to run. Between 45 and 30 days before the expiration of the 18-month redemption period, Treasury must send out a Notice of Impending Automatic Foreclosure. If the tax lien mortgage, interest, and costs are not paid before the expiration of the 18-month redemption period, then the mortgage is automatically foreclosed and the municipality owns the property. 36 M.R.S.A. § 943. From this point forward, these Rules govern the disposition of this property.

B. Goals and Objectives of Disposition Process for Tax-Acquired and other City-owned Properties

There are two major goals of the property disposition process. First, to find the highest and best use for property for the benefit of the City, its neighborhoods and its citizens. Second, to establish a clear and fair policy for the disposition of property. In establishing this policy for the sale and reuse of property, both land and buildings, the City has several goals/objectives, including but not limited to:

- Eliminate neighborhood blight
- Assist with neighborhood preservation and revitalization efforts
- Improve the City's housing stock
- Put properties back on the tax rolls

II. City Owned and Tax Acquired Property Committee (COTAPC):

The responsibility of implementing the City's Property Disposition Guidelines and Procedures will be delegated to the City Owned and Tax Acquired Property Committee (COTAPC). COTAPC is an internal staff committee representing all City departments involved with the disposition of tax acquired and other Cityowned property. The Committee has four major functions:

- Selecting properties for sale using pre-established criteria
- Establishing conditions for the sale of individual properties
- Selecting the method of marketing and disposition
- Reviewing bids/proposals to purchase and making a recommendation to the City Manager

Members of COTAPC include:

- Director of Economic Development, or designee
- Director of Finance, or designee
- Associate Corporation Counsel
- Director of Planning and Urban Development, or designee
- Tax Assessor, or designee
- Deputy City Manager, or designee
- Public Services Director, or designee

III. Conditions for the Retention or Sale and Reuse of Properties:

A. **All Tax-Acquired Properties**

1. Except as otherwise set forth below, all tax acquired properties are eligible for disposition immediately following foreclosure by the City upon approval of the City Manager pursuant to City Code Section 2-313.

2. Upon approval of the City Manager to sell a tax acquired property, the Treasurer may send a letter, in substantially the form attached hereto as Exhibit A (a "60-Day Letter") by First Class Mail with Certificate of Mailing to the owner's(s) last known address and the address of the property to provide the owner a final opportunity to redeem their interest in the property through the payment of back taxes, interest, and costs. To do so, owners must pay their taxes, interest, and costs in full within 60 days of the date of the 60-Day Letter. In the alternative, the City will postpone the sale of the property if the owner, within 60 days of the date of the 60-Day Letter, enters into an agreement with the Treasurer for a payment plan in substantially the form attached hereto as Exhibit B. In the event that the owner fails to redeem their interest in the property within the 60-day time period, enter into a payment plan agreement within the 60-day time period, or if the owner fails to comply with the terms of such an agreement, the City will proceed with the sale of the property pursuant to these Rules. Any notice of these rules shall be deemed complete by regular mailing

3. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain ownership of a tax-acquired property for municipal purposes, including, but not limited to: open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation and education, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property or postpone the sale through a payment plan agreement.

4. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain tax-acquired property in the Land Bank for purposes of preservation of open space, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property or postpone the sale through a payment plan agreement.

B. Conditions for Sale of Property (City-owned and Tax-acquired)

1. All properties will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition, as well as back taxes, interest, and costs if tax-acquired. In cases where two or more acceptable bids/proposals are received for the same use of the property, COTAPC will recommend the highest offer.

2. It is the responsibility of the purchaser to obtain all required federal, state, and local approvals.

3. COTAPC, on behalf of the City, may place criteria on the disposition of individual properties or groups of properties that meet the City's objectives. More specifically, these conditions may be in the form of: affordability covenants and restrictions for residential property, type and density of development, design standards, required local approvals and easements. Also, for properties with potential commercial/industrial uses, job creation standards may be required.

4. COTAPC, when determining the reuse of a property, may consider a role that property has historically played in the neighborhood and any benefits it has provided to area residents.

5. For properties that are occupied, the City will provide notice to the occupant(s) by First Class Mail with Certificate of Mailing that the City intends to sell or retain the property. For occupied properties, the City Manager, on COTAPC's recommendation, shall decide whether to evict the occupant(s) or sell/retain the property as occupied.

6. In the event that a property is occupied when sold, the purchaser shall be responsible for any and all occupants of the purchased property and shall, in writing, forever indemnify, defend, and save harmless the municipality from any and all claims arising out of the sale of the property brought by the previous owners, occupants and tenants of the property.

7. Properties will be sold to buyers who can show evidence of financial resources and expertise

8. The City will provide title only through a quit claim deed without covenant to all purchasers of property.

9. Prior to conveyance, the City Manager has the right to reject any and all bids/proposals at any time during the process, if it is determined to be in the best interest of the City. The City Manager will give the bidder/proposer reasons whenever a rejection of a bid occurs.

IV. Disposition Process:

A. **Tax-acquired Properties**

1. Tax-acquired property foreclosures occur annually each December. As soon as practicable thereafter, the Treasurer will provide the City's Land Bank Commission (LBC) and COTAPC with a list of tax acquired properties. Within 60 days of its receipt of the list, the LBC shall recommend to

COTAPC which properties should be retained by the Land Bank for open space purposes. COTAPC will then make a recommendation to the City Manager as to which properties should be recommended to be forwarded for a Department wide survey to determine if excess or not to the City's needs. If survey results are to retain, City Manager will authorize retention of those properties by the Land Bank or for City use.

- **a.** If the property is to be retained by the Land Bank, the City Council will need to vote to put the properties in the Land Bank.
- **b.** City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address that the Land Bank is retaining the property, together with the Council meeting date/time.
- **c.** If the City is retaining for a municipal purpose, this will be done administratively, and the City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address that the City is retaining the property.

2. Contemporaneously, COTAPC will begin to determine which tax-acquired properties should be retained for municipal purposes and which properties should be sold in accordance with these Rules. Its recommendations for retention or sale shall be forwarded to the City Manager for approval to conduct the Department wide survey determine if excess or not to the City's needs.

(a) If survey results are to retain for a City use (not Land Bank), City Manager will authorize retention of those properties. City will provide notice by First Class Mail with Certificate of Mailing to the owner's(s) last known address and/or the address of the property that the City is retaining the property.

(b) If the survey results are to sell, COTAPC will move forward with the disposition process described in Section B below. COTAPC will meet as needed throughout the year to implement the disposition process.

3.Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.

B. **Process for Sale of Tax Acquired and Other City-Owned Property**

1. In all cases, upon approval of the City Manager, staff will survey City Departments to obtain information on whether to sell or retain a specific property for municipal use, to ascertain whether there are neighborhood issues involving the use of the property, or whether conditions should be placed on a sale.

2. A field survey will be conducted, if necessary, by a combination of staff from the Housing and Community Development Division, Inspections, Corporation Counsel, Executive, Public Services, and the Economic Development Department (as staff members determine the most appropriate representation for a particular piece of property) to determine the general conditions of the building and/or land and its potential use.

3. Corporation Counsel's Office will determine status of title and degree of difficulty to clear using either the quiet title process or negotiations with other owner of record to release their interest.

4. Assessors Office will confirm assessed value of property.

5. After the survey is completed and a tax-acquired property is determined to be excess to the City's needs, COTAPC, upon City Manager approval, may have the Treasurer issue a 60-day letter to the prior owner as a last attempt for the prior owner to redeem the property or enter into a payment plan agreement (as detailed previously in Section III(A)(2). Should neither occur, or the prior owner fails to comply with the terms of such an agreement, COTAPC will follow steps 7 through 13 below.

6. After survey is completed and a City-owned property is determined to be excess to the City's needs, COTAPC will follow steps 7 through 13 below.

7. COTAPC will meet to determine if a minimum acceptable purchase price can and should be set for a particular parcel based on assessed value, potential for reuse, current condition of the property, and, if tax-acquired, the amount of outstanding back taxes, interest, and costs. When minimum purchase prices are set, they will be included in the marketing materials. Excepting those lots that are vacant and undersized to be offered directly to abutters upon approval by the City Manager and pursuant to Section IV(C), COTAPC's recommendations, including method of marketing and conditions to be placed on sale, if any, will be forwarded to the City Manager for approval and recommendation to move forward with the disposition process as follows:

> **a)** For tax-acquired properties, the City Manager authorizes the disposition process following Steps 8 to 13 below and will execute any and all documents to close the sale by the City Manager and Finance Director; and,
>
> **b)** For City-owned properties, the City Manager will recommend to the City Council that it authorize City Manager and Finance Director to dispose of the property and execute any and all documents to close the sale. After approval of the City Council, COTAPC will move forward with Steps 8 to 13 below.

8. All property owners within a 500-foot radius of the subject property, measured from the property line of the subject property, will be notified that the City intends to sell the property as detailed in Section IV(D)(1) below. Immediate abutters will be re-notified if the City is considering a change of use.

9. Upon reaching a stated due date to make an offer to purchase to the City, COTAPC will then proceed with the sale process with the offers it has received. If the City receives no response, the property may be further marketed in accordance with these Rules and the City Code.

10. Staff will keep all bidders/proposers informed throughout the sale process to ensure they have the information regarding the status of the process, the procedures from that point on, and the timeframe for a decision.

11. In cases where only one bid or proposal is received and COTAPC recommends to the City Manager rejection of the bid/proposal, the sale process will automatically terminate, unless the process is extended by the City Manager.

12. In cases where more than one proposal is received for the same property but for different uses, the COTAPC may recommend to the City Manager the proposal and use that will best accomplish the City objectives as detailed in Section I of these Rules, regardless of price offered.

C. Vacant Undersized Lots (properties under $5,000 in assessed value)

1. Vacant lots that do not meet minimum lot size for construction will be offered first to direct abutting property owners giving abutters 30 days to respond. If the City receives no response, these properties may be marketed per Section V below.

2. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where no neighborhood issues or municipal uses have been identified, will proceed directly to the City Manager for review. If the City Manager approves the sale, he will sign the Purchase and Sale Agreement. The Finance Director will sign the Quit Claim Deed and Corporation Counsel's Office will prepare the closing. City Council approval will not be required.

3. The sale of vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where neighborhood issues have been identified, will proceed to the City Council for review and recommendation for the City Manager and Finance Director to execute any and all documents to close the sale.

4. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition. In cases where two or more acceptable bids/proposals are received for one property, for the same reuse, the COTAPC will recommend the highest offer to the City Manager.

D. All Other Properties (properties over $5,000 in assessed value)

1. The Finance Department, Housing and Community Development Division and/or the Economic Development Department, will market specific property or groups of properties, utilizing one or more of the methods described in Section V below. In this marketing, all property owners within a 500-foot radius will be notified.

2. COTAPC will evaluate bids/proposal(s) received for a specific property and will select a bid/proposal to recommend to the City Manager for approval to sell.

3. The City Manager will review all bids/proposals and COTAPC's recommendation. The City Manager can either endorse the recommended bid/proposal, endorse a different bid/proposal, hold his decision for additional information, or reject all bids/proposals. If all bids or proposals are rejected, City Manager may terminate the sale process or continue to market the property and seek bids or proposals in accordance with these Rules.

4. The City Manager will sign the Purchase and Sale Agreement and other documents approved by the Corporation Counsel's office. The Finance Director will sign the Quit Claim Deed, and Corporation Counsel's Office will prepare the closing.

V. Methods of Marketing:

Depending on the type of property and its value, COTAPC may use a variety of methods to market property to the general public. In some cases more than one method may be employed. Regardless of the method used, prior to conveyance, the City reserves the right to reject any and all bids/proposals at any time during the process if it is determined to be in the best interest of the City. The City will give the bidder/proposer reasons whenever the rejection of a bid/proposal occurs.

1. Real Estate Broker Contract:

For a specific property or groups of properties, COTAPC may recommend to contract with a pre-qualified approved Real Estate Broker to find a buyer. The City's contract with the Broker will contain the City's terms and conditions of sale. The City will negotiate the amount of the commission with the Broker based on market rate and the assessed values of the properties involved. Broker commissions will be paid from the price received.

2. Public Offering – Straight Bid Process:

COTAPC may recommend to solicit sealed proposals with an advertised public offering of a property or grouping of properties. Under this method, the offer with the highest bid will be selected.

3. Public Offering - Request for Proposals:

COTAPC may recommend soliciting proposals using a Request for Proposals (RFP) process.

4. Auction

COTAPC may recommend to solicit a pre-qualified approved Auctioneer or Attorney for the sale of property.

Treasury
389 Congress Street, PO Box 544, Portland, ME 04101
Phone (207) 874-8490 FAX (207) 874-8661

Date

Name
Address
Address

VIA First Class Mail with Certificate of Mailing

RE: Tax Property ID __________; CBL: _______________
Property Address:________________

Dear Property Owner:

The City of Portland is preparing to sell or quiet title to property that the City has obtained as a result of foreclosure of real estate tax liens. The property is known as (ADDRESS). Copies of the lien notices are enclosed.

With this letter, the City is giving you the opportunity to redeem the property prior to its sale or quiet title. In order to redeem it, you must either pay in full all foreclosed taxes, interest, and costs, or enter into a payment plan acceptable to the City, within sixty days of the date of this letter. (A sample copy of the City's Payment Plan for Foreclosed Property is enclosed with this letter.). As of _________, 2015, you owe the City the following amounts:

Taxes:	$______
Interest:	$______
Costs:	$______
Total Due:	$______

The taxes listed above include only those taxes that are the subject of the foreclosed liens and not for the taxes for FY____and FY____.

If you fail to pay the total amount due or enter into a payment plan within 60 days, the City will proceed to sell or quiet title to the property.

If you intend to redeem the property, please contact Rebekka Conley at 207-874-8856 to discuss payment arrangements as soon as possible. If we do not hear from you by ___________, 20___, we will proceed to the City Manager for approval to sell or otherwise dispose of the property.

Sincerely,

Melissa Norton
Treasurer

Enclosures: Lien Notices

cc: Brendan O'Connell, Director of Finance
Rebekka Conley, Treasury Office
Michael Goldman, Association Corporation Counsel
Lori Paulette, Senior Executive Assistant/Economic Development
Occupant(s) at (Property Address)

Treasury
389 Congress Street, PO Box 544, Portland, ME 04101
Phone (207) 874-8490 FAX (207) 874-8661

NAME
ADDRESS
ADDRESS

Tax Property ID#____________________ CBL:_________________

Account Description: Agreement and Payment Plan for Tax-Acquired Property

Property Address:___________________(the "Property")

This Agreement and Payment Plan ("Agreement") between the City of Portland (the "City") and ________________ ("Taxpayer") is entered into as of this ____ day of _____________, 20___.

RECITALS

WHEREAS, as of ___________, 20___, Taxpayer owes the City $_________ in past due taxes, interest, and costs as a result of foreclosed tax liens, copies of which are attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, in order to redeem the Property, and induce the City to postpone the sale or other disposal of the Property, Taxpayer desires to enter into this Agreement and make the payments set forth herein.

WHEREAS, the City is willing to postpone the sale or other disposal of the Property provided that Taxpayer makes the payments and otherwise complies with the terms of this Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. On or before ______________, 20___ Taxpayer shall pay 25% of the total amount of past due taxes, interest, and costs, which, as of _______________, 20___ is $_________.

2. Commencing ___________, 20___ and continuing on the first day of each month thereafter until ______________, 20___, Taxpayer shall make monthly installment payments of $_________.

3. On or before _______________, 20___, Taxpayer shall make a final payment of all outstanding, due or accrued taxes, interest, and costs.

4. The payments set forth above do not include current taxes not foreclosed. Taxpayer shall continue to pay all current taxes on the Property on or before the date that those taxes are due.

5. In the event that Taxpayer fails to timely make any payment set forth above, the City will proceed to sell or otherwise dispose of the Property without further notice to Taxpayer.

6. The City's waiver of any default under this Agreement shall not constitute waiver of any subsequent or other default.

TAXPAYER

________________________ ________________________
Name Date

________________________ ________________________
Name Date

Phone Number: ____

E-mail: ____

CITY OF PORTLAND

_________________________ ________________________
By: Melissa Norton Date
Treasurer

Attachments: Lien Notices

M E M O R A N D U M

TO: Jon Jennings, City Manager
FROM: Julie Sullivan, Chief of Staff
DATE: October 26, 2015
RE: Proposed Permitting and Inspections Department

With the goal of radically improving the City's many permitting and inspections functions, I reviewed current positions, processes and structures, and am proposing a new one-stop department. To that end, I conducted approximately 40 interviews including several external partners; reviewed the two 2013 studies, one from the University of Southern Maine and the other from the Government Consulting Group; and looked at best practices from Boston, Burlington, VT and Lowell, MA.

The Planning and Urban Development Department has made concerted efforts over the past few years to strengthen these functions and many improvements can be attributed to their hard work. We are now poised to build on these initial improvements and restructure to fully realize the goal of an effective, efficient permitting and inspections department that provides excellent customer service.

Key areas of emphasis from internal and external interviewees are:

- Need to greatly improve customer service focus
- Information and application materials are far too complex
- Need more detailed web-based interface regarding application status
- Need online application capability which feeds directly into the City software system(s) to avoid staff data entry and simplify the process for applicants
- Applications must be triaged so are not all in one queue, but separated by complexity
- Clear, consistent evaluative measures and processes need to be put in place
- Ordinances need to be rewritten for clarity, consistency and brevity

Summary

The interviews and research indicate that there are clear efficiencies and improvements to be gained by co-locating Inspections, Housing Safety, Zoning, and Business Licensing. Adding Food Service Inspections in the future also makes sense, given the overlapping involvement with overall inspections and business licensing processes.

Currently, all building permit applications go into the same queue. There is some fast-tracking based on application completeness. Staff stated that at least 60% of application volume is small, residential rehab projects. I suggest re-tooling the front-end processes to triage applications so that simple projects can move quickly and perhaps have permits issued on the spot, with front-end staff able to work with customers needing assistance instead of entering data and uploading documents. It will also be critical to change the threshold for which projects require a zoning review and which do not. Currently, all projects are subject to a zoning review.

For Events, there are efficiencies and improvements to be made by co-locating all event-related staff within one office in Recreation and Facilities Management, adding contract staff to allow the City to more effectively manage the increasing volume and scope of events, and including all event-related permits and fees into one overarching contract.

Although Planning Department staff are extremely wary of any software changes, it is evident that the current programs and processes maintain a patchwork, band-aid approach and do not allow for cost-savings, efficiencies and good customer service. The IT Department is considering a City-wide software solution that could better link the many departments while providing a seamless experience for our customers.

Recommendations are organized into five areas:

1. Structure and Staffing
2. Processes
3. Ordinances
4. IT
5. Budgetary Impact

Recommendations

1. Structure and Staffing

The departments involved in permitting and inspections are: City Clerk, Fire, Health & Human Services/Public Health, IT, Planning and Urban Development, Parking, Police, Public Services, and Recreation and Facilities. In general, permitting and inspections functions are as follows:

Department	Function	Name	Title
Planning	Plan Review	Tammy Munson Jon Rioux Jeannie Bourke Laurie Leader	Inspections Division Director Inspections Division Deputy Director Plan Reviewer Plan Reviewer
	Front desk – Inspections	Doreen Christ	Office Assistant
		Brad Saucier	Admin Assistant
		Vacant	Office Assistant (half time with Inspections, half time with Planning)
	New construction/rehab inspections	Tammy Munson Jon Rioux Doug Morin	Inspections Division Director Inspections Division Deputy Director Code Enforcement Officer

Department	Function	Name	Title
		Brian Laflamme Duane Hanson	Code Enf Off (electrical) Code Enforcement Officer
	Housing complaint inspections/sidewalk issues including outdoor dining, street artists, accessibility issues, etc.	Chuck Fagone	Code Enforcement Officer
	Zoning Review	Ann Machado Christine Stacy	Zoning Administrator Zoning Specialist
	Historic preservation	Deb Andrews Rob Wiener	Historic Preservation Manager Preservation Compliance Officer
	Planning/development	Tuck O'Brien Barbara Barhydt Rick Knowland Christine Grimando Caitlin Cameron Shukria Wiar Jean Fraser Nell Donaldson Phil DiPierro Jennifer Munson Vacant	Planning Division Director Development Review Manager Senior Planner Senior Planner Urban Designer Planner Planner Planner (PT) Development Review Coordinator Office Manager Office Assistant (half time with Inspections, half time with Planning)
City Clerk	Business licensing	Janice Gardner	Business License Administrator
	Event permits	Janice Gardner	Business License Administrator
HHS	Food service inspections	Mike Russell Eric Cobb Tom Williams	Program Manager Inspector Inspector
Fire	Plan review	Keith Gautreau Craig Messinger David Petrucelli	Asst Fire Chief, Fire Prevention Lieutenant Captain
Public Services	Events	Ted Musgrave Rusty Groh	Event Coordinator Event Assistant
	Street opening permits	Carol Merritt	Account Clerk
	On-street parking permits	Gretchen Gagnon	Office Assistant
	FOG/Water Resources	Ben Pearson	Assistant Engineer
	Plan review	Kathy Earley	Director of Engineer Services
		David Margolis-Pineo	Deputy Engineer
		Jeff Tarling	City Arborist
		Jeremiah Bartlett	Transportation Engineer
		Rhonda Zazzara	Inspection Coordinator
IT	Urban Insight, Civic Plus, ePlan	Dan Boutilier Vicki Bourret	IT Dept Director Deputy IT Director
Rec & Facilities	Events	Sally DeLuca Andy Downs	Rec & Facilities Dept Director Director of Public Assembly Facilities
Parking	Events	John Peverada	Parking Manager

Department	Function	Name	Title
Police	Events	Sgt. Mike Rand	Traffic
Housing Safety Office	Rental housing inspections	Art Howe	Administrator
		Ian Houseal	Program Coordinator
		TBH – 3 positions	Code Enforcement and Life Safety Inspector(s)

Initially, the following components were considered for inclusion in the new one-stop department:

- Inspections
- Business Licensing
- Events
- Parking Permits
- Zoning
- Food Service Inspections
- Housing Safety

These components were presumed to stay under Planning:

- Housing and Community Development
- Transportation
- Planning and Historic Preservation

Because the Housing Safety Office (HSO) is just starting up, I believe it is best to allow the HSO to achieve its own short-term deliverables without having to be caught up in the trials and tribulations of a new, combined department. I suggest bringing the HSO into the new one-stop 3 to 6 months after implementation. The Food Service Inspections program in the Public Health Division is functioning well and also can be brought into the new one-stop at a later date.

On the other hand, I do not recommend bringing Events into this one-stop. There is enough complexity in combining all building-related permitting and inspections as well as business licensing functions; the best practices review did not yield any other municipalities who combine these functions with events; and interviews with Events staff indicate several improvements that can be made to streamline event-related permitting within an improved events one-stop:

- Bring Event Coordinator and Event Assistant from Public Services into the Events office under the Director of Public Assembly Facilities.
- Fill the Deputy Director of PAF position, as the Director has too many direct reports.
- Contract with event coordinators to allow the City to respond more efficiently and effectively to the increased volume and scope of events.
- Combine all relevant permits under one event contract, so that customers are paying one fee at one time.

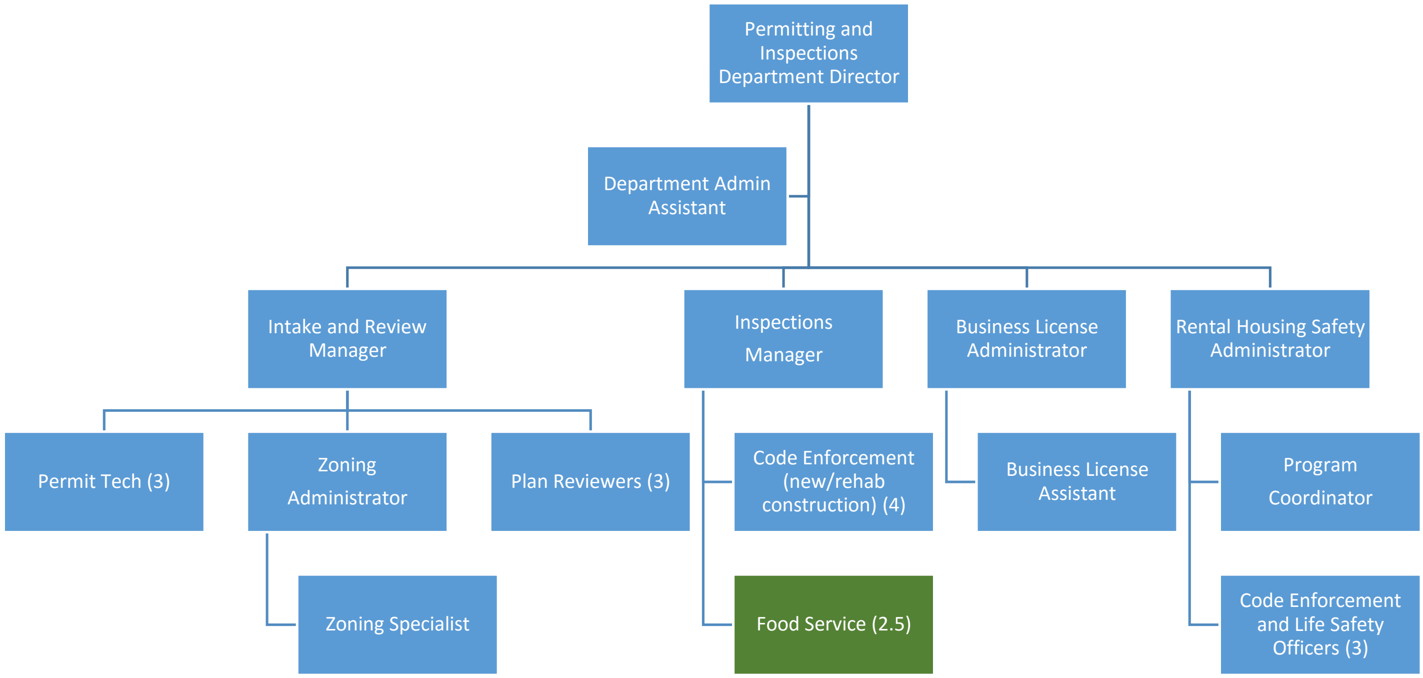
- Set a threshold above which an event needs to have its own organizer or we will charge them for the cost of an organizer.
- Consider enforcing deadlines such that fees increase for late requests.
- Tent permits should go through admin review and not zoning.
- Set a threshold above which an event needs Fire Department involvement.
- Consider a threshold for types of events that should have City Manager approval at the outset.
- Fully utilize City software systems, either Urban Insight or a new software solution.

I also do not recommend bringing Parking into this one-stop. While Parking is involved with events permitting as well as some construction-related permitting, it is a relatively isolated process that works well as it is.

However, there are advantages to moving the street opening and on-street parking permits related to construction from Public Services to the one-stop, and either the Department Admin Assistant or the Permit Techs could issue those permits. In addition, it make sense to incorporate the Fats, Oils and Grease permits into the one-stop, as they are a significant challenge for the food service industry and part of the building review process.

The new Permitting and Inspections Department would incorporate the following changes:

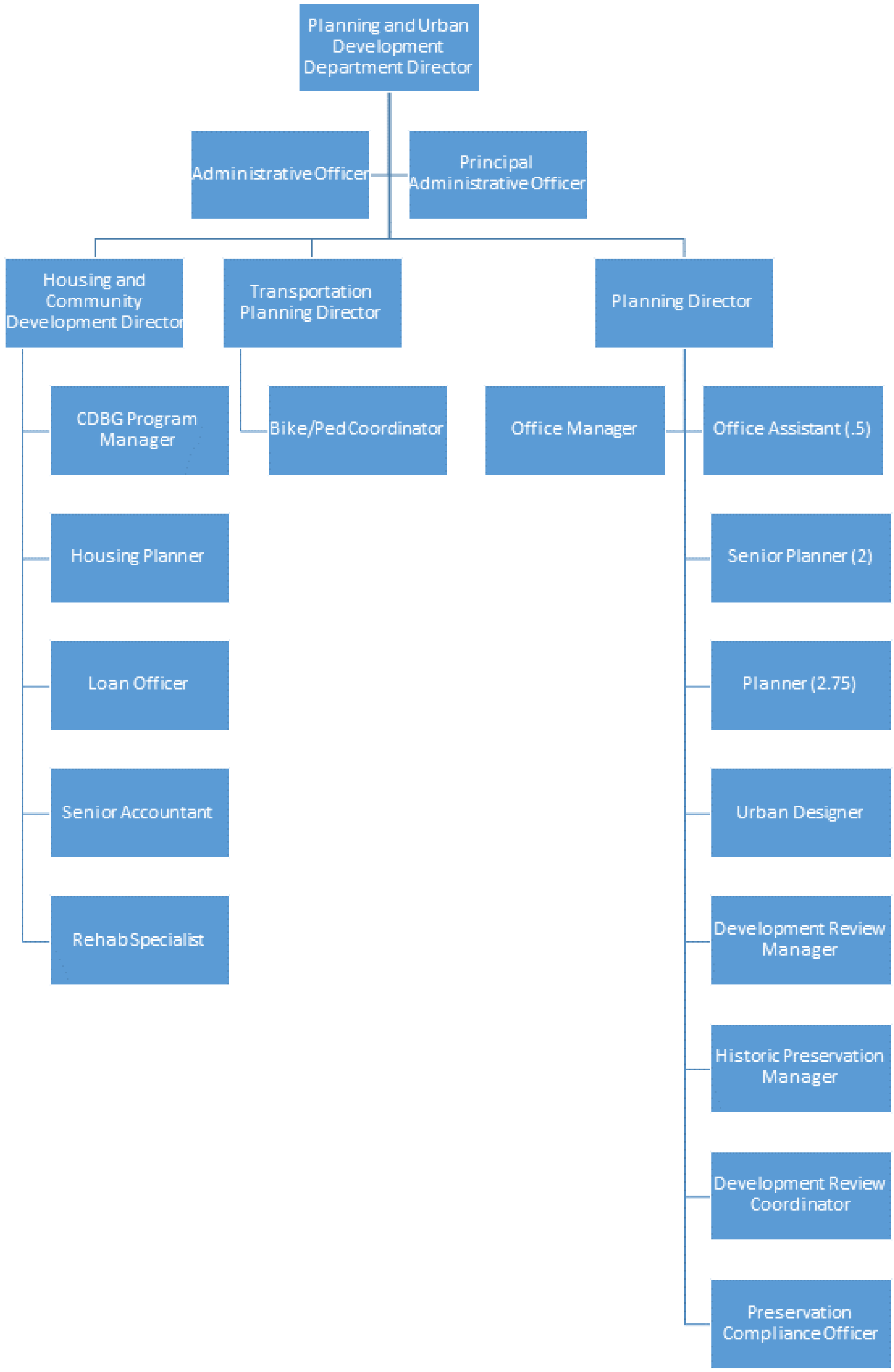
- New department head
- New front-end position: Permit Tech - Quickly reviews all incoming applications, works directly with applicants on completeness and accuracy, issues same-day permits, queues more complicated projects, serves as point person for applicant questions throughout the process, and ensures an excellent customer service experience.
    - Currently, there are 2.5 front-end positions: 1.5 Office Assistants and one Administrative Assistant
    - I suggest eliminating these positions.
    - Given the volume, I recommend three Permit Tech positions to comprise the front end.
    - I also recommend a senior-level administrative position to report to the Department Director, support the entire department, and answer phones.
- Additional life safety plan reviewer funded by HSO revenues and reporting to the Intake and Review Manager. This position should also conduct ADA reviews; currently, the State Fire Marshal does so, which has not been an effective process.
- New Intake and Review Manager and Inspections Manager positions
- Elimination of Inspections Division Director and Deputy Director positions



This approach allows for management by function for intake, review and inspections. The green shading shows that Food Service Inspections would join the department in the future.

To underscore, the success of this structure relies in large part on the Permit Techs, an effective triage process based on project complexity, and a robust customer service orientation.

The Planning and Urban Development Department would then look like this, assuming no additional changes to current staffing:



Planning and Urban Development Department Director
Administrative Officer
Principal Administrative Officer
Housing and Community Development Director
Transportation Planning Director
Planning Director
CDBG Program Manager
Housing Planner
Loan Officer
Senior Accountant
Rehab Specialist
Bike/Ped Coordinator
Office Manager
Office Assistant (.5)
Senior Planner (2)
Planner (2.75)
Urban Designer
Development Review Manager
Historic Preservation Manager
Development Review Coordinator
Preservation Compliance Officer

To summarize, proposed staffing changes entail:

- Planning and Urban Development
    - Inspections Division moves to proposed Permitting and Inspections Department (PID)
    - Zoning moves to PID
    - Housing and Community Development, Transportation Planning, and Planning
- City Clerk
    - Business License Administrator (and possibly part-time assistant) move to PID
- Housing Safety Office
    - Moves to PID
- Health & Human Services, Public Health Division
    - Food Service Inspections moves to PID in the future
- Public Services
    - Event Coordinator and Event Assistant move to Rec and Facilities
    - Determine how best to handle FOG permits in the new department
- Recreation and Facilities Management
    - Consider adding Deputy Director of Public Assembly Facilities to ensure Director is positioned to handle the ever-increasing scope and volume of events
    - Add Event Coordinator and Event Assistant from Public Services
    - Consider adding contract Event Coordinators to help meet demand

2. Processes

Perhaps the clearest priority heard from nearly all interviewees was the need to revamp the front-end processes for all application types. Currently, the process is supposed to entail:

1. Applicant completes PDF form and sends it via email as an attachment, along with drawings
2. Staff review materials for completion, legibility and accuracy
3. Staff enter all the data into Urban Insight and upload plans to Archive and ePlan plan review software
4. Invoice is created and sent to applicant to pay online
5. When payment is posted, plan review begins
6. Permit issued and final approved plans are stamped

I recommend the following front-end process changes:

- Ideally, an effective software solution eliminates the need for staff to enter data, upload documents, scan documents, save them to multiple places, etc. I address this issue more fully in the IT section.

- Without having to enter data and upload documents to different places, and direct phone calls, we can eliminate the 1.5 Office Assistant positions (.5 is currently vacant) and replace with three Permit Techs.
    - Move the Admin Assistant to report to the new Department Director, support the entire department, and answer phones. This allows the Permit Techs to focus on customers and applications.
    - The Permit Techs would work with walk-in applicants and review electronic submissions.
        - They would follow up with applicants to ensure that all needed materials are submitted, serve as a single point of contact for applicants, and eliminate the need for Zoning or Plan Review to have to chase down applicants for missing information.
        - They would triage applications based on complexity and strive to issue same-day permits for simple projects with all information submitted.
    - The Permit Techs would have enough knowledge to work effectively with applicants and would be required to use solid customer service skills to ensure positive, productive interactions with all applicants at all times.
- The invoicing process should be reconsidered so that all fees are clear and simple, known to applicants up front, combined from the many different possible departments that could be involved, and due at an appropriate point in the process.
    - I suggest a full review of our fee structure, especially given prior recommendations to use Burlington, VT and Lowell, MA as key comparables. Fee amounts have already been reviewed; I believe the number of separate fees currently assessed should be considered now, with the goal of simplifying.
    - Some interviewees suggested we consider providing credits for any required third-party reviews against building/permit fees. It is my understanding that such reviews were primarily if not entirely life safety reviews. Thus, with the addition of a dedicated life safety plan reviewer, there should no longer be a need for such reviews on a regular basis.
- A new software package should allow us to more easily create simple, clear, streamlined information and application materials. Currently there are far too many kinds of forms and they are extremely difficult to understand. Prior studies have recommended looking at Burlington as an example here as well. Regardless of software implementation, this information and materials needs to be revamped entirely.

Other process changes should include:

- Develop training and evaluative measures to ensure consistency across reviewers and inspectors. Numerous interviewees cited issues with inconsistent approaches.
- Continue the pre-application and pre-development meetings, and consider how to streamline them so they are less of a time commitment for staff.
    - Implement a brief evaluative process for applicants to garner ideas for improvements

    - Perhaps with the role of the Permit Techs these meetings may be less critical than they are now
- Consider increasing the threshold for projects required to have a Planning Board review. There are too many items going before them, such that simpler projects are delayed and the Board has perhaps an untenable workload.
- Consider increasing the threshold and clarifying the requirements for projects to have a Zoning review. It appears that all projects get a zoning review now, and it is likely that is unnecessary for a large portion.
- Building (and housing safety) inspections staff need to follow same summons practice as Fire has begun using, as a result of the Fire/Code Task Force recommendations.

3. Ordinances

The many sections of the City Code of Ordinances pertaining to permitting, licensing and inspections fall under numerous chapters, are in PDF form, and often are confusing or contradictory. The Planning and Urban Development Department Director is well aware of these challenges and the need for a full rewrite. He has already set priorities for the Zoning code in case a full rewrite is not able to happen in the short term.

I would also suggest that the code be presented in a user-friendly, online format which would allow users to search quickly and easily for relevant topics, and find cross-references and definitions. Many municipalities use Municode for this.

4. IT

The Planning and Urban Development (PUD) Department has worked hard to implement recommendations from prior studies, especially in this area. PUD leadership have collaborated closely with IT leadership to improve Urban Insight and ePlan, as well as to move toward a more paperless system. PUD staff and leadership were, understandably, very frustrated by the time wasted and data lost during the City's efforts to implement One Solution a few years ago.

While software packages are not a magic bullet, all interviewees and best practices research indicate that there are significant improvements and efficiencies to be gained by moving away from the current system. It is critical that internal stakeholders are involved in a collaborative decision-making process around a possible new software solution.

- We lack IT capacity to continue to improve the homegrown software in a timely fashion. Even contracting for programming support continues a piecemeal, band-aid approach.
- While submitting electronic versions of application materials reduces paper, it has not led to a significant process improvement or elimination of backlog, and interviewees commented that they were still required to provide multiple sets of paper plans.

- We need a robust web-based interface for applicants, including information, forms, and detailed information on status tracking and reviewer conditions/requests for additional information.
- We must strive for simplicity and clarity in all information and materials. There are too many forms which are too difficult to understand. A new software solution may take care of this for us; if not, and perhaps regardless, it would be productive to have a cross-section of applicant types review new forms and materials and provide feedback before implementation.
- Inspectors' time must be used as effectively as possible. While tablets were purchased for all of them, they are not using tablets in the field because they find the process far too slow and has too many steps. They choose to return to office for all data entry. There are significant concerns regarding this process; their notes must be timely, detailed, and accurate and contain only professional language.
- I suggest moving away from using a general email inbox, or at least requiring staff responding from that inbox to insert their name and contact information. Customers need to know who they're hearing from.
- Finally, I am optimistic regarding the possibility of a new City-wide software package which would integrate efficiently across departments, require far less IT staff programming time, and allow for a simple, effective, transparent process for applicants. It is critical that decisions regarding new software be reached by a collaborative process involving internal stakeholders.

5. Budgetary Impact

- Estimated personnel costs are:

Current Position	**Union**	**FTE**	**Salary**	**Proposed**	**Union**	**FTE**	**Salary**	**Difference**
Inspections Office Asst	CEBA 9	1.5	$ 51,509	Permit Technician	TBD	3	$ 150,000	$ 98,492
Admin Assistant	CEBA 8	1	$ 34,105	Executive Assistant	NU 4	1	$ 40,833	$ 6,728
				Department Director	NU	1	$ 104,000	$ 104,000
								$ 209,220

Conclusion

The Planning and Urban Development Department staff and those performing permitting, licensing and inspections functions throughout the City are to be praised for their commitment to process improvement, and for working under stressful conditions for a long time. Creating a new department encompassing these many functions will allow for an invigorated approach focusing on streamlining processes, managing by functional area, and ensuring excellent customer service.

Interviewees

Internal

Who	Dept	Role
Andrews, Deb	Plng	Historic Preservation
Barhydt, Barbara	Plng	Development Review Services Manager
Bourque, Jeanie	Plng/Inspex	Plan Reviewer
Bourret, Vicki	IT	Deputy Director
Boutilier, Dan	IT	Department Director
Cameron, Caitlin	Plng	Urban Designer
Christ, Doreen	Plng/Inspex	Office Assistant
DeLuca, Sally	Rec & Facil	Department Director
Dobson, Lannie	Plng/Inspex	Office Assistant (former)
Downs, Andy	Rec & Facil	Director of Public Assembly Facilities
Fagone, Chuck	Plng/Inspex	Code Enforcement Officer
Gardner, Janice	City Clerk	Business License Administrator
Gautreau, Keith	Fire	Asst Chief, Fire Prevention
Grimando, Christine	Plng	Senior Planner
Hanig, Nelle	Eco Dev	Business Programs Manager
Kelly, Desiree	Plng	Principal Admin Officer
Knowland, Rick	Plng	Senior Planner
LaFlamme, Brian	Plng/Inspex	Electrical Inspector
Leader, Laurie	Plng/Inspex	Plan Reviewer
Levine, Jeff	Plng	Department Director
Machado, Ann	Plng/Inspex	Zoning Administrator
Merritt, Carol	Pub Serv	Account clerk (Street openings)
Meserve, Tori	Fire	Fire Prevention admin
Messinger, Craig	Fire	Lieutenant, Fire Prevention
Mitchell, Greg	Eco Dev	Department Director
Moon, Troy	Pub Serv	Environmental Programs and Open Space Manager
Munson, Tammy	Plng/Inspex	Inspections Division Director
Munson, Jennifer	Planning	Office Manager
Musgrave, Ted	Pub Serv	Event Coordinator
Needelman, Bill	Eco Dev	Waterfront Coordinator
Pearson, Ben	Pub Serv	Wastewater Engineer (FOG)
Petrucelli, David	Fire	Captain, Fire Prevention
Peverada, John	Parking	Parking Manager
Rand, Sgt Mike	PD	Traffic
Rioux, Jon	Plng/Inspex	Inspections Deputy Director

External

South Portland Planning staff	
Veroneau, Vin	JB Brown
Munroe, Tom	CAP Services
Sanborn, Heather	Rising Tide
Ghanekar, Gillian	JB Brown

Russell, Mike	HHS/PH	Program Manager, Food Service Inspections
Saucier, Brad	Plng/Inspex	Admin Assistant
Soma, Toho	HHS/PH	Public Health Division Director
Stacy, Christine	Plng/Inspex	Zoning Specialist

Proposed Building Permit Fee Change

Current Fee	**Proposed Fee**
$25 per first $1,000 of construction costs then 1.1% above that	$25 per first $1,000 of construction costs then 1.6% above that

Expected Revenue Increase		**Current Fee**	**Current Exp Revenue**	**Proposed Fee**	**Est CY 16 Revenue**	**Est Increase**
Est CY 15 Total Construction Costs	$116,163,549	1.1%	$1,277,813	1.6%	$1,858,626	$580,813

Additional Costs for New Department

Staffing Changes (salary difference plus fringe)	$ 276,756
Technology Improvements	$ 295,557
Training Budget (3 Permit Techs, continuing ed for others)	$ 8,500

Building Permit Fees - Comparisons

Portland - current	$25 for first $1,000; 1.1% above
Portland - proposed	$25 for first $1,000; 1.6% above
Bangor, ME	$38-55 minimum plus $7 per $1,000 of construction costs (.7%)
Burlington, VT	$30 min plus $8.50 per $1,000 of cost of work (.85%)
Lewiston, ME	$25 min plus $6 per $1,000 of cost of work (.6%)
Manchester, NH	$30 min plus 1% of cost of work plus $.02 per square foot plan review fee
Portsmouth, NH	$50 min plus $.25 per gross square foot of floor area for new construction; $7 per 1,000 of residential renovation cost (.7%); $10 per $1,000 of commercial renovation cost (1%)
South Portland, ME	1.5% per $1,000 of construction costs

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
Re: REORGANIZING PLANNING AND OTHER DEPARTMENT DIVISIONS INTO A NEW DEPARTMENT OF PERMITTING AND INSPECTIONS**

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

1. That Section 2-17 is hereby amended to read as follows:

Sec. 2-17. Additional duties assigned.

In addition to the duties imposed on them by the Charter, state law and ordinance of the city, the City Council or the City Manager, the following officers shall perform the additional duties list below:

(a) *City Clerk:*

...

(h) *Director of Planning and Urban Development/Director of Permitting and Inspections:*

1. Unless otherwise designated, The Director of Planning and Urban Development andthe Director of Permitting and Inspections the Department of Planning and Urban Development shall be considered as the Building Authority. and

2. The Director of Planning and Urban Development shall be the Planning Authority of the City..

2. The Director of Planning and Urban Development shall supervise, manage and control the Department of Planning and Urban Development. Such department shall consist of the following divisions: Planning, Building Inspection, Housing Inspection, Relocation and Housing Rehabilitation.

3. The Director of Planning and Urban Development

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shall be secretary to the Planning Board and shall perform and be responsible for all other duties previously performed or required to be performed by the Planning Director or the Planning Department.

4. Through the Division of Housing Inspection, the Director of Permitting and Inspections or his or her designees shall exercise such authority and enforce such laws, ordinances and regulations pertaining to residential dwellings as the agent of the Director of Health and Social Services.

5. Through the Division of Neighborhood Rehabilitation, tThe Director of Planning and Urban Development or his/her designee shall approve and negotiate housing rehabilitation loans and grants and manage all loan and grant activities concerning residential units, including the repayment thereof to the City through the Finance Department, and he or she shall be responsible for contract administration and disbursement of all funds to housing rehabilitation agencies from whatever source such funds are derived.

6. Through the Division of Neighborhood Rehabilitation, tThe Director of Planning and Urban Development or his/her designee shall be responsible for administrative oversight of public improvement programs implemented by other City departments in neighborhood conservation areas and shall advise and assist such departments in the development of such programs, and he or she shall also advise and assist the Planning Director in the delineation of new neighborhood conservation areas.

7. Through the Division of Building Inspection, the Director shall exercise such authority and perform such duties as were formerly exercised or performed by the Building Inspector or the former Department of Building Inspection Services. Wherever in this Code there appear the terms "Building Inspector," "Department of Building Inspection Services," etc., they shall be construed to mean the Director of Planning and

Urban Development.

8. Through the Division of Relocation, the Director shall furnish relocation assistance to occupants of real property acquired by the City to the extent such assistance is required by law.

79. In addition to the aforesaid, the Director of Planning and Urban Development shall undertake such duties or responsibilities with respect to the Community Development Program as the City Manager may from time to time direct, and with the approval of the City Manager, he or she may employ additional assistants to administer grants obtained as part of the community development program whose salaries shall be paid for out of the grant budget.

810. The Director of Permitting and Inspections of Planning and Urban Development is hereby designated an agent of the health officer to exercise such authority and enforce such laws, ordinances and regulations pertaining to potential health hazards in residential, industrial, and commercial buildings and including but not limited to the following: investigation and oversight of local food service establishments, control of rabies, control of insects and rodents, control of refuse and its disposal, and investigation of lead paint.

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2. *That Section 3-27 is hereby amended to read as follows:*

Sec. 3-27. Application.

Application for a bottle club license shall be filed in accordance with chapter 15. In addition to the requirements of that chapter, an applicant for a bottle club shall furnish the Department of Permitting and Inspectionsclerk with the following:

(a) An affidavit which identifies all principal officers, their places of residence at the present time, and for the immediately preceding three (3) years;

(b) A description of the premises for which a license is desired which shall set forth such other material information, description, or plan of that part of the premises where it is proposed to consume or keep liquor as the clerk or the city council may require.

3. That Sections 4-27, 4-51, and 4-81 are hereby amended to read as follows:

Sec. 4-27. Notice and hearing.

The Department of Permitting and Inspectionscity clerk shall conduct a public hearing with respect to the grant of any original license issued under this division.

...

Sec. 4-51. Required.

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.

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(b) After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:

(1) Operations under such separate license shall end at 3:00 a.m.

...

(5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Department of Permitting and Inspectionsclerk's office during normal business hours specifying the date upon which the event will be held. The Department of Permitting and Inspectionscity clerk will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.

...

Sec. 4-81. Applications and fees.

Applications for a state license to conduct beano or a game of chance shall be deemed sufficient applications for the purpose of chapter 15 if accompanied by the fees prescribed therein. Upon compliance with this article and chapter 15, Department of Permitting and Inspectionsthe clerk shall signify the consent of the city council to such application.

4. That Sections 6-1, 6-17, 6-51, 6-68, 6-115 and 6-132 are hereby amended to read as follows:

Sec. 6-1. Penalties.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in Chapter 6 is liable for the penalties set forth in this section. For purposes of this Chapter, the Director of Permitting and Inspections is the *building authority*.

(a) *Penalties.* Except for paragraph g., monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

...

Sec. 6-17. Fee Schedule.

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

(a) Construction work:

(1) Cost of work fees:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $-161.00 per $1,000.00 above $1,000.00

(2) Belated fees:

Below $25.00 permit fee . .$50.00 additional
Above $25.00 permit fee . .$100.00 additional

(3) Amendments to application:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $161.00 per $1,000.00 above $1,000.00

...

Sec. 6-51. Required.

(a) A permit must be procured from the electrical division of the building authority before commencing work upon the installation of wires for the purpose of conducting electric current for power, heating, illuminating or signaling purposes, or for electrical appliances and apparatus in or upon public or private buildings, structures or premises, either new or existing.

(b) A permit must be procured also be procuredfrom the division before commencing work upon the alteration or the addition to, or both, of wires already installed and approved by the electrical inspector.

...

Sec. 6-68. Right of access and inspection.

The electrical inspector shall have access at all reasonable times to all wiring devices, appliances and apparatus in or upon any public or private premises, which carry or are intended to carry an electrical light or power current, and no person shall arrange, fix or change any such wiring, devices, appliances, or apparatus without giving the building authority electrical division reasonable notice and opportunity to inspect and approve such alterations or changes.

...

Sec. 6-115. Lead-based paint hazard.

(a) This provision is intended to supplement the Lead Poisoning Control Act (22 M.R.S.A. Sections 1314 et seq.) and the regulations adopted pursuant thereto including, but not limited to, the Rules for Environmental Lead Inspections and the Rules for Abatement of Environmental Lead Hazards.

(b) When either the city's health authority, as defined in section 2-17(h), or the city's director of permitting and inspectionsplanning and urban development, as defined in section 2-17(hi)(10) of this Code as amended, determines that an

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environmental lead hazard exists in any dwelling or premises (as those terms are defined in Section 216.03-7 and Section 216.03-31 of the Rules for Abatement of Environmental Lead Hazards), he or she shall issue an order in writing to the owner (as defined in Section 216.03-28 of the Rules for Abatement of Environmental Lead Hazards), describing the environmental lead hazards and establishing a time within which such hazards shall be abated.

...

Sec. 6-132. Licensed lodging.

(a) *Statement of policy.* The intent of this section is to provide tenant-at-will status to residents of licensed lodging, as defined in section 6-106, after they have resided in a unit for thirty (30) days or more. Such licensed lodging offers sleeping accommodations but few other amenities, and residents of such housing in the past have been subjected to summary eviction procedures by landlords who purposefully characterize their rentals as "lodging houses" and thereby purport to act under state law in ejecting occupants without any recourse, regardless of the length of residency.

...

(g) *Termination of owner's interest.*

(1) Upon termination of an owner's interest in any building or structure providing licensed lodging, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the City of Portland and all occupants of licensed lodging who have qualified under subsection (f) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when the status was achieved.

(2) Notice to the City of Portland shall be addressed to:

Housing Safety OfficeChief of Inspection Services
Portland City Hall
389 Congress Street
Portland, ME 04101

...

5. That Section 10-3 is hereby amended to read as follows:

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Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is amended, modified and deleted in the following respects:

(a) Section 3.3.32.8 shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Article IX of the Portland City Code.

(b) Section 3.3.97 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s), a fire watch not to exceed seven days, with specifications and criteria to be set by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and InspectionsPlanning & Urban Development."

...

(d) Section 3.3.114 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, not to exceed seven (7) days, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and InspectionsPlanning & Urban Development."

...

6. That Sections 11-2, 11-10, 11-11, 11-12, 11-13 and 11-25 are hereby amended to read as follows:

Sec. 11-2. Copies on file with the Department of Permitting and InspectionsClerk.

Pursuant to Title 30-A M.R.S.A. §3003, at least three (3) copies of the Maine State Food Code as adopted by reference by

Section 11-1 above, have been and shall be on file in the office of the Department of Permitting and InspectionsCity Clerk for public inspection and use.

...

Sec. 11-10. Certified Food Protection Managers.

(a) A food service establishment must have at least one employee granted supervisory and management responsibility designated a Certified Food Protection Manager (CFPM) as defined in Section 1.201.10.B of Maine State Food Code 2013: Food Code adopted in Section 11-1, above. Proof of CFPM certification is required as follows:

...

(b) Proof of compliance with the requirements of this section shall be provided to the City Food Inspector. Prior to the issuance of any license required by Chapter 15, the City Food Inspector must certify to the Department of Permitting and InspectionsCity Clerk's Office that the requirements of this Section have been met. Failure to provide proof of compliance with the requirements of this Section will be subject to a denial, suspension or revocation of a license in accordance with the provisions of Chapter 15. In addition to license suspension or revocation, violations of subsection 11-10(a)(3)& (4), above, shall result in a penalty to the violator of $150.00.

...

Sec. 11-11. Ice cream trucks.

All ice cream trucks shall comply with the following:

(a) *General regulations.* All ice cream trucks shall comply with all requirements of section 11-35, including the requirements for a base station, and all other requirements of this article except those relating to toilet facilities, in addition to the requirements set forth in this section.

...

(g) *License, insurance required.* Each ice cream truck shall be required to be separately licensed under this article and to provide to the Department of Permitting and InspectionsCity Clerk evidence of public liability insurance in an amount of not less than four hundred thousand dollars ($400,000.00) as amended, with the city named as an additional insured on the policy.

...

Sec. 11-12. Stationary food vending unit.

A stationary food vending unit shall be subject to the following regulations:

(a) Only nonalcoholic beverages and prepackaged foods shall be sold from a stationary food vending unit, and there shall be no cooking in or near the unit.

(b) An applicant for a stationary food vending unit license shall provide the Department of Permitting and InspectionsCity Clerk, in addition to any other information required by chapter 15, with acceptable proof of ownership or control of the property upon which the unit will be located. Such proof shall consist of a deed, lease or other written agreement.

...

Sec. 11-13. Community kitchens.

(a) A community kitchen shall mean a kitchen, licensed pursuant to this chapter, that is utilized by two or more entities at differing times for preparation of food to serve to the public off-site.

...

(d) License required: Each entity utilizing a community kitchen shall procure a community kitchen license from the Department of Permitting and InspectionsCity Clerk’s office.

...

Sec. 11-25. Suspensions and revocations.

Licenses shall be suspended or revoked pursuant to chapter 15, except that a license which has been suspended may be reinstated by the Department of Permitting and Inspectionsclerk upon application, in writing, from the holder if the health inspector certifies to the Department of Permitting and Inspectionsclerk that he or she has reinspected the premises and the condition for which the suspension was imposed has been corrected.

7. That Sections 12-109 and 12-202 are hereby amended to read as follows:

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Sec. 12-109. Licensing of commercial refuse collectors and refuse transporters.

No person shall collect or transport Portland waste within the corporate limits of the City of Portland without obtaining a license from the public works authority upon payment of such fees as the council may prescribe by order or without being a party to a waste hauling agreement with RWS, or the City, or paying the tonnage fee imposed by section 12-109.1, for disposal of Portland waste collected or transported by the person. Such license shall be issued for the fiscal year and shall be subject to the provisions of chapter 15 of this Code, except that the public works authority shall be substituted for the Department of Permitting and Inspectionsclerk in all instances.

...

Sec. 12-202. Conditions precedent to issuance.

Prior to the issuance of any license to construct or operate a rendering facility, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the Department of Permitting and Inspectionscity clerk a performance bond, a clear letter of credit, or deposit the cash equivalent thereof, in an amount not less than twenty-five thousand dollars ($25,000.00) or such amount as the council at the time of licensing may determine, payable to the City of Portland, to cover the reasonable costs and expenses incurred by the city in cleaning any rendering facility upon the facility's temporary or permanent closure, said bond or cash equivalent to remain in effect throughout the period for which the license is issued.

8. That Sections 14-145.5, 14-145.11, 14-145-17, 14-226, 14-299, 14-449, 14-450.5, 14-486 and 14-522 are hereby amended to read as follows:

Sec. 14-145.5. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

(a) *Minimum lot size*

1. Residential: Forty thousand (40,000) square feet

for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.

...

7. Excluding Peaks Island from this subsection h., any property owner whose lot does not meet the minimum lot size requirements outlined in subsection g. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-145.11. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in an IR-2 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.

...

6. [Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-145.17. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Forty-two thousand five hundred (42,500) square feet per dwelling unit, except that the minimum lot size per dwelling unit shall be reduced by the amounts specified below, to a minimum lot size of thirty-five thousand (35,000) square feet per dwelling unit, provided that the Planning Board finds that the development meets the following criteria:

...

9. [Excluding Peaks Island from this subsection i.,]

any property owner whose lot does not meet the minimum lot size requirements outlined in subsection h. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-226. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulation and exceptions) of this article, lots in the I-B zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.

...

12. [Excluding Peaks Island from this subsection 12,]

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any property owner whose lot does not meet the minimum lot size requirements outlined in subsection 11 of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-299. Performance standards.

All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a) ,(f),(j),(m),(n) and (o) below shall be reviewed by the Planning Authority.

(a) *Storage:* Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least six feet in height. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor

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storage of refuse or debris shall be in an appropriate container or located within a designated, screened area. All dumpsters shall be screened on all four (4) sides by a minimum six (6) foot high solid fence or shall otherwise be fully enclosed as approved by the planning board or the planning and urban development department.

...

Sec. 14-449. Land use standards.

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) *Principal and accessory structures:*

...

(g) *Archaeological sites:* Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the building authority Planning Authority. The building authorityPlanning Authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.

...

(n) *Agriculture:*

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).

...

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a conservation plan to be filed with the building authorityPlanning Authority.

...

5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the building authorityPlanning Authority.

...

Sec. 14-450.5. Definitions.

For the purpose of this division, the following terms and words shall have the meanings given herein:

Area of special flood hazard: The land in the flood plain having a one (1) percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in section 14-450.3.

Base flood: The flood having a one (1) percent chance of being hereof or exceeded in any given year (i.e., a one-hundred-year storm).

Building authorityBuilding Authority: The Department of Inspections and Permitting.division of inspection services within the department of planning and urban development.

...

The planning division and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The planning and urban development departmentdivision may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

...

Sec. 14-486. Reduction of fees.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

...

The planning division and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The planning and urban development departmentdivision may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

...

Sec. 14-522. Definitions.

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

Approval by any board or department under this article shall include any approval with conditions.

Building addition: Any attached structure which increases the total floor area of the structure.

Building AuthorityBuilding Authority: The Director of the Department of Permitting and Inspections or his or her designee .Planning and Urban Development or his/her designee.

...

9. That Sections 15-1 to 15-11, 15-12.1, 15-13 and 15-14 are hereby amended to read as follows:

Sec. 15-1. Definitions.

Words used in this chapter shall have their common meanings except that, as used in this chapter or in chapters related to this chapter, the following terms shall have the meanings set forth in this section, unless the particular licensing provision, or the context in which the term appears, clearly establishes that a different meaning was intended:

...

Person aggrieved shall mean and include any person whose license is suspended or revoked or whose license application is denied by the clerk or any other administrative official charged with responsibility for the granting or supervision of any license.

...

Sec. 15-2. Applicability.

(a) It is the sense of the city council that, to the extent practical, licensing procedures within the city should be uniform, and should be conducted at all times so as to give the maximum degree of protection to the licensee consistent with protection of the public health, safety and welfare. To that end, this chapter shall apply to all licenses and permits issuable by the city through the Department of Permitting and Inspectionscity clerk, and all licenses and permits issued by the state to which the city council have a right or duty to offer recommendations, comments, or to consent, set forth in this Code. Notwithstanding the aforesaid, any more stringent licensing or other requirement of this Code which is not inconsistent with this chapter, shall be deemed to be an additional requirement of this chapter.

(b) Notwithstanding the foregoing, the director of waterfront and transportation facilities, or his or her authorized designee, shall be responsible for licensing of taxicabs and liveries under article II of chapter 30, and all references herein to the Department of Permitting and Inspectionscity clerk shall be to the said director in regard to such licensing under article II of chapter 30.

...

Sec. 15-3. License required.

(a) No person shall engage in, operate any business, or use or permit the use of any device for which one (1) or more licenses are required by this Code or permit others operating under such licenses to act, without having obtained each and every such license required therein and shall not operate or use such license or device during any time that the applicable license has been suspended or after revocation as provided herein.

(b) A license may be issued pending receipt of the criminal history report from the State Bureau of Identification for pawnbrokers, junk dealers, secondhand dealers and flea markets as defined in Section 23-16, provided that theDepartment of Permitting and InspectionsCity Clerk has received all other documentation required for the issuance of such license and a copy of the applicant's criminal history record from the Portland Police Department, which criminal history record does not contain a disqualifying criminal conviction. If, after issuance of the license, the Department of Permitting and InspectionsCity Clerk receives a criminal history report form the State Bureau of Identification that contains disqualifying information, the Department of Permitting and InspectionsCity Clerk shall immediately move to suspend or revoke the license pursuant to Chapter 15 Section 15-8(a)(6) of the City Code.

...

Sec. 15-4. Licensing authority.

(a) All licenses shall be issued, denied, suspended or revoked and all hearings shall be held by the Department of Permitting and Inspectionscity clerk except as expressly provided in this Code. The Department of Permitting and Inspectionsclerk is authorized to notify the state licensing division of bureau of alcoholic beverages that the city council consent to the extension of existing state liquor licenses to city licensees pending the next meeting of the city council.

Sec. 15-5. Applications.

(a) All applications shall be made in writing on a form provided by the Department of Permitting and Inspectionsclerk. Each application submitted to the Department of Permitting and Inspectionsclerk shall state the name and business address of each applicant, the license desired, location to be used, if any, the date of the application, and such additional information as may be deemed necessary or useful by the Department of Permitting and Inspectionsclerk in determining whether such permit or license applied for should be issued.

(b) Other papers:

(1) Any application for a license for which a criminal conviction is a disqualification under this Code shall be accompanied by a written waiver of the applicant's right to privacy or confidentiality under the State Criminal History Records Act [16 M.R.S.A. § 611 et seq.] and otherwise to the extent necessary for the Department of Permitting and Inspectionscity clerk,

acting through the chief of police, to determine whether or not such disqualification exists.

(2) If the applicant is other than a natural person, the names of all principal officers shall accompany the original application.

(3) A statement to the fact that no employee or officer of the city is beneficially interested in the license or licenses, or in lieu thereof, a statement of the names of such employees or officers as are beneficially interested.

(4) In the case of a renewal, the licensee shall submit to the Department of Permitting and Inspectionsclerk on a form provided by the Department of Permitting and Inspectionsclerk, a certified ownership report for the previous twelve (12) month period. Such report, among other things, shall list the names of all persons, or groups of persons acting in concert who at any time during the period had an actual ownership interest.

...

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of thirty-five dollars ($35.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars ($25.00), except for a flea market seller to defray the cost of processing the application. The latter shall be refundable if the application is denied. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance.

(b) *Appeals fee.* Appeals from determinations of the Department of Permitting and Inspectionsclerk shall be accompanied by a filing fee of twenty-five dollars ($25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance.

(c) *Filing fees.* Whenever any document, other than an application for any license, is required or permitted to be filed with the Department of Permitting and Inspectionsclerk in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars ($2.00) for the first page, and one dollar ($1.00) for each page thereafter.

...

(g) *Fees to be cumulative.* Fees provided for in this section shall be deemed cumulative and shall be in addition to any other fee or fees required for the issuance of any permit under section 15-12. Except as specifically provided, such fees shall not be waived, refunded or prorated, except that upon a successful appeal, the Department of Permitting and Inspectionsclerk shall credit the appeal fee toward the fee for issuance and shall refund any excess; and further, except that if, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Department of Permitting and Inspectionsclerk shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f). Where a maximum license fee is established by the state, the fees set by this chapter shall be deemed cumulative to the extent of such maximum fee.

Sec. 15-7. Investigation of applicant.

(a) Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the Department of Permitting and Inspectionsclerk shall inquire of other city departments, as appropriate, for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforced by such departments. In all appropriate cases, the building authority shall verify that the premises to be used for the proposed activity comply with the building code, electrical code, plumbing code and zoning ordinance, and if applicable, state junkyard screening law; the health authority shall cause inspections to be made of the proposed location of any premises dispensing food or liquor; the fire chief shall cause inspection to be made for the purpose of determining if city ordinances, a state law, or state regulations concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the Department of Permitting and Inspectionsclerk in writing, and copies of any such report shall be deemed a public record.

...

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

...

(b) *Hearings.*

(1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.

...

(3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Department of Permitting and Inspectionscity clerk may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Department of Permitting and Inspectionsclerk shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

...

(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Department of Permitting and Inspectionsclerk within thirty (30) days after it has been approved by the Department of Permitting and Inspectionscity clerk. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Department of Permitting and Inspectionsclerk may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Department of Permitting and Inspectionscity clerk.

...

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Department of Permitting and Inspectionsclerk by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Department of Permitting and Inspectionsclerk may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the Department of Permitting and Inspectionsclerk shall make a written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the Department of Permitting and Inspectionsclerk and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

...

Sec. 15-10. Notices of hearing.

(a) *Content.* Whenever a public hearing is required, the Department of Permitting and Inspectionsclerk shall give notice of the time and place of the hearing, the type of license involved, and the nature of the hearing, and the address or location of the property involved.

(b) *Service.* Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least ten (10) days in advance of the hearing date. When notice by publication is required, such notice shall be published in a newspaper of general circulation in the city at least once, not more than thirty (30), nor less than seven (7) days before the date of the hearing. Where notice to abutters is required, all owners or occupants of property within five hundred (500) feet of such parcel or tract shall be deemed to be abutters, and service shall be made by ordinary mail at least seven (7) days before the date of the hearing. In the case of abutters, the owners and occupants of property listed in the assessor's records on the last tax date prior thereto, shall be deemed to be the persons to whom notice is to be given. The Department of Permitting and Inspectionsclerk shall take reasonable measures to notify renters in close proximity.

...

Sec. 15-11. License not to be transferable.

(a) No license shall be transferred to any person, to any location, or to any other vehicle or device, and no license fee shall be refunded if the licensed activity is ceased prior to the expiration of the license. All purported transfers not in accordance with this section are void. A license shall be deemed the subject of an attempted transfer whenever there is a sale of the business, vehicle or device, or where there is a change in actual ownership interest. Upon any such event, the licensee shall immediately surrender the license to the Department of Permitting and Inspectionsclerk; except that, in the case of death, bankruptcy or receivership of any licensee, the duly appointed executor or administrator of the deceased licensee or the duly appointed trustee or receiver of the bankrupted licensee or licensee receivership may retain the license and operate under the same for the benefit of the estate with the written permission and approval of the Department of Permitting and Inspectionsclerk until such time as such operation is no longer needed to benefit the estate. Thereafter, such personal representatives, receivers, or trustees shall either return the

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license to the Department of Permitting and Inspectionsclerk or transfer same to any other person, under order of the court having jurisdiction and upon written notice to the Department of Permitting and Inspectionsclerk. In the interim, between the death of the licensee and the appointment of an executor or administrator, or in cases where no administration of the estate of a deceased licensee is contemplated, the widow or widower or person designated by all of the heirs of the deceased licensee may take over the license upon written notice to the Department of Permitting and Inspectionsclerk. Duly appointed and qualified guardians and conservators of the estate of a licensee may retain the license of their ward during the term of office upon written notice to the Department of Permitting and Inspectionsclerk.

(b) In all cases arising out of this section in which the Department of Permitting and Inspectionsclerk is required to determine the identity or composition of or ownership interests in an applicant or licensee, or to determine whether a transfer of an ownership interest in an applicant or licensee has taken place, he shall look to the substance rather than the form of transactions and any person aggrieved may appeal the Department of Permitting and Inspectionsclerk's determination to the city manager.

...

Sec. 15-12.1. Waiver of fees.

The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city. Additionally, the Department of Permitting and Inspectionsclerk may waive or reduce the fee required of the nonprofit organization for a temporary food service establishment license when the organization demonstrates that it will retain 100 percent of the proceeds of the temporary sale of food.

Sec. 15-13. Supplementation of applications.

Whenever a license is in effect, the licensee shall be responsible for notifying the Department of Permitting and Inspectionsclerk in writing of any material change in facts set forth in the application for any license held from the city within seven (7) days thereafter. Failure to comply with this

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requirement shall be a violation of this chapter.

Sec. 15-14. Violations.

In addition to any action which may be taken by the Department of Permitting and Inspectionsclerk or the city council with respect to the suspension or revocation of a license, violation of this chapter, or of any licensing provisions of the city governed by this chapter, or of any rule made pursuant thereto shall be a civil violation subject to the penalties of section 1-15.

10. That Sections 16-10 and 16-13 to 16-15 are hereby amended to read as follows:

Sec. 16-10. List of employees.

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the chief of police, his or her authorized deputy, the Department of Permitting and Inspectionscity clerk or her representative upon request.

...

Sec. 16-13. Standards for denial.

In addition to the provisions of chapter 15, a license under this article shall be denied to the following persons:

...

The Department of Permitting and Inspectionsclerk shall make and keep a written record of every decision to deny an application for any license hereunder.

...

Sec. 16-14. Grounds for suspension or revocation.

(a) *All licenses.* In addition to the grounds for revocation or suspension set forth in chapter 15 and section 16 -13, any license may be suspended or revoked upon a determination that the licensee:

(1) Failed to notify the Department of Permitting and Inspections clerk of any change in material fact set

forth in the application for such license; or

...

Sec. 16-15. Application for therapeutic massage establishment, combined massage establishment/massage therapist and massage therapist licenses.

Any person desiring a license pursuant to this chapter shall file a written, signed application with the Department of Permitting and Inspectionscity clerk on a form to be furnished by the Department of Permitting and Inspectionsclerk. An application for a combined massage establishment/massage therapist license, a massage therapist license or a conditional massage therapist license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of application, of such size as the Department of Permitting and Inspections clerk may specify.

...

11. That Sections 19-17 to 19-19 are hereby amended to read as follows:

Sec. 19-17. License required.

(a) All street vendors conducting business on any street, way or public place must have a license issued by the Department of Permitting and InspectionsCity Clerk as provided in this Article.

...

(c) A street goods vendor or a street artist shall only be permitted on a street, way or public place during festivals or special events declared by the City Council pursuant to Section 19-22, with the approval of the sponsoring business or organization or the Parks and Recreation Department. All street goods vendors shall be required to obtain a license issued by the Department of Permitting and InspectionsCity Clerk and pay the fee prescribed by Section 25-27(e) of this Code.

...

Sec. 19-18. Application.

(a) In addition to the information required by section 15-5, each application for a street vendor's or street goods vendor's license shall include a specific description of the business, the goods or services to be sold, and the equipment, if any, to be used, including a reasonable estimate of the value thereof.

(b) No street vendor's license shall be issued without the applicant first filing with the Department of Permitting and Inspectionsclerk a certificate, in a form satisfactory to the corporation counsel, evidencing public liability insurance coverage in an amount not less than the maximum liability under applicable law and naming the city as an additional insured. The certificate shall also provide for notice to the Department of Permitting and Inspectionsclerk not less than thirty (30) days prior to any cancellation of insurance, which insurance the licensee shall maintain at all times while engaged in street vending.

Sec. 19-19. Special conditions of operation.

(a) Area of operation: A licensed street vendor may operate:

(1) In any zone of the city where such use is* a permitted or conditional use as defined in chapter 14 of the City Code;

(2) At Hadlock Field subject to the following conditions:

On the north side of Park Avenue between High Street and I-295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event.

Within the vicinity of Hadlock Field, as defined by separate council order, four (4) pushcart licensed street vendors may operate upon the following terms:

a. One (1) at each of the four (4) sites to be designated by the Department of Permitting and Inspectionscity clerk, said sites to be located approximately as follows:

i. Deering Avenue sidewalk at the entrance to Fitzpatrick Stadium parking lot, or at the vendor's choice, at a site in said parking lot which is approved by the Department of Permitting and Inspectionscity clerk;

...

d. Any approved street vendor shall comply with all of the applicable provisions of this Code, including without limitation the provision of this subsection, and of city rules promulgated for such street vendors by the Department of Permitting and Inspectionscity clerk; and

e. The Department of Permitting and Inspectionscity clerk is hereby authorized to promulgate rules consistent with this Code for the form of the Hadlock Field street vendor license and application; advertisement and conduct of the lottery and approved street vending operations, including without limitation, selection of replacement vendors if needed; vendor sales practices; vendor litter control; and cleanup both during and after close of sales. Said rules shall be subject to the approval of the city manager and shall be posted in the Department of Permitting and Inspectionscity clerk's office.

(b) *Conduct of operations:*

(1) Every licensed street vendor shall wear a numbered badge issued by the Department of Permitting and Inspectionsclerk.

...

12. That Sections 23-27 and 23-29 are hereby amended to read as follows:

Sec. 23-27. Application.

Application for a license required by this chapter shall be made to the Department of Permitting and Inspectionscity clerk, with payment of the fees and in accordance with the procedures set forth in chapter 15.

...

Sec. 23-29. Flea markets.

Any person who provides tables, space, or otherwise operates a flea market shall obtain a license from the Department of Permitting and Inspectionscity clerk.

...

An operator or seller who is determined by the Department of Permitting and Inspectionsclerk to have violated any provision of this section may have their license revoked and not renewed for a period not to exceed one (1) year. Any person so charged shall be afforded notice and an opportunity to be heard prior to the revocation of the license.

13. That Sections 28-112, 28-136, 28-137, 28-138, 28-141, 28-270 to 28-273, 28-275, 28-276, 28-280 to 28-283 are hereby amended to read as follows:

Sec. 28-112. Permit to use.

Any person seeking the privilege of using any taxicab stand shall make application in writing to the Chapter 30 Licensing Authoritycity clerk, and the Chapter 30 Licensing Authoritycity clerk shall grant such permits as it approves.

...

Sec. 28-136. Required.

(a) No towing or wrecking service shall tow any vehicle within the city without the express knowledge or consent of the vehicle owner or his or her authorized representative, unless such towing or wrecking service is currently licensed.

(b) All licenses issued pursuant to this division shall be granted, denied, suspended or revoked by the Department of Permitting and Inspectionscity clerk.

(c) Licensees may request that they be placed on the towing list, which shall subject them to additional regulations promulgated by the chief of police pursuant to section 28-124.

...

Sec. 28-137. Investigation; issuance or denial.

(a) Within thirty (30) days after receipt of an application under this division, the Department of Permitting and Inspectionscity clerk, in conjunction with the chief of police, shall conduct an investigation to determine: The truth, accuracy and adequacy of the information contained in the application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein or established pursuant to section 28-124; the applicant's past record of performance in wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of the investigation, the Department of Permitting and Inspectionsclerk shall either grant or deny the license and notify the applicant in writing of such decision and the findings and reasons, if any, for denial of the license. Upon issuance of the license, the Department of Permitting and Inspectionsclerk shall forward to the licensee a copy of this article and any regulations adopted pursuant thereto.

(b) The following must be submitted prior to commencement of the investigation:

...

(6) Such other information as the Department of Permitting and Inspectionsclerk may require on the license application.

...

Sec. 28-138. Insurance required.

(a) No wrecker shall be issued a license until the applicant has deposited with the Department of Permitting and Inspectionsclerk a certified copy of the following policies:

...

Sec. 28-141. Grounds for revocation, suspension or denial.

In addition to the grounds for revocation, suspension or denial found in chapter 15, a license issued under this division may be suspended or revoked or denied by the Department of Permitting and Inspectionscity clerk upon a determination that the licensee, or applicant, or wrecker operator:

...

Sec. 28-270. Purpose; permit and license required.

(a) The purpose of this article is to:

...

(b) No person, establishment or entity shall conduct valet parking service within the City of Portland without first obtaining a permit from the Department of Permitting and Inspections city clerk's office and paying the fee therefor.

...

Sec. 28-271. Definitions.

Terms used in this article shall have their common meanings except that, the definitions used in this Article or in chapters or articles related to this Article shall have the following meanings:

...

Valet parking permit means the permit issued by the Department of Permitting and Inspectionscity clerk's office to the valet permit operator allowing it to conduct a valet parking operation in an approved valet parking zone.

...

Sec. 28-272. Applications.

Applications under this division except for a one-day special event permit, shall be filed thirty (30) days in advance of issuance of a permit in the Department of Permitting and Inspectionsclerk's office. Such application shall include the following information:

(1) Name and address of the proposed permittee/operator. If incorporated, permittee/operator must provide copies of their articles of incorporation and bylaws.

...

(5) An appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the Department of Permitting and Inspectionsclerk's office.

...

(9) Applications shall be forwarded by the Department of Permitting and Inspectionsclerk's office to all city departments which may be affected by the granting of the permit, including but not limited to, public works, planning, police and parking.

...

Sec. 28-273. Fees; exceptions.

(a) *Issuance fees.* Applications for yearly valet permits shall be accompanied by an annual nonrefundable fee of two hundred and sixty dollars ($260.00) per location. Each location shall only include two (2) parking spaces approved by the Transportation Systems Engineer, whose decision shall be final.

(b) *Special event fee.* Application for a special event permit shall be accompanied by a nonrefundable fee of sixty dollars ($60.00) provided that the Department of Permitting and Inspectionsclerk's office has received ten (10) days' notice prior to such event.

...

Sec. 28-275. Required.

(a) *Driver's license.* No person shall valet park a vehicle within the city unless such valet driver is currently licensed to operate a vehicle.

...

(c) *Insurance.* The applicant must file with the Department of Permitting and Inspectionsclerk's office a copy of the applicant's insurance certificate evidencing public liability insurance coverage and automobile insurance coverage in amounts not less than Four Hundred Thousand Dollars ($400,000) combined single limit, or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time, covering claims for bodily injury, death and property damage, and naming the City as an additional insured, and also provide worker's **compensation insurance coverage as required by law.**

Sec. 28-276. Standards and criteria for application review.

The standards and criteria used in reviewing the application required in section 28-273 shall be in accordance with the Valet Parking Rules and Regulations on file with the Department of Permitting and Inspectionsclerk's office.

...

Sec. 28-280. Denial, revocation, or suspension of permit; removal of equipment or personal property of the permittee/operator and storage fees.

(a) The Department of Permitting and InspectionsClerk's Office may deny, revoke, or suspend a permit for any valet

parking service authorized in the City if it is found that:
...
Sec. 28-281. Appeals of permit denial or revocation.

(a) *Procedure.* An appeal to the City Manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Department of Permitting and Inspections clerk's office by filing a notice of appeal within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. The City Manager or his or her designee shall hear the appeal and may affirm, reverse or modify the decision appealed from.
...
Sec. 28-283 Special Events.

Valet services operating for a special event may apply for a permit at the Department of Permitting and Inspectionsclerk's office as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

Special events shall be restricted to any event occurring no more than twice per year. The hours for parking of vehicles shall be approved by the City. A special event application shall be filed with the Department of Permitting and InspectionsClerk's Office at least ten (10) days prior to the scheduled event.

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