

AGENDA
REGULAR CITY COUNCIL MEETING
JUNE 4, 2018

1. City Council Meeting Agenda

Documents:

[AGENDA ONLY 06-04-18.PDF](#)

2. City Council Meeting Agenda And Packet - Tab 1 Thru Tab 24

Documents:

[CITY COUNCIL MEETING AGENDA AND PACKET 2018-06-04 - TAB 1 THRU 24.PDF](#)

3. Addendum: Tab 23 - Order-17/18

Documents:

[ADDENDUM - TAB 23 ORDER 221 17-18.PDF](#)

4. City Council Meeting Packet - Tab 25

Documents:

[CITY COUNCIL MEETING PACKET 2018-06-04 - TAB 25.PDF](#)

5. City Council Meeting Packet - Tab 26 Thru Tab 33

Documents:

[CITY COUNCIL MEETING PACKET 2018-06-04 - TAB 26 THRU TAB 33.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
JUNE 4, 2018

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

Arts in the Chamber, The Portland Piano Trio
Annie Antonacos, Tracey Jasas-Hardel, and Ben Noyes

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) May 21, 2018 Draft Regular City Council Meeting Minutes

PROCLAMATIONS:

Proc 36-17/18 Proclamation Honoring Officer Brent Ross as Police Officer of the
(Tab 2) Month for April 2018 – Sponsored Mayor Ethan K. Strimling.

Proc 37-17/18 Proclamation Honoring Caitlin Cameron, Planning and Urban
(Tab 3) Development Department, as Employee of the Month, for May 2018 –
Sponsored by Mayor Ethan K. Strimling.

Proc 38-17/18 Proclamation Recognizing June as LGBTQ+ Pride Month – Sponsored
(Tab 4) by Councilor Pious Ali, Mayor Ethan K. Strimling, Councilor Belinda
Ray, Councilor Spencer Thibodeau, Councilor Brian Batson, Councilor
Justin Costa, Councilor Kimberly Cook, Councilor Jill Duson, and
Councilor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 226-17/18 Order Appointing Constables for 2018 Re: Department of Public
(Tab 5) Safety, Portland Housing Authority, and Department of Parks,
Recreation and Facilities – Sponsored by Jon P. Jennings, City
Manager.

This order appoints the following as Constables for the City of Portland:

Stephen Wyman, Cory Plante, Joseph McKenzie, and Jared DeWolfe, Park Rangers for the Department of Parks, Recreation and Facilities; Jason Beseda, Property Manager for Portland Housing Authority; Trenton Coleman-Bishop, Jesse Dana, Justin Fritz, Kevin Neilsen, Adam Pelletier, Michael Walton, Matthew Payowski, Police Recruits, and Kathryn Bertin, Jennifer Cobb, Dakota Farris, Emily Savage, Orlando Simmonds, Police Cadets, for the Department of Public Safety.

This order shall be effective from the effective date of this order and until midnight on December 31, 2018.

These appointments are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or make arrests or issue parking tickets.

In order for the Cadets to begin on June 4, 2018, staff is requesting emergency passage of this order.

Seven affirmative votes are required for emergency passage after public comment.

CONSENT ITEMS:

**Order 227-17/18
(Tab 6)**

**Order Declaring Craft Brew Race Festival 2018 – Sponsored by
Jon P. Jennings, City Manager.**

This order declares Saturday, August 18, 2018 as the Craft Brew Race Festival. The race is held around Back Cove and utilizes Payson Park Grass Triangle as the festival area. The race registration is at 11:00 a.m., and the race begins at 12:00 noon.

The festival portion of the event takes place at Payson Park (Triangle Grass area) and runs from noon to 4:00 p.m.

Street closures are included in the agenda backup.

**Order 228-17/18
(Tab 7)**

**Order Declaring August 10, 11 and 12, 2018 the 93rd Annual St.
Peter's Bazaar and Italian Street Festival – Sponsored by Jon P.
Jennings, City Manager.**

This order declares Friday, Saturday and Sunday, August 10, 11 and 12, 2017 as the 93rd Annual St. Peter's Bazaar and Street Festival to be held from 4:00 to 10:00 p.m. Street closures are included in the agenda backup.

**Order 229-17/18
(Tab 8)**

Order Declaring July 6 to August 24, 2018 the Friends of Deering Oaks Concert Series Festival – Sponsored by Jon P. Jennings.

This order declares the Friends of Deering Oaks 2018 Children’s Concert Series, “The Kids are Alright” Festival to be held every Friday, July 6 through August 24, 2018. The concerts will be held from 12:00 noon to 1:00 p.m.

Performances will feature Maine Academy of Modern Music students playing a variety of musical styles.

The festival zone for the concert series is the Deering Oaks bandstand and grass areas surrounding the bandstand in addition to the sidewalks and Farmers Market Road.

**Order 230-17/18
(Tab 9)**

Order Re: Residential Parking Permit Extension – Sponsored by Jon P. Jennings, City Manager.

In June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two-hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however; the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking. Additionally, in June of 2017 the Council approved approximately twenty five (25) one-hour parking spaces on the north side of Fore St. between Mountfort and Waterville Streets to allow the use of Island Residential Parking Permits along this section of Fore Street in a previously no parking zone.

In 2008 since the development at the corner of Thames and Hancock Streets was on hold, 10 on-street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2-hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the Council decides to regulate the spaces differently. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, that would cause minimal interference with area businesses and residents. There is now a hotel being built on a portion of that lot. The planners have said that the developer of the hotel does not have any preference for time limited parking versus meters on this block at this time. The ultimate regulation of the on-street parking, however, is decided by the City Council.

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

LICENSES:

Order 231-17/18 (Tab 10) Order Granting Municipal Officers' Approval of UBQ, LLC dba Uncle Billy's Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/3/2018. New City and State applications. Location was formerly Abilene.

Five affirmative votes are required for passage after public comment.

Order 232-17/18 (Tab 11) Order Granting Municipal Officers' Approval of Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/5/2018. New City application. Licensee currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 234-17/18 (Tab 12) Order Granting Municipal Officers' Approval of Battery Steele LLC dba Battery Steele Brewing. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 12 – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/18/2018. New City application. Licensee currently holds a Brewery Service License.

Five affirmative votes are required for passage after public comment.

Order 235-17/18 (Tab 13) Order Granting a Municipal Officers' Approval of Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/23/2018. New City and State Applications. Licensee currently holds a FSE with Prep license on the first floor.

Five affirmative votes are required for passage after public comment.

Order 236-17/18 (Tab 14) Order Granting a Municipal Officers' Approval of Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/27/2018. New City and State Applications.
Location was formerly Zapoteca.

Five affirmative votes are required for passage after public comment.

Order 237-17/18 (Tab 15) **Order Granting Municipal Officers' Approval of Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/11/2018. New City and State Applications.
Licensee currently holds a FSE with Prep license at this location.

Five affirmative votes are required for passage after public comment.

Order 238-17/18 (Tab 16) **Order Granting Municipal Officers' Approval of Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/11/2018. New City and State Applications.
Licensee currently holds a FSE with Prep license at this location.

Five affirmative votes are required for passage after public comment.

(Order 239-17/18 (Tab 17)) **Order Granting Municipal Officers' Approval of Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/14/2018. New City and State applications.
Location was formerly Marks Sports Bar.

Five affirmative votes are required for passage after public comment.

Order 240-17/18 (Tab 18) **Order Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for Outdoor Dining on Public Property at 219 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/14/2018. New City application. Licensee currently holds a Winery License.

Five affirmative votes are required for passage after public comment.

Order 241-17/18 (Tab 19) **Order Granting Municipal Officers' Approval of Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 18-17/18
(Tab 20)**

Communication Re: Results of the Municipal Greenhouse Gas House Inventory for 2016 – Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

This spring City staff worked with Competitive Energy Services to analyze the amount of greenhouse gases emitted by municipal operations in 2016. The evaluation encompassed all Scope 1 emissions (those resulting directly from heating buildings, operating vehicles, etc.) and Scope 2 emissions (those resulting indirectly from the use of electricity from the grid). The results showed that City operations emitted 17,229 tons of CO₂ in 2016. The City last conducted an audit of greenhouse gas emissions in 2005. Data from that report showed that the City emitted 26,201 tons of CO₂ that year. Comparing these results shows that greenhouse gas emissions from City operations fell 34% during that period.

The most significant drivers of this reduction were the conversion of City buildings to natural gas for heating buildings combined with an overall “greening” of the electrical grid. The impact of the cleaner grid is notable because Scope 2 emissions decreased despite an increase in electricity usage.

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

RESOLUTIONS:

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

UNFINISHED BUSINESS:

**Order 219-17/18
(Tab 21)**

Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Councilor Pious Ali, Chair.

The Legislative /Nominating Committee met on April 23, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from various private and special laws passed by the Maine Legislature.

Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to three years (3) consecutive full terms or nine years whichever comes first.

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33.

This item must be read on two separate days. This item was given a first reading on May 21, 2018. Five affirmative votes are required for passage after public comment.

**Order 220-17/18
(Tab 22)**

Amendment to Portland City Code Chapters 2 and 15 Re: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 1, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair.

The City Manager and his staff agree that requiring such payments is not in the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

This item must be read on two separate days. It was given a first reading on May 21, 2018. Five affirmative votes are required for passage after public comment.

**Order 221-17/18
(Tab 23)**

Amendment to Portland City Code Chapter 14 Re: Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

Following six months of stakeholder meetings, including two public listening sessions, the Planning Board is recommending creation of a new overlay district to regulate development in the R-6 zone on Munjoy Hill. These amendments would create additional dimensional standards for development; add requirements regulating design of items such as roof lines and parking location; and add a demolition review process that would temporarily stay removal of buildings that meet standards for being 'preferably preserved. These ordinance changes are designed to ensure that new development and redevelopment on Munjoy Hill is compatible with the existing built form in the area.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes after public comment.

**Order 222-17/18
(Tab 24)**

Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

These amendments would simplify and modernize the requirements for additions to non-conforming structures in the City in order to better accommodate owners' desire to put limited additions on these structures. A non-conforming structure would be allowed to add a one-time, one-story addition onto a non-conforming section, provided that any addition does not otherwise increase the non-conformity of the building.

These amendments came out of the Munjoy Hill outreach process based on the concern that the existing language made it difficult to add on to existing homes and, therefore, encouraged demolition over renovation.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes for passage after public comment

**Order 223-17/18
(Tab 25)**

Amendment to Zoning Map Re: Munjoy Hill Neighborhood Conservation Overlay District – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage. This item must be read on two separate days. This is its first reading.

This is a companion order to Order 221-17/18 and Order 222-17/18 above. It would replace the Munjoy Hill Interim Planning Overlay District with a new Overlay Zone.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes after public comment

ORDERS:

**Order 242-17/18
(Tab 26)**

Order Expanding the Geographic Area of the Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 15, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

City Council authorization of the expansion of the Portland Downtown (PD)business improvement district and annual documents are needed for the continued operation of PD.

This includes: (1) Authorizing the proposed expansion; (2) Adopting Development Program for the PD for FY2019; (3) Assessing Maintenance and Implementation Assessments in the PD District for FY2019; (4) authorizing the Master Agreement for work to be done by PD; and (5) authorizing the Supplemental Services Agreement for work to be done by the City.

PD's FY2019 budget is funded from special assessments on all real estate in the current and/or expanded District to fund the PD development program expenses for FY2019.

The mill rate to raise this assessment is \$1.11 cents per \$1,000 of property value for the current district, or a total FY2019 budget of \$932,702. Should the City Council approve of the district expansion, this mill rate would be reduced to \$1.03 per \$1,000 of property value for both the current and expanded area, or a total FY2019 budget of \$962,162. The prior mill rate of \$.92 per \$1,000 of property value had been the same rate for the past nine (9) years.

Included in the City Council meeting packet is PD's 2018/2019 work plan, along with the Supplemental Services Agreement between PD and the City to contract with the City to provide specified Police public safety services and Public Works services to support downtown cleanliness such as sidewalk snow plowing and sweeping and Summer clean-up.

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

Orders 243-17/18, 244-17/18, 245-17/18 below are companion orders to Order 242-17/18.

**Order 243-17/18
(Tab 27)**

Order Adopting Development Program for Portland Downtown for Fiscal Year 2018-2019 - Sponsored by Jon P. Jennings, City Manager.

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

**Order 244-17/18
(Tab 28)**

Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2018-2019 – Sponsored by Jon P. Jennings, City Manager.

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

**Order 245-17/18
(Tab 29)**

Order Approving and Authorizing the Fiscal Year 2019 Master Agreement and Supplemental Services Agreement with Portland Downtown – Sponsored by Jon P. Jennings, City Manager.

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

AMENDMENTS:

**Order 246-17/18
(Tab 30)**

**Amendment to Portland City Code Chapter 19 and Chapter 28
Re: Paying for Street Parking with an App – Sponsored by Jon P.
Jennings, City Manager**

This amendment will allow people to pay at parking meters with a mobile payment app, which will also notify them when their parking session is about to expire, so they can extend their time at the meter without physically going to the meter, up to the two-hour maximum.

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

**Order 247-17/18
(Tab 31)**

**Amendment to Portland City Code Chapter 14 Re: Affordable
Housing – Sponsored by the Planning Board, Sean Dundon, Chair.**

The Housing Committee and Mayor Strimling asked the Planning Board to consider proposed amendments to Division 30. Affordable Housing of the Land Use Code and to make a recommendation to the City Council regarding the proposals. The Housing Committee took up four proposals, two from staff and two from Mayor Strimling, at their November 3 and 17 meetings and forwarded them to the Planning Board for their input:

A proposal from Mayor Strimling to increase the inclusionary zoning requirement from 10% to 20% (forwarded without a positive recommendation);

A proposal from Mayor Strimling to lower the income levels for affordable units from “workforce” to “low income (forwarded without a positive recommendation);

A proposal from staff to require that projects that provide units on- or off-site make a fee-in-lieu payment for any fractional units required (forwarded with a positive recommendation); and

A proposal from staff to eliminate the current sunset provision in the ordinance (forwarded without a positive recommendation.)

The Planning Board held a workshop on February 13 and a public hearing on May 8, 2018. After their hearing and discussion, the Board voted as follows:

To recommend an amendment to the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.

To recommend an amendment to the Inclusionary Zoning Ordinance to remove the sunset clause.

Not to recommend the Mayor's proposal to amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units from 10% to 20%, which was not recommended by the Planning Board.

Not to recommend the Mayor's proposal from the Mayor to amend the Inclusionary Zoning Ordinance to change the current workforce housing requirement to a low-income housing requirement.

In addition, the Board recommends the amendments prepared by staff (attachment 1 in the agenda backup) that are clarifying or housekeeping amendments.

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

**Order 248-17/18
(Tab 32)**

**Amendment to Portland City Code Chapter 14 Re: Street Access
- Sponsored by the Planning Board, Sean Dundon, Chair.**

The Planning Board met on May 17, 2018, and voted unanimously (6-0, Whited absent) to forward this item to the City Council with a recommendation for passage.

Section 14-403 Street Access is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits.

The goals of the text amendments are to increase the predictability and clarity of Section 14-403 while managing the competing needs of new housing construction, sustainability of infrastructure, and public safety. Maintenance of public roadways and related infrastructure is a significant expense for the City and one where our priority must be addressing deferred maintenance and existing needs.

As required by the Portland's Plan 2030, the city must try to find a balance between the sometimes competing needs of a sustainable, equitable, secure and connected community. The proposed amendments, unanimously recommended by the Planning Board, seek to achieve that balance by allowing development on undersized built streets that meet minimum standards for emergency services and to continue to require undeveloped streets to be improved to meet current city street standards. The substance of proposed amendments remains consistent with current policy, while seeking to simplify and clarify the regulations.

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

**Order 249-17/18
(Tab 33)**

**Amendment to Portland City Code Chapter 25. Streets, Sidewalks, and
and Other Public Places Article VIII. Removal of Snow and Ice -
Sponsored by the Sustainability and Transportation Committee,
Councilor Spencer Thibodeau, Chair.**

The Sustainability and Transportation met on April 23, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The proposed amendments enhance the ability of City staff to enforce provisions of City Code that require the owners of property abutting sidewalks and ADA ramps to make them safe for pedestrian use by clearing accumulations of snow and ice. The specifically define the responsibilities of commercial property owners to create and maintain passage 4 feet wide within 12 hours after snow ceases to fall. Residential property owners must create and maintain passage 4 feet wide 18 hours after City snow clear efforts end. The ordinance contains escalating penalties for non-compliance that reach \$1000 for commercial property owners and \$250 for residential property owners. Any property owner who commits three offenses in one winter season may be declared a repeat offender and the City may act to remove snow immediately after snow has ceased to fall and to recover costs from the property owner.

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

EXECUTIVE SESSION:

1. **Bargaining Guidance for Local 740, International Association of Firefighters, AFL-CIO Pursuant to 1 M.R.S. Section 405(6)(D) – Sponsored by Jon P. Jennings, City Manager.**
2. **City's Legal Rights and Duties Re: Opioid Lawsuit Pursuant to 1 M.R.S. Section 405(6)(E) – Sponsored by Danielle West-Chuta, Corporation Counsel.**

ETHAN K. STRIMLING (MAYOR)
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SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
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JUNE 4, 2018

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

Arts in the Chamber, The Portland Piano Trio
Annie Antonacos, Tracey Jasas-Hardel, and Ben Noyes

APPROVAL OF MINUTES OF PREVIOUS MEETING:

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Proc 37-17/18 Proclamation Honoring Caitlin Cameron, Planning and Urban
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Sponsored by Mayor Ethan K. Strimling.

Proc 38-17/18 Proclamation Recognizing June as LGBTQ+ Pride Month – Sponsored
(Tab 4) by Councilor Pious Ali, Mayor Ethan K. Strimling, Councilor Belinda
Ray, Councilor Spencer Thibodeau, Councilor Brian Batson, Councilor
Justin Costa, Councilor Kimberly Cook, Councilor Jill Duson, and
Councilor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 226-17/18 Order Appointing Constables for 2018 Re: Department of Public
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Recreation and Facilities – Sponsored by Jon P. Jennings, City
Manager.

This order appoints the following as Constables for the City of Portland:

Stephen Wyman, Cory Plante, Joseph McKenzie, and Jared DeWolfe, Park Rangers for the Department of Parks, Recreation and Facilities; Jason Beseda, Property Manager for Portland Housing Authority; Trenton Coleman-Bishop, Jesse Dana, Justin Fritz, Kevin Neilsen, Adam Pelletier, Michael Walton, Matthew Payowski, Police Recruits, and Kathryn Bertin, Jennifer Cobb, Dakota Farris, Emily Savage, Orlando Simmonds, Police Cadets, for the Department of Public Safety.

This order shall be effective from the effective date of this order and until midnight on December 31, 2018.

These appointments are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or make arrests or issue parking tickets.

In order for the Cadets to begin on June 4, 2018, staff is requesting emergency passage of this order.

Seven affirmative votes are required for emergency passage after public comment.

CONSENT ITEMS:

**Order 227-17/18
(Tab 6)**

**Order Declaring Craft Brew Race Festival 2018 – Sponsored by
Jon P. Jennings, City Manager.**

This order declares Saturday, August 18, 2018 as the Craft Brew Race Festival. The race is held around Back Cove and utilizes Payson Park Grass Triangle as the festival area. The race registration is at 11:00 a.m., and the race begins at 12:00 noon.

The festival portion of the event takes place at Payson Park (Triangle Grass area) and runs from noon to 4:00 p.m.

Street closures are included in the agenda backup.

**Order 228-17/18
(Tab 7)**

**Order Declaring August 10, 11 and 12, 2018 the 93rd Annual St.
Peter's Bazaar and Italian Street Festival – Sponsored by Jon P.
Jennings, City Manager.**

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**Order 229-17/18
(Tab 8)**

Order Declaring July 6 to August 24, 2018 the Friends of Deering Oaks Concert Series Festival – Sponsored by Jon P. Jennings.

This order declares the Friends of Deering Oaks 2018 Children’s Concert Series, “The Kids are Alright” Festival to be held every Friday, July 6 through August 24, 2018. The concerts will be held from 12:00 noon to 1:00 p.m.

Performances will feature Maine Academy of Modern Music students playing a variety of musical styles.

The festival zone for the concert series is the Deering Oaks bandstand and grass areas surrounding the bandstand in addition to the sidewalks and Farmers Market Road.

**Order 230-17/18
(Tab 9)**

Order Re: Residential Parking Permit Extension – Sponsored by Jon P. Jennings, City Manager.

In June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two-hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however; the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking. Additionally, in June of 2017 the Council approved approximately twenty five (25) one-hour parking spaces on the north side of Fore St. between Mountfort and Waterville Streets to allow the use of Island Residential Parking Permits along this section of Fore Street in a previously no parking zone.

In 2008 since the development at the corner of Thames and Hancock Streets was on hold, 10 on-street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2-hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the Council decides to regulate the spaces differently. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, that would cause minimal interference with area businesses and residents. There is now a hotel being built on a portion of that lot. The planners have said that the developer of the hotel does not have any preference for time limited parking versus meters on this block at this time. The ultimate regulation of the on-street parking, however, is decided by the City Council.

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

LICENSES:

Order 231-17/18 (Tab 10) Order Granting Municipal Officers' Approval of UBQ, LLC dba Uncle Billy's Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/3/2018. New City and State applications. Location was formerly Abilene.

Five affirmative votes are required for passage after public comment.

Order 232-17/18 (Tab 11) Order Granting Municipal Officers' Approval of Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/5/2018. New City application. Licensee currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 234-17/18 (Tab 12) Order Granting Municipal Officers' Approval of Battery Steele LLC dba Battery Steele Brewing. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 12 – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/18/2018. New City application. Licensee currently holds a Brewery Service License.

Five affirmative votes are required for passage after public comment.

Order 235-17/18 (Tab 13) Order Granting a Municipal Officers' Approval of Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/23/2018. New City and State Applications. Licensee currently holds a FSE with Prep license on the first floor.

Five affirmative votes are required for passage after public comment.

Order 236-17/18 (Tab 14) Order Granting a Municipal Officers' Approval of Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/27/2018. New City and State Applications.
Location was formerly Zapoteca.

Five affirmative votes are required for passage after public comment.

Order 237-17/18 (Tab 15) **Order Granting Municipal Officers' Approval of Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/11/2018. New City and State Applications.
Licensee currently holds a FSE with Prep license at this location.

Five affirmative votes are required for passage after public comment.

Order 238-17/18 (Tab 16) **Order Granting Municipal Officers' Approval of Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/11/2018. New City and State Applications.
Licensee currently holds a FSE with Prep license at this location.

Five affirmative votes are required for passage after public comment.

(Order 239-17/18 (Tab 17)) **Order Granting Municipal Officers' Approval of Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/14/2018. New City and State applications.
Location was formerly Marks Sports Bar.

Five affirmative votes are required for passage after public comment.

Order 240-17/18 (Tab 18) **Order Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for Outdoor Dining on Public Property at 219 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Application was filed on 5/14/2018. New City application. Licensee currently holds a Winery License.

Five affirmative votes are required for passage after public comment.

Order 241-17/18 (Tab 19) **Order Granting Municipal Officers' Approval of Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 18-17/18
(Tab 20)**

Communication Re: Results of the Municipal Greenhouse Gas House Inventory for 2016 – Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

This spring City staff worked with Competitive Energy Services to analyze the amount of greenhouse gases emitted by municipal operations in 2016. The evaluation encompassed all Scope 1 emissions (those resulting directly from heating buildings, operating vehicles, etc.) and Scope 2 emissions (those resulting indirectly from the use of electricity from the grid). The results showed that City operations emitted 17,229 tons of CO₂ in 2016. The City last conducted an audit of greenhouse gas emissions in 2005. Data from that report showed that the City emitted 26,201 tons of CO₂ that year. Comparing these results shows that greenhouse gas emissions from City operations fell 34% during that period.

The most significant drivers of this reduction were the conversion of City buildings to natural gas for heating buildings combined with an overall “greening” of the electrical grid. The impact of the cleaner grid is notable because Scope 2 emissions decreased despite an increase in electricity usage.

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

RESOLUTIONS:

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

UNFINISHED BUSINESS:

**Order 219-17/18
(Tab 21)**

Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Councilor Pious Ali, Chair.

The Legislative /Nominating Committee met on April 23, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from various private and special laws passed by the Maine Legislature.

Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to three years (3) consecutive full terms or nine years whichever comes first.

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33.

This item must be read on two separate days. This item was given a first reading on May 21, 2018. Five affirmative votes are required for passage after public comment.

**Order 220-17/18
(Tab 22)**

Amendment to Portland City Code Chapters 2 and 15 Re: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 1, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair.

The City Manager and his staff agree that requiring such payments is not in the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

This item must be read on two separate days. It was given a first reading on May 21, 2018. Five affirmative votes are required for passage after public comment.

**Order 221-17/18
(Tab 23)**

Amendment to Portland City Code Chapter 14 Re: Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

Following six months of stakeholder meetings, including two public listening sessions, the Planning Board is recommending creation of a new overlay district to regulate development in the R-6 zone on Munjoy Hill. These amendments would create additional dimensional standards for development; add requirements regulating design of items such as roof lines and parking location; and add a demolition review process that would temporarily stay removal of buildings that meet standards for being 'preferably preserved. These ordinance changes are designed to ensure that new development and redevelopment on Munjoy Hill is compatible with the existing built form in the area.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes after public comment.

**Order 222-17/18
(Tab 24)**

Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

These amendments would simplify and modernize the requirements for additions to non-conforming structures in the City in order to better accommodate owners' desire to put limited additions on these structures. A non-conforming structure would be allowed to add a one-time, one-story addition onto a non-conforming section, provided that any addition does not otherwise increase the non-conformity of the building.

These amendments came out of the Munjoy Hill outreach process based on the concern that the existing language made it difficult to add on to existing homes and, therefore, encouraged demolition over renovation.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes for passage after public comment

**Order 223-17/18
(Tab 25)**

Amendment to Zoning Map Re: Munjoy Hill Neighborhood Conservation Overlay District – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage. This item must be read on two separate days. This is its first reading.

This is a companion order to Order 221-17/18 and Order 222-17/18 above. It would replace the Munjoy Hill Interim Planning Overlay District with a new Overlay Zone.

This item must be read on two separate days. It was given a first reading on May 21, 2018. In order for this amendment to take effect on June 5, 2018 staff is requesting that it be passed an emergency. Emergency passage requires seven affirmative votes after public comment

ORDERS:

**Order 242-17/18
(Tab 26)**

Order Expanding the Geographic Area of the Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 15, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

City Council authorization of the expansion of the Portland Downtown (PD)business improvement district and annual documents are needed for the continued operation of PD.

This includes: (1) Authorizing the proposed expansion; (2) Adopting Development Program for the PD for FY2019; (3) Assessing Maintenance and Implementation Assessments in the PD District for FY2019; (4) authorizing the Master Agreement for work to be done by PD; and (5) authorizing the Supplemental Services Agreement for work to be done by the City.

PD's FY2019 budget is funded from special assessments on all real estate in the current and/or expanded District to fund the PD development program expenses for FY2019.

The mill rate to raise this assessment is \$1.11 cents per \$1,000 of property value for the current district, or a total FY2019 budget of \$932,702. Should the City Council approve of the district expansion, this mill rate would be reduced to \$1.03 per \$1,000 of property value for both the current and expanded area, or a total FY2019 budget of \$962,162. The prior mill rate of \$.92 per \$1,000 of property value had been the same rate for the past nine (9) years.

Included in the City Council meeting packet is PD's 2018/2019 work plan, along with the Supplemental Services Agreement between PD and the City to contract with the City to provide specified Police public safety services and Public Works services to support downtown cleanliness such as sidewalk snow plowing and sweeping and Summer clean-up.

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

Orders 243-17/18, 244-17/18, 245-17/18 below are companion orders to Order 242-17/18.

**Order 243-17/18
(Tab 27)**

Order Adopting Development Program for Portland Downtown for Fiscal Year 2018-2019 - Sponsored by Jon P. Jennings, City Manager.

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

**Order 244-17/18
(Tab 28)**

Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2018-2019 – Sponsored by Jon P. Jennings, City Manager.

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

**Order 245-17/18
(Tab 29)**

Order Approving and Authorizing the Fiscal Year 2019 Master Agreement and Supplemental Services Agreement with Portland Downtown – Sponsored by Jon P. Jennings, City Manager.

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

AMENDMENTS:

**Order 246-17/18
(Tab 30)**

**Amendment to Portland City Code Chapter 19 and Chapter 28
Re: Paying for Street Parking with an App – Sponsored by Jon P.
Jennings, City Manager**

This amendment will allow people to pay at parking meters with a mobile payment app, which will also notify them when their parking session is about to expire, so they can extend their time at the meter without physically going to the meter, up to the two-hour maximum.

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

**Order 247-17/18
(Tab 31)**

**Amendment to Portland City Code Chapter 14 Re: Affordable
Housing – Sponsored by the Planning Board, Sean Dundon, Chair.**

The Housing Committee and Mayor Strimling asked the Planning Board to consider proposed amendments to Division 30. Affordable Housing of the Land Use Code and to make a recommendation to the City Council regarding the proposals. The Housing Committee took up four proposals, two from staff and two from Mayor Strimling, at their November 3 and 17 meetings and forwarded them to the Planning Board for their input:

A proposal from Mayor Strimling to increase the inclusionary zoning requirement from 10% to 20% (forwarded without a positive recommendation);

A proposal from Mayor Strimling to lower the income levels for affordable units from “workforce” to “low income (forwarded without a positive recommendation);

A proposal from staff to require that projects that provide units on- or off-site make a fee-in-lieu payment for any fractional units required (forwarded with a positive recommendation); and

A proposal from staff to eliminate the current sunset provision in the ordinance (forwarded without a positive recommendation.)

The Planning Board held a workshop on February 13 and a public hearing on May 8, 2018. After their hearing and discussion, the Board voted as follows:

To recommend an amendment to the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.

To recommend an amendment to the Inclusionary Zoning Ordinance to remove the sunset clause.

Not to recommend the Mayor's proposal to amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units from 10% to 20%, which was not recommended by the Planning Board.

Not to recommend the Mayor's proposal from the Mayor to amend the Inclusionary Zoning Ordinance to change the current workforce housing requirement to a low-income housing requirement.

In addition, the Board recommends the amendments prepared by staff (attachment 1 in the agenda backup) that are clarifying or housekeeping amendments.

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

**Order 248-17/18
(Tab 32)**

**Amendment to Portland City Code Chapter 14 Re: Street Access
- Sponsored by the Planning Board, Sean Dundon, Chair.**

The Planning Board met on May 17, 2018, and voted unanimously (6-0, Whited absent) to forward this item to the City Council with a recommendation for passage.

Section 14-403 Street Access is contained within Division 24, Use Regulations and Exceptions of the Land Use Code.

It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits.

The goals of the text amendments are to increase the predictability and clarity of Section 14-403 while managing the competing needs of new housing construction, sustainability of infrastructure, and public safety. Maintenance of public roadways and related infrastructure is a significant expense for the City and one where our priority must be addressing deferred maintenance and existing needs.

As required by the Portland's Plan 2030, the city must try to find a balance between the sometimes competing needs of a sustainable, equitable, secure and connected community. The proposed amendments, unanimously recommended by the Planning Board, seek to achieve that balance by allowing development on undersized built streets that meet minimum standards for emergency services and to continue to require undeveloped streets to be improved to meet current city street standards. The substance of proposed amendments remains consistent with current policy, while seeking to simplify and clarify the regulations.

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

**Order 249-17/18
(Tab 33)**

**Amendment to Portland City Code Chapter 25. Streets, Sidewalks, and
and Other Public Places Article VIII. Removal of Snow and Ice -
Sponsored by the Sustainability and Transportation Committee,
Councilor Spencer Thibodeau, Chair.**

The Sustainability and Transportation met on April 23, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The proposed amendments enhance the ability of City staff to enforce provisions of City Code that require the owners of property abutting sidewalks and ADA ramps to make them safe for pedestrian use by clearing accumulations of snow and ice. The specifically define the responsibilities of commercial property owners to create and maintain passage 4 feet wide within 12 hours after snow ceases to fall. Residential property owners must create and maintain passage 4 feet wide 18 hours after City snow clear efforts end. The ordinance contains escalating penalties for non-compliance that reach \$1000 for commercial property owners and \$250 for residential property owners. Any property owner who commits three offenses in one winter season may be declared a repeat offender and the City may act to remove snow immediately after snow has ceased to fall and to recover costs from the property owner.

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

EXECUTIVE SESSION:

1. **Bargaining Guidance for Local 740, International Association of Firefighters, AFL-CIO Pursuant to 1 M.R.S. Section 405(6)(D) – Sponsored by Jon P. Jennings, City Manager.**
2. **City's Legal Rights and Duties Re: Opioid Lawsuit Pursuant to 1 M.R.S. Section 405(6)(E) – Sponsored by Danielle West-Chuta, Corporation Counsel.**

Tab 1-17/18

Draft Minutes
IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 216

ROLL CALL: Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Duson arrived during the approval of the minutes. Councilor Ray absent).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Mayor Strimling and seconded by Councilor Costa to amend the minutes of May 14, 2018 City Council Meeting by adding "seconded by Councilor Thibodeau" on Order 203 and Councilor Ali's amendment .
Passage 8-0.

Motion was made by Councilor Batson and seconded by Councilor Duson for approval as amended. Passage 8-0.

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

Motion was made by Councilor Batson and seconded by Councilor Costa to suspend the rules and take up an un-agenda item, Order 203. Passage 8-0.

**SCHOOL DEPARTMENT BUDGET ORDERS POSTPONED FROM
THE MAY 14, 2018 CITY COUNCIL MEETING.**

Order 200-17/18 Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting.

Motion was made by Councilor Costa and seconded by Councilor Batson to amend order 200 by changing \$87,525,230 to \$83,880,483 for passage. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage as amended. Passage 8-0.

Order 201-17/18 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting.
IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 218

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

Order 202-17/18

Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting.

Motion was made by Councilor Mavodones and seconded by Councilor Batson to amend Order 202 by changing \$20,120,139 to \$15,610,273 for passage. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor Dusen for passage as amended. Passage 8-0.

Order 204-17/18

Order Appropriating and sing Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting.

Motion was made by Councilor Mavodones and seconded by Councilor Ali to amend Order 204 by changing \$2,391,137 to \$2,291,137 and changing \$1,697,097 to \$1,597,097 for passage. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage as amended. Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Mavodones to reconsider Order 203. Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Batson to amend order 203 by changing \$104,624,576 to \$104,743,365 for passage. Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage as amended. Passage 8-0.

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

Motion was made by Councilor Costa and seconded by Councilor Dusen to table Order 218 after the City Budget Orders are approved. Passage 8-0.

SECOND READING AND PUBLIC COMMENT OF MUNICIPAL BUDGET ORDERS.

IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 219

Order 206-17/18 Order Approving Fiscal Year 2019 Administrative – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
This item was postponed on May 14, 2018.

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

Order 207-17/18 Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2019 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
It was given a first reading on May 14, 2018.

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

Order 208-17/18 Order Re: Fiscal Year 2019 Self-Insured Liability Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
This item was postponed on May 14, 2018.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 209-17/18 Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
This item was postponed on May 14, 2018.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 210-17/18 Order Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2019 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
It was given a first reading on May 14, 2018.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 211-17/18 Order Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
This item was postponed on May 14, 2018.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage. Passage 8-0.

IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 220

Order 212-17/18 Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
This item was postponed on May 14, 2018.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson for passage. Passage 8-0.

Order 213-17/18 Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
It was given a first reading on May 14, 2018.

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

Order 214-17/18 Order Designating Fiscal Year 2019 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
It was given a first reading on May 14 2018.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson for passage. Passage 8-0.

Order 215-17/18 Order for Fiscal Year 2019 Appropriating \$350,000 from Excess Fund - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

It was given a first reading on May 14, 2018.

Councilor Mavodones disclosed that he works for Casco Bay Lines and is not directly benefited by this.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage. Passage 8-0.

Order 216-17/18 Order Appropriating \$500,000 from Assigned Fund Balance for Workers Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.
It was given a first reading on May 14, 2018.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 8-0.

RELATED ORDINANCE AMENDMENT:

Order 217-17/18 Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2019 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

It was given a first reading on May 14, 2018.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson for passage. Passage 8-0.

IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 221
APPROPRIATION RESOLVE:

Order 218-17/18 Fiscal Year 2018-2019 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.
It was given a first reading on May 14, 2018.

Motion was made by Councilor Mavodones and seconded by Councilor Costa to removed Order 218 from the table. Passage 8-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to amend Order 281 by implementing the pesticide ordinance and reducing the amounts of Amendment 5 by "eliminating a full-time position, \$39,062 eliminating 10,000 in consulting fees, adding \$1,500 in agricultural supplies". Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Duson to amend Order 218 with Amendment 4 by "funding the City of Portland's Membership in Greater Portland Council of Governments". Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Mavodones to amend Order 218 by" increasing the Business License fee by 5%". Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Mavodones to amend Order 218 by "reducing personnel expenses by \$145,000 using the Cities Manager's discretion to keep property tax rate to 3.7." Motion failed 2-6 (Duson, Mavodones, Costa, Thibodeau, Batson, Strimling).

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage as amended. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Thibodeau to suspend the rules to take up an un-agenda item. Passage 8-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Ali to refer Increasing Fees to Advance Workforce Development and Office of Economic Opportunity. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor Cook to suspend the rules to take up an un-agenda item. Passage 8-0.

Motion was made by Councilor Ali and seconded by Councilor Batson to refer Increase Short Term Rental Registration Fees. Passage 5-3 (Mavodones, Costa, Duson).

ORDER:

AMENDMENTS:

IN COUNCIL SPECIAL MEETING MAY 21, 2018 VOL.133 PAGE 222

**Order 219-17/18 Amendment to Portland City Code Chapter 2 Re: Term Limit
Removed for Board of Harbor Commissioners - Sponsored by the
Legislative/Nominating Committee – Sponsored by Pious Ali, Chair.**

This is its first reading.

**Order 220-17/18 Amendment to Portland City Code Chapters 2 and 15 RE: Ending
Collection of Past Due Personal Property Tax from Subsequent
Property Owners – Sponsored by the Economic Development
Committee, Councilor Justin Costa, Chair.**

This is its first reading.

**Order 221-17/18 Amendment to Portland City Code Chapter 14 Adding a New
Section 14-140.5 (Munjoy Hill Conservation Overlay District)
Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning
Overlay District) - Sponsored by the Planning Board, Sean Dundon,
Chair.**

This is its first reading.

**Order 222-17/18 Amendment to Portland City Code Chapter 14 Re: Additions to
Existing Buildings - Sponsored by the Planning Board, Sean Dundon,
Chair.**

This is its first reading.

**Order 223-17/18 Amendment to Zoning Map Re: Munjoy Hill Neighborhood
Conservation Overlay District – Sponsored by the Planning Board,
Sean Dundon, Chair.**

This is its first reading.

Motion was made by Councilor Costa and seconded by Councilor Mavodones to
adjourn. Passage 8-0, 8:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Doc 36-17/18
Tab 2 6-4-18*

PROCLAMATION

HONORING OFFICER BRENT ROSS

WHEREAS, **Officer Ross** joined the department in August of 2015. In September of 2017, he graduated with honors with his associates degree in criminal justice from York County Community College, and

WHEREAS, **Officer Ross** has seamlessly become one of the department's most dedicated new officers, taking on multiple tasks above the "call of duty" including teaching defensive tactics and serving as a member of the department's honor guard, and

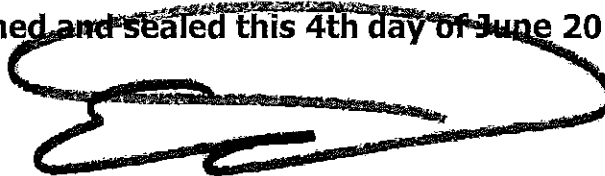
WHEREAS, **Officer Ross** also serves as a senior combat medic for the United States Army Reserves, and his experience translates well into his position as an officer. Officer Ross is often called on from the fire department to assist with medic training, and recently assisted on one of their two day trainings, and

WHEREAS, **Officer Ross** is passionate about his shift work; assisting officers on his beat and educating himself on the Bayside community, and

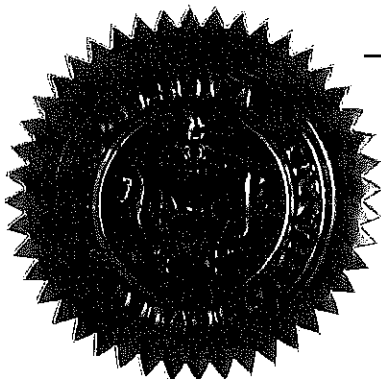
WHEREAS, **Officer Ross** is commended for his exemplary performance and clear commitment to a higher standard of public service and public safety.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Officer Brent Ross** as **Officer of the Month for April 2018.**

Signed and sealed this 4th day of June 2018



Ethan K. Strimling, Mayor
City of Portland, Maine



Proc 37-17/18
Tab 3 6-4-18

PROCLAMATION

Honoring

Caitlin Cameron

Employee of the Month

May 2018

WHEREAS: **Caitlin Cameron** of the Planning and Urban Development Department, has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of over 1,300; and

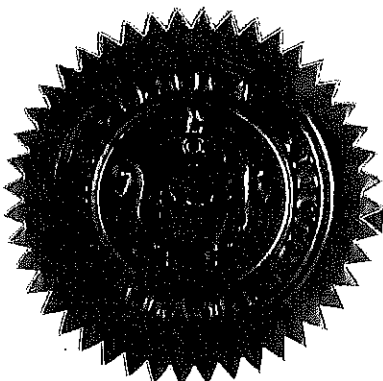
WHEREAS: This award is presented in recognition of **Caitlin's** work as an Urban Designer with five years of service. **Caitlin** is recognized for her outstanding commitment to public service. **Caitlin** is an exceptional advocate and collaborator, both internally with City staff and the public, going above and beyond to gather and reflect the input of the many voices involved with public projects and private development; and

WHEREAS: **Caitlin** has been able to transform difficult planning and public processes into significant positive outcomes; most notably for Congress Square, the India Street Neighborhood plan, and as staff to the Public Art Committee. **Caitlin's** extraordinary work has been commended by the Friends of Congress Square Park and the Public Art Committee who consider her a reliable and informed partner and project leader; and

WHEREAS: **Caitlin's** love of Portland is evident in all her work. **Caitlin** brings a unique level of expertise to the city staff, and her diligence and professionalism have resulted in steadily increasing improvement in the quality of the built environment in Portland. **Caitlin's** colleagues tremendously value her skill set and how she always rises to the latest challenge. **Caitlin** truly is an asset to the Planning and Urban Development Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Caitlin Cameron** as **City Employee of the Month, May 2018**.

Signed and Sealed this 4th day of June, 2018




Ethan K. Strimling, Mayor
City of Portland, Maine

Proc 38-17/18
Tab 4 6-4-18

PROCLAMATION

Recognizing June as LGBTQ and Pride Month

WHEREAS: the city of Portland Maine is committed to being a safe, welcoming and equitable community for all people regardless of race, ethnicity, socioeconomic status, age, sexual orientation, gender identification, country of origin, or any other identity; and

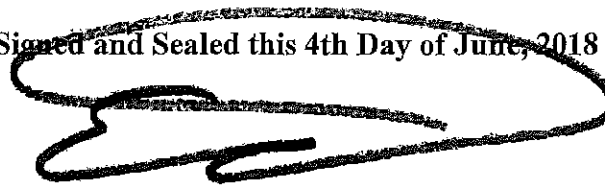
WHEREAS : many of the residents, students, city employees, and business owners who contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, transgender, and queer/questioning community - also known by the inclusive acronym LGBTQ+; and

WHEREAS: the Stonewall Riots began in New York on June 28, 1969, and are regarded as a catalyst for the LGBTQ+ movement for civil rights in the United States; and

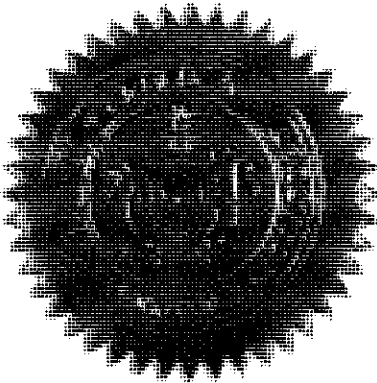
WHEREAS: the month of June is celebrated as LGBTQ+ Pride Month nationwide.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine and the members of the Portland City Council: Do hereby declare June as LGBTQ+ Pride Month in the city of Portland Maine and invite citizens of Portland to honor the history of the fight for equality, celebrate the distance come, and recognize how far there is yet to go.

Signed and Sealed this 4th Day of June, 2018



Ethan K. Strimling, Mayor



Order 226 - 17/18
Tab 5 6-4/18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPOINTING CONSTABLES FOR 2018
RE: DEPARTMENT OF PUBLIC SAFETY, PORTLAND HOUSING AUTHORITY AND
DEPARTMENT OF PARKS, RECREATION AND FACILITIES

ORDERED, that Stephen Wyman, Cory Plante, Joseph McKenzie, and Jared DeWolfe, Park Rangers for the Department of Parks, Recreation & Facilities, are hereby appointed as constables for calendar year 2018; and

BE IT FURTHER ORDERED, that Portland Housing Authority Property Manager Jason Beseda is hereby appointed as a constable for calendar year 2018; and

BE IT FURTHER ORDERED, that Police Recruits Trenton Coleman-Bishop, Jesse Dana, Justin Fritz, Kevin Neilsen, Adam Pelletier, Michael Walton and Matthew Payowski, and Police Cadets Kathryn Bertin, Jennifer Cobb, Dakota Farris, Emily Savage, Orlando Simmonds, for the Police Department, and are hereby appointed as constables for calendar year 2018; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2018;

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests; and

BE IT FURTHER ORDERED, that these appointments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make them effective immediately and allow the appointees to start working as constables.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English

FROM: Richard Bianculli, Police Department

DATE: May 15, 2018

SUBJECT: Constable Status for Cadets and Police Recruits

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action June 4, 2018

Can action be taken at a later date: ____ Yes ____ X No (If no why not?) Time is of the essence as these cadets and police recruits have been hired and will be required to enforce ordinance requirements throughout the City.

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

I. ONE SENTENCE SUMMARY

The Police Department requests the swearing in of five (5) police recruits and five (5) police cadets as constables for the City of Portland.

II. AGENDA DESCRIPTION

The Police Department requests the swearing in of five (5) police recruits and five (5) cadets as constables for the City of Portland. The individuals are:

Police Recruits

Trenton Coleman-Bishop
Jesse Dana
Justin Fritz
Kevin Neilsen
Adam Pelletier
Michael Walton
Matthew Payowski

Police Cadets

Kathryn Bertin
Jennifer Cobb
Dakota Farris
Emily Savage
Orlando Simmonds

III. BACKGROUND

The police recruits listed above are currently completing the training necessary to become full-time police officers for the Portland Police Department. Part of that training requires the recruits to develop the ability to enforce municipal ordinance requirements.

Portland Downtown supports the cadet program which is supervised by the Community Policing Division of the Police Department. Several cadets are assigned to the Downtown area to enforce municipal ordinances, address quality of life issues, and develop positive relationships with the public and local business owners.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Police recruits and cadets are assigned to enforce municipal ordinances and address quality of life issues.

V. FINANCIAL IMPACT

There is no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

N/A

VII. RECOMMENDATION

The Police Department recommends that the above-mentioned individuals be sworn as constables for the City of Portland.

VIII. LIST ATTACHMENTS

N/A

PLEASE REMEMBER THAT BACKUP ITEMS HAVE TO BE SINGLE SIDED.

Prepared by: Richard Bianculli, Neighborhood Prosecutor

Date: May 15, 2018.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Joe Dumais

DATE: May 22, 2018

SUBJECT: Appointment of Constable

SPONSOR: Jon P. Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action April 24, 2017

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

Constables need to be appointed for the beginning of the summer season.

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

I. ONE SENTENCE SUMMARY

Appointment of Constable for Department of Parks, Recreation & Facilities

II. AGENDA DESCRIPTION

The Department of Parks, Recreation, and Facilities is requesting that Stephen Wyman, Cory Plante, Joseph Mckenzie, and Jared DeWolfe, park rangers, be appointed as constables for the remaining calendar year 2018.

This appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2018.

This appointment is made pursuant to Portland City Code, Sections 20-19 and 20-19.5.

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

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

**VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE
AGENDA DESCRIPTION**

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Prepared by:

Date:

RE: Constable Request

1 message

Mark B. Adelson <madelson@porthouse.org>

Tue, May 29, 2018 at 10:13 AM

To: Sonia Bean <stb@portlandmaine.gov>

Cc: Trevor Nugent <tnugent@porthouse.org>, Cheryl Sessions <csessions@porthouse.org>

We'd like to request the appointment of Jason Beseda as Constable of the City of Portland. Jason is a back-up Property Manager for the Portland Housing Authority. As with all our Property Managers, he is responsible for lease enforcement, including serving legal documents in our eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff. Jason has been employed by the PHA since September 2014. Along with his duties as a back-up Property Manager, Jason is also a Housing Inspector.

The PHA has a long history of having Property Managers as Constables. We feel this increases the effectiveness of our operation by adding credibility and reliability to the legal process, as well as saving us time and money.

Please contact me if you have any questions. Thank you for your consideration.

Sincerely,

Mark B. Adelson

Executive Director

Order 227-17/18
Tab 6 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER DECLARING THE CRAFT BREW RACE FESTIVAL 2018

ORDERED, that Saturday, August 18, 2018 is hereby declared to be the Craft Brew Race Festival 2018; and

BE IT FURTHER ORDERED, that the Festival area for the Craft Brew Race Festival 2018 will be the grass triangle area at Payson Park and Payson Park itself from Ocean Avenue to Baxter Boulevard; and

BE IT FURTHER ORDERED, that the Craft Brew Race Festival area will be reserved for concert attendees and that music stages will be set up on the grass for the Festival, which will be held from 12:30 to 4:00 p.m.; and

BE IT FURTHER ORDERED, that the following streets shall be closed to traffic on Saturday, August 18, 2018, during the Craft Brew Race at the beginning of the Festival:

- Baxter Boulevard (from Bates Street/I-295 Ramp to Vannah Avenue) from 11:30 a.m. to 1:30 p.m.; and

BE IT FURTHER ORDERED, that the Craft Brew Race Festival area shall be closed to licensed street vendors pursuant to §19-17 of the City Code and is reserved for the use of the event organizers for the purpose of permitting vendors for the event, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Organizer, Gray Matter Marketing, pursuant to §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Gray Matter Marketing shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Gray Matter Marketing shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. A Beer Garden, fenced off within the festival area, will allow 21-year-old and older participants only inside; city staff (from Public Assembly Facilities) will oversee this fenced-in area; and Maine Brewers Guild, the festival sponsor, will apply for and hold the State License allowing sales of alcohol at the event. Under no circumstances may alcoholic beverages be sold on public property during said event except inside the Beer Garden area;

3. Gray Matter Marketing shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;

4. Gray Matter Marketing shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Craft Brew Race Festival;

5. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

6. Gray Matter Marketing will reimburse City Departments for the expenses incurred by City Departments to assist at said event; and

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



Sally L. DeLuca
Director

Department of Parks, Recreation & Facilities

Andrew J. Downs
Director

Public Assembly Facilities Division

TO: Jon Jennings, City Manager
FROM: Sally DeLuca, Director of Parks, Recreation & Facilities Management
DATE: May 21, 2018
RE: **Council Agenda Item – Craft Brew Race Festival**

I am requesting that the following order be placed on the next City Council agenda:
**Order Authorizing the Craft Brew Race Festival 2018, scheduled for
Saturday, August 18, 2018.**

This will be the 5th Annual Craft Brew Race (taking place Saturday, Aug. 18, 2018). Like last year, the race is held around Back Cove, and utilizes Payson Park Grass Triangle as the Festival area. The organizer works with the non-profit Maine Brewers Guild (the organization sponsoring the Beer Garden area). 1200 Runners are expected for this year's race.

For the race portion of the event, runners will assemble in Payson Park (Triangle Grass area) for registration/picking up bib numbers, etc., at 11am. Race start is at Noon. Baxter Blvd. (from Bates St./295 Ramp to Preble St.) will be closed down to traffic from 11:30am – 1:30pm. Police and Parking Control Officers assist with the road closure. A little before Noon, runners step out onto Baxter Blvd. for the start. They then head counter-clockwise on the roadway. Prior to reaching Preble Street, runners get up onto the Back Cove Pathway, continue running around Back Cove, crossing over Tukey's Bridge, and then moving back out onto Baxter Blvd., finishing just before reaching the Grass Triangle at Payson Park. Runners then move up onto the grass area at the Park, where the awards ceremony is held.

The Festival portion of the event takes place at Payson Park (Triangle Grass area) and runs from 12:30 – 4pm. A Band with PA System is setup on the grass (for awards and music), and a Beer Garden is also fenced off at the Triangle Grass area. The Beer Garden is a 21+ only event, with city staff (Public Assembly Facilities) overseeing this fenced in area. The Maine Brewers Guild will be applying for the State License. Organizers may also invite a few local Food Trucks to participate in the event. Organizers will start setup the day before (Friday, August 17).

The Festival area will also be closed to street vendors pursuant to Section 19 -17 / 19-22 of the Portland City Code and is reserved for the use of event organizers for the purpose of permitting vendors for the event, subject to the direction and control of the City Manager.

(continued)



Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Andrew J. Downs
Director
Public Assembly Facilities Division

Festival grounds/zone are as follows:

Payson Park, from Ocean Ave. to Baxter Blvd. (Organizer understands that there will be games and tennis matches taking place at the upper fields and courts of the park.)

Race/Festival organizers will work with METRO to ensure impacts to transit services is kept to a minimum.

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

- Organizers (Gray Matter Marketing), shall indemnify the city and hold it harmless from and against all claims arising out of activities during said race and festival, and shall take out and maintain public liability insurance coverage (alcohol liability included) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the Craft Brew Race Festival;
- Any and all amplified music/public announcements shall be maintained at a reasonable level (under 92dBs) and be configured by the event organizer to focus volume away from residential housing, limiting any sound impacts in the area;
- Organizers (Gray Matter Marketing), shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;
- Conditions for use of grounds and requirements for food service, vending sales, tent and stage installations, and other items specified in a permit issued from PAFD Office, shall be adhered to;
- Expenses incurred by City Departments for said event, shall be paid by organizer; and
- Under no circumstances may alcoholic beverages be sold or consumed on public property during said event (except for the Beer Garden area – which has been expressly approved by Portland City Council).

(continued)

Portland, Maine



Yes. Life's good here.

Sally L. DeLuca
Director

Department of Parks, Recreation & Facilities

Andrew J. Downs
Director

Public Assembly Facilities Division

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

Document prepared by Ted Musgrave, Event Coordinator
Public Assembly Facilities Division



**CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (4 pages)**
212 Canco Rd. ~ Portland ~ ME ~ 04103
207-808-5400

For uses of city property, there are typically:
1. fees charged for use of the area
2. a security deposit required
3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE		11/15/17 Revised: 11-15, 3-27	ORGANIZATION NAME		Gray Matter Marketing					
ORGANIZATION ADDRESS			200 Highpoint Ave, Unit B5		CITY	Portsmouth	STATE	RI	ZIP	02871
CONTACT NAME(S)		Matt Gray – TITLE President Jon White – Director of Operations				Assigned PAFD Event Manager: TONY ALVES				
HOME #	WORK		CELL	FAX						
EMAIL	matt@graymattermarketing.com jwhite@graymattermarketing.com			EMAIL	sean@mainebrewersguild.com					

PARK AREA OR PUBLIC SPACE REQUESTED		Edward Payson Park (Grass Triangle) / Back Cove Trail Baxter Blvd Closed (11:30AM – 1:30PM) from Bates Street to Preble Street Some Parking Lots in Park + Dyers Flat Parking					
EVENT DAY & DATE(S)		SAT 8-18-2018		RAIN DAY & DATE(S) (50% added fee)		Rain or Shine	
EVENT START TIME (i.e. set-up start time)	9:00AM (setup on grass on Fri Aug 17)	EVENT END TIME (i.e. when event cleanup is complete)	6:00PM (Sat Aug 18)	ACTUAL START & END TIME OF EVENT		11am – 4pm Race Start: Noon (8/18/2018)	

EVENT NAME	EXPECTED ATTENDANCE
Craft Brew Races Portland	1200
DESCRIPTION OF EVENT:	
5k road race starting on Baxter Blvd. Following the road race there will be a craft beer festival, held in Edward Payson Park. Race Route: Noon START. Start Line on Baxter Blvd (West of Payson Park, nearer to Cheverus), runners head west on Baxter Blvd (counter-clockwise), get onto Back Cove Trail (prior to reaching Preble Street), runners get off Back Cove trail and back onto Baxter Blvd (after passing Bates St), then Finish on Baxter Blvd in Front of Dyer Flats / Payson Park. *See attached map. We would like to close Baxter Blvd for the duration of the road race portion of the event: 11:30AM – 1:30PM. As runners clear the Preble Street intersection (around 12:20pm), Baxter Blvd. will be opened up at Preble... but still be closed at Vannah Ave. until race concludes at Payson Park (around 1:30pm). Baxter Blvd closed down to traffic from Bates St / 295 Ramp to Preble Street. (Seaside Health would need to use their Front St. Entrance/Exit). Traffic coming into Payson Park will need to be detoured away from the Triangle Grass Area. Police / PCO's need to be hired. For 2017 Race: 1 Police Supervisor, 4 Officers, 3 PCO's. 8 Race Volunteers needed for some of the side streets and Park roadways. Canopies set up on Triangle Grass Area. Tables & Chairs. PA System set up (generator powered) – ELEC is at the Grass Triangle. Food Trucks invited in (parked on side of Payson Park Road – 1st Entrance). Beer Garden. Porta-restrooms to be rented. Beer Garden Info: A perimeter barricade will be set up for the beer service area with security details to check ID's for 21+. We will have a liquor license pulled through our non-profit partner, the Maine Brewers Guild (Sean Sullivan). The beer garden will be open to runners, festival-only ticket holders and designated-driver ticket holders, starting at 12:30PM and ending at 4PM. City PAF Staff will need to staff this area. We would like to rent Edward Payson Park for two days. Set up will be on Friday August 17. We will be bringing in snow fencing, tables, canopies, etc. We will hire overnight security to watch over area and our set up.	

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ 45-55

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

Anticipating a need for 600 cars – parking on nearby streets (Dyers Flats for Payson Park – up until BLVD is closed down to traffic)

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 20	X		
* Do you wish to set up a tent(s) ? A canopy or tent larger than 10x10 needs to be approved		X	
* Will you be setting up tables and/or chairs ? How many tables: 50 chairs: 20	X		
* Are other items or equipment being placed on City property?		X	
* Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office.) List food and drink / Food Trucks, etc.: LOCAL FOOD TRUCKS INVITED PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served PLEASE give the BL Office at least a 2-week notice (874-8557). A TFSL is needed when food vendors are not licensed, or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, you will need approval from PAFD Office, and you will need to apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557). List items you wish to sell: T-shirts.	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? X Band ? X DJ ? X If so, your event may require a concert license from BL Office (874-8557). (Just voice – i.e. Press Conference, would not require the license because it is not music). However, a Sound Security Deposit may also be required for amplification.	X		
* Will your event require electricity ? Electricity is available at Payson Park. It is turned off	X		
* Are you planning on bringing a Grill for a Barbecue ?		X	
* Will the event require reserved parking spaces / parking meters ?		X	
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: BARRICADES A few orange vests and cones may usually be borrowed from PAFD Office. Barricades and signs are borrowed from Public Works, Customer Service.	X		
* Will your event require street closures ? (SEE "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetrobus.com) to discuss.	X		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)	X		
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) For renting porta-restrooms, event organizers must rent from the company contracted with the city.	X RENTAL		

INSURANCE CERTIFICATE INFORMATION

* Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X NEED		
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♦ If you answered YES, you shall procure and maintain commercial and/or product liability insurance in an amount of at least \$400,000 combined single limit, covering claims for bodily injury, death, and property damage at your event. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement for coverage for the event, only in those areas where governmental immunity has been expressly waived by 14 M.R.S.A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit shall not be deemed a waiver of any immunities or limitations of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law.

♦ The insurance certificate shall be sent to tvm@portlandmaine.gov and must state with no exceptions one of the following:

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannafords, *Entrance to Dyer's Flat – beside Payson Park). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, event organizer **MUST** rent from Associated Septic / Royal Flush.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Event Organizers must not use Spray Paint or Spray Chalk when marking city property. Children's Art Chalk can be used with permission from PAFD Office.

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

PAFD has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	JW	DATE	11/15/17
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	JW	DATE	11/15/17
---	----------------------	-----------	-------------	-----------------

FEE SCHEDULE – UPDATED JULY 1, 2015

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$50/hour Event with registration or pledges & attendance 25 – 300: \$100/hr Event with registration or pledges & attendance 301+: \$200/hr Public Space/Park Security Deposit/Sound Security Deposit: \$100 - \$1000	Impact/Street Closure Fee (variable based on impact): \$0-\$500 Admin/Staff Fee (support for events): \$30/hour Porta Restroom User Fee (if attendance is 150+): \$25

CREDIT CARD INFORMATION			
Visa or MasterCard Number		Exp Date (Mon/Yr)	
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED			

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"
♦ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area: \$50 - \$200 per hour (i.e. a 3 hour event at \$50 totals \$150) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$50 is non-refundable) Number of Hours of Use: Approx 9 hours (no rental of park fee for Fri set up)	\$ 1800 due	Vest/Cone Deposit: \$15 per/item Barricade Deposit: \$25 per/item	\$ TBD
Admin/Staff Fee (support for events): \$30/hour	\$ TBD	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 500 due
Key Deposit: \$50 per key	\$ N/A	Other (Porta-Restroom User Fee: \$25, etc.)	\$ 25 due – if not renting Restroom unit for Preble Lot
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ 200 ?	Equip Rental Fees: Bicycle Rack: \$10 Barricade: \$5 Cone: \$2	

FOR OFFICE USE ONLY							
DATE REC'D APPLICATION	11-15-2017	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ NEED	SECURITY DEPOSIT	\$ NEED
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

*Order 228-17/18
Tab 7 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING AUGUST 10, 11 AND 12, 2018
THE 93RD ANNUAL ST. PETER'S BAZAAR
AND ITALIAN STREET FESTIVAL**

ORDERED, that August 10, 11 and 12, 2018 is hereby declared to be the 93rd Annual St. Peter's Bazaar and Italian Street Festival, sponsored by St. Peter's Church and Friary; and

BE IT FURTHER ORDERED, that the 93rd Annual St. Peter's Bazaar and Italian Street Festival area shall be Federal Street from India Street to Franklin Street and adjoining sidewalks; and

BE IT FURTHER ORDERED, that Federal Street from India Street to Franklin Street shall be closed to traffic from 12:00 p.m. to 12:00 a.m. on August 10, 11 and 12, 2018; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the 93rd Annual St. Peter's Bazaar and Italian Street Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to St. Peter's Church and Friary under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. St. Peter's Church and Friary shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. St. Peter's Church and Friary shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area;
3. St. Peter's Church and Friary shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;
4. St. Peter's Church and Friary shall be solely responsible for trash clean-up at the festival and is required to leave a Security Deposit on file at the Public Assembly Facilities Division Office;
5. St. Peter's Church and Friary shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the 91st Annual St. Peter's Bazaar and Italian Street Festival;
6. The Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the St. Peter's Church and Friary has agreed shall participate;
7. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and
8. St. Peter's Church and Friary shall be responsible for any costs incurred by city departments for facilitating the festival, including, but not limited to, staff assistance from the Police Department, Public Assembly Facility Division, and the Parking Division; and

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



Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Andrew J. Downs
Director
Public Assembly Facilities Division

TO: Jon Jennings, City Manager
FROM: Sally DeLuca, Director of Parks, Recreation & Facilities Management
DATE: May 15, 2018
RE: **Council Agenda Item – 93rd Annual St. Peters Bazaar and Italian Street Festival**

I am requesting that the following order be placed on the next City Council agenda:
**Order declaring Friday, Saturday and Sunday, August 10, 11 and 12, 2018 as
"93rd Annual St. Peter's Bazaar and Italian Street Festival."**

St. Peter's Church and Friary has sponsored this Bazaar & Festival for many years. The festival blends Italian epicurean delights with games for children and teenagers, games of chance and music and dancing in the evening hours. Attendance at the festival is estimated at 1,500 per night.

Those attending the 3-day Festival may purchase meals and desserts. Games of chance will also cost a nominal fee. Proceeds are to benefit the church. The stage area, activities and booths are set up in the street. Organizers may request that a Festival banner be hung across Congress Street at the City Hall location.

In order for this festival to be held, a portion of Federal Street (India Street to Franklin Street) needs to be closed to vehicular traffic on **Friday, Saturday and Sunday, August 10, 11 and 12, 2018, from 12 noon to 12 midnight** and posted "No Parking." Vehicles in violation of the "No Parking" signs shall be towed at owner's expense.

Hours for the festival are: Friday, Saturday + Sunday: 4pm – 10pm. Some setup for the festival on the street and sidewalks takes place on Friday morning/afternoon.

There are no rain dates.

The festival zone is Federal Street (India to Franklin Street) and the adjoining sidewalks. The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of St. Peter's Church, for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the St. Peter's Festival organizers for the use of the above-described area for said Festival, subject to the following conditions:

- St. Peter's Festival organizers shall be responsible for any costs incurred by City departments for the purposes of facilitating the Festival, including, but not limited to: Police Department charges, Public Assembly Facility Division fees, Parking Control fees, Building Inspections fees, and Business Licensing fees;

(continued)



Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Andrew J. Downs
Director
Public Assembly Facilities Division

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Friends of Deering Oaks for the use of the above-described area for said Festival subject to the following conditions:

- The Friends of Deering Oaks / Maine Academy of Modern Music shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "Summer Children's Concert Series" activities, and the City be endorsed on the policy;
- Summer Children's Concert Series organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Summer Children's Concert Series;
- Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to;
- Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;
- Any and all amplified music/public announcements shall be maintained at a reasonable level (under 92dBs) and be configured by the event organizer to focus volume away from residential housing, limiting any sound impacts to neighbors nearby; and
- Public Assembly Facility Division permit fees for use of the area are waived; other fees to city departments may be due.

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

Document prepared by Ted Musgrave, PAFD Event Coordinator



**CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (4 pages)
212 Canco Rd. ~ Portland ~ ME ~ 04103
207-808-5400**

For uses of city property, there are typically: **1. fees charged for use of the area**
2. a security deposit required 3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE	March 27, 2018 Revised: 3-27, 3-29	ORGANIZATION NAME	St. Peter's Bazaar Committee / St. Peter's Catholic Church					
ORGANIZATION ADDRESS	307 Congress Street		CITY	Portland	STATE	ME	ZIP	04101
Physical Address: 72 Federal Street, Portland								
CONTACT NAME(S)	Sal Bonetti, Chair		Denis Lafreniere, Business Manager					
HOME #	Church Office 773-7746 x101		CELL			FAX	N/A	
EMAIL	salvatorebonetti@yahoo.com		EMAIL	denis.lafreniere@portlanddiocese.org				

PARK AREA OR PUBLIC SPACE REQUESTED	Federal Street (Franklin Arterial to India Street)				
EVENT DAY & DATE(S)	FRI 8-10 through SUN 8-12 Set-up on FRI (11am) 2018	RAIN DAY & DATE(S) (50% added fee)	N/A		
EVENT START TIME (i.e. set-up start time)	11am	EVENT END TIME (i.e. when event cleanup is complete)	11pm	ACTUAL START & END TIME OF EVENT	4 – 10pm

EVENT NAME	EXPECTED ATTENDANCE
93 rd Annual St. Peter's Bazaar and Italian Street Festival	1,500+ expected each day

DESCRIPTION OF EVENT:	
Federal Street (from Franklin Arterial to India Street) is scheduled to be closed to vehicular traffic on Friday, Saturday and Sunday August 10-12 in order to hold the 93 rd Annual St. Peter's Bazaar/Street Festival. Barricades will be placed at India Street, as well as across Hampshire Street.	
Hours for the festival are Friday, Saturday & Sunday (approx. 4 – 10pm). Setup for the festival begins Friday, August 10 at 11am. The street (Federal Street) may be closed to traffic from Noon – Midnight each day (for more setup time and breakdown time) – if needed. There will be food booths, games for the children, games of chance, and music in the street during the afternoon and evenings. Booths STAY on the SIDE OF the street during the overnight hours. Money raised by this event goes toward the upkeep of St. Peter's Catholic Church.	
Free admittance into Festival Grounds. But there is a fee for Refreshments, balloons, etc., and games. Organizer rents porta-restrooms for the event.	
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: <u> </u> N/A <u> </u> FEE <u> </u> N/A <u> </u> PLEDGES

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? <i>Parking at area lots, Cathedral Parish, Rite-Aid and on the street</i>

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many:	X		
* Do you wish to set up a tent(s) ? (A canopy or tent larger than 10x10 needs to be approved by PAFD Office and a Tent Permit issued from Inspections Division.		X	
* Will you be setting up tables and/or chairs ? How many tables: 60 chairs: 400	X		
* Are other items or equipment being placed on City property? Please List: Booths	X		

*	Will there be refreshments at the event? Do you wish to sell food? YES (If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office) List food and drink / Food Trucks, etc.: Italian foods, pizza, desserts, cookies, gelato PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served PLEASE give the BL Office at least a 2-week notice (874-8557). A TFSL is needed when food vendors are not licensed, or when food is being prepared and cooked at the event.	X		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, you will need approval from PAFD Office, and you will need to apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell: T-shirts, toys, religious items	X		
*	Are you setting up a PA (sound) system? Are you planning on having Amplified Music? Band? Yes DJ? Yes Boom Box? If so, your event may require a concert license. A Sound Security Deposit may also be required for amplification. For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
*	Will your event require electricity? FROM PARISH	X		
*	Are you planning on bringing a Grill for a Barbecue? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
*	Will the event require reserved parking spaces / parking meters? How many? 4 "No Parking" signs may be purchased at PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from PAFD Office. Barricades and signs are borrowed from Public Works, Customer Service.	X		
*	Will your event require street closures? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES? No (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetrobus.com) to discuss.	X		
*	Will your event require Police assistance?	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned?	X		

INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability Insurance is also required if the event has been approved for serving food.)	X		
♦ If you answered YES, you shall procure and maintain commercial and/or product liability insurance in an amount of at least \$400,000 combined single limit, covering claims for bodily injury, death, and property damage at your event. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement for coverage for the event, only in those areas where governmental immunity has been expressly waived by 14 M.R.S.A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit shall not be deemed a waiver of any immunities or limitations of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law. ♦ The insurance certificate shall be sent to tym@portlandmaine.gov and must state with no exceptions one of the following: 1) The policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date). 2) The policy contains a general liability extension endorsement by which the City of Portland is made an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You must bring a fire extinguisher with you to the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizer rents facilities.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Event Organizers must not use Spray Paint or Spray Chalk when marking city property. Children's Art Chalk can be used with permission from PAFD Office.

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

PAFD has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

DJL

DATE

3-27-18

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

DJL

DATE

3-27-18

FEE SCHEDULE – UPDATED JULY 1, 2015

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$50/hour
Event with registration or pledges & attendance 25 – 300: \$100/hr
Event with registration or pledges & attendance 301+: \$200/hr
Public Space/Park Security Deposit/Sound Security Deposit: \$100-\$1000

Impact/Street Closure Fee (variable based on impact): \$0-\$500
Admin/Staff Fee (support for events): \$30/hour
Porta Restroom User Fee (if attendance is 150+): \$25

CREDIT CARD INFORMATION

Visa or MasterCard Number

Exp Date (Mon/Yr)

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

- ♦ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area: \$50 - \$200 per hour (i.e. a 3 hour event at \$50 totals \$150) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$50 is non-refundable) Number of Hours of Use: Approx.	\$ 300 flat fee per day: \$900 due	Vest/Cone Deposit: \$15 per/item Barricade Deposit: \$25 per/item	\$ TBD
		Single Concert (Amplified Sound) License Fee (\$36 per event - if applicable)	\$ 108 (36/day)
Admin/Staff Fee (support for events): \$30/hour	\$ N/A	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 100 due
Key Deposit: \$50 per key	\$ N/A	Other (Porta-Restroom User Fee: \$25, etc.) NP Signs: \$1 / \$15 each Cone Rental: \$2 each Barricade Rental: \$5 each Bike Rack: \$10 each	\$ TBD
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ 100 due		

FOR OFFICE USE ONLY									
DATE REC'D APPLICATION	3-27-18	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ NEED	SECURITY DEPOSIT	\$ NEED		
PAYMENT TYPE									
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT	\$	

Order 229-17/18
Tab 8 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING JULY 6 TO AUGUST 24, 2018
THE FRIENDS OF DEERING OAKS CONCERT SERIES FESTIVAL**

ORDERED, that Friday afternoons from July 6 to August 26, 2018 are hereby declared to be the Friends of Deering Oaks Concert Series Festival, sponsored by the Friends of Deering Oaks and the Maine Academy of Modern Music; and

BE IT FURTHER ORDERED, that the Friends of Deering Oaks Concert Series Festival area shall be the Deering Oaks Park Bandstand, grass areas around the bandstand, Farmers Market Road and adjacent sidewalks; and

BE IT FURTHER ORDERED, that some parking spaces in Deering Oaks Park may be posted No Parking on concert days; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Friends of Deering Oaks Concert Series Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Friends of Deering Oaks and the Maine Academy of Modern Music under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Friends of Deering Oaks and the Maine Academy of Modern Music shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Friends of Deering Oaks and the Maine Academy of Modern Music shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. The Friends of Deering Oaks and the Maine Academy of Modern Music shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;
4. The Friends of Deering Oaks and the Maine Academy of Modern Music shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Friends of Deering Oaks Concert Series Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors the Friends of Deering Oaks and the Maine Academy of Modern Music has agreed shall participate;
6. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

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



Gregory A. Mitchell
Director, Economic Development Department

Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Andrew J. Downs
Director
Public Assembly Facilities Division

TO: Jon Jennings, City Manager
FROM: Sally DeLuca, Director of Parks, Recreation & Facilities Management
DATE: May 21, 2018
RE: **Council Agenda Item – Friends of Deering Oaks 2018 Summer Children's Concert Series, "The Kids Are Alright"**

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

Order declaring "Friends of Deering Oaks 2018 Summer Children's Concert Series" as a weekly festival event: every Friday afternoon, July 6 – August 24, 2018 (12-1:00pm).

For the past two years, the Friends of Deering Oaks in conjunction with Maine Academy of Modern Music have hosted a summer concert series for children at Deering Oaks Park. Eight (8) concerts will be held at the Deering Oaks Bandstand, Friday afternoons (July 6 – August 24, 12-1:00pm). Performances will feature MAMM students playing a variety of musical styles. Friends of Deering Oaks and Maine Academy of Modern Music have secured sponsorship for funding of these concerts. Attendance at the concerts is usually less than 100 people. There is no admission charge to attend the concerts (all are free to the public).

The festival zone for the concert series is the Deering Oaks bandstand and grass areas surrounding the bandstand, in addition to the sidewalks and Farmers Market Road (vicinity of bandstand).

The Order should include the following items:

Friends of Deering Oaks 2018 Summer Children's Concert Series Festival be authorized for Friday afternoons, July 6 – August 24 (12-1:00pm) at the Deering Oaks Bandstand area.

This festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of festival organizers for the purpose of conducting the Summer Children's Concert Series, subject to the direction and control of the City Manager.

In order to hold the event on city property, some parking spaces within Deering Oaks Park may need to be posted "No Parking" on concert days. Vehicles in violation of the "No Parking" signs shall be towed at owner's expense.

(continued)



Gregory A. Mitchell
Director, Economic Development Department

Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Andrew J. Downs
Director
Public Assembly Facilities Division

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Friends of Deering Oaks for the use of the above-described area for said Festival subject to the following conditions:

- The Friends of Deering Oaks / Maine Academy of Modern Music shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "Summer Children's Concert Series" activities, and the City be endorsed on the policy;
- Summer Children's Concert Series organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Summer Children's Concert Series;
- Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to;
- Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;
- Any and all amplified music/public announcements shall be maintained at a reasonable level (under 92dBs) and be configured by the event organizer to focus volume away from residential housing, limiting any sound impacts to neighbors nearby; and
- Public Assembly Facility Division permit fees for use of the area are waived; other fees to city departments may be due.

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

Document prepared by Ted Musgrave, PAFD Event Coordinator

*Order 230-17/18
Tab 9 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER RE: RESIDENTIAL PARKING PERMIT EXTENSION

ORDERED, that Schedule XXVIII, Residential Parking Permit Area, District IR established pursuant to Order 306-07/08 passed on June 16, 2008 and amended by Order 278-08/09 on June 1, 2009, Order 246-09/10 on June 7, 2010, Order 270-10/11 on June 20, 2011, Order 217-11/12 on June 18, 2012, Order 235-12/13 on June 3, 2013, Order 265-13/14 on June 16, 2014, Order 289-14/15 on June 15, 2015, Order 262-16/17 on May 16, 2016, and Order 254-16/17 on June 19, 2017, is hereby amended, as follows:

By extending the one-year period that will expire on June 30, 2018 to June 30, 2019 and by extending the Schedule XXVIII, Residential Parking Permit Area, District IR to include 10 on street spaces on the westerly side of Hancock St between Fore and Thames and the 16 on-street parking spaces on the north side of Thames St. between India and Hancock St.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: John Peverada, Parking Manager

DATE: May 8, 2018

DISTRIBUTION: Jon Jennings, City Manager
Ethan Strimling, Mayor
Danielle West Chuhta, Corporation Counsel
Michael Murray, Assistant to the City Manager
Sonia Bean, Senior Administrative Assistant
Deivy Periana, Senior Administrative Assistant
Nancy English, Executive Legal Assistant

SUBJECT: Residential Parking Permit Extension

SPONSOR: Councilor Belinda Ray

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading n/a **Final Action** June 4, 2018 consent item one read

I. SUMMARY OF ISSUE

II.

June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking. Additionally, in June of 2017 the Council approved approximately twenty five (25) one hour parking spaces on the north side of Fore St. between Mountfort and Waterville Streets to allow the use of Island Residential Parking Permits along this section of Fore Street in a previously no parking zone.

In 2008 since the development at the corner of Thames and Hancock Streets was on

hold, 10 on street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2 hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the Council should decide to regulate the spaces differently. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, that would cause minimal interference with area businesses and residents. As you know there is now a hotel being built on a portion of that lot. The planners have told me that the developer of the hotel does not have any preference for time limited parking versus meters on this block at this time. Obviously the ultimate regulation of the on street parking is decided by the City Council.

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

The current one year approval to allow the 26 spaces surrounding the development at the corner of Thames & Hancock Streets to be included in the Island Residential Zone expires on June 30, 2018.

III. INTENDED RESULT

Extend the approval to maintain the 26 spaces, at the corner of Thames & Hancock Streets, signed 1 hour parking, for another year, until June 30, 2019.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT
None

VI. STAFF ANALYSIS

Staff has determined that the additional on street parking will benefit Island residents, and one hour turnover parking will benefit others.

VII. RECOMMENDATION

The Parking Division and Island and Neighborhood Administrator recommend passage.

VIII. LIST ATTACHMENTS

*Order 231- 17/18
Tab 10 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

UBQ, LLC dba Uncle Billy's Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue.

LETTER OF INTENT

UBQ, LLC
dba/ Uncle Billy's Bar-B-Que
166 Cumberland Avenue
Portland, ME 04101

To: City of Portland
The Honorable Ethan K. Strimling, Mayor of Portland
Members of the Portland City Council

Uncle Billy's Bar-B-Que is respectfully submitting this letter of intent to apply for a business license along with permits for approval of alcohol beverage service. The location of Uncle Billy's Bar-B-Que will be at 539 Deering Ave, the former space of the Abilene Restaurant.

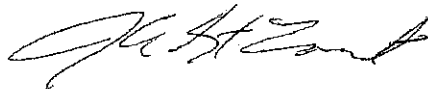
The restaurant will be another reincarnation of the famous Uncle Billy's Bar-B-Que that originally opened in 1989 in South Portland. A staple and favorite of all who love BBQ in greater Portland area for many years. This new additional location will feature many of the same smoked meats along with some new ideas. All inspired by the creator of the Uncle Billy's guru himself, me, Jonathan 'Jonny' St. Laurent.

The BBQ will all be prepared on site in the newest smoker made by Ole Hickory in Missouri. The slow cooked meats will all be recipes from Jonny's years in the BBQ business. This new location will bring another dimension to the Woodfords Corner area's redevelopment and expansion. This will truly be a fun neighborhood spot that brings in families from near and far across the Portland region.

This addition of Uncle Billy's Bar-B-Que at Woodfords Corner would also like to offer a full selection of alcoholic beverages. This location already provides a warm bar area and we would feature beers and spirits produced right here in Portland and other parts of Maine.

We look forward to bringing this gem of a restaurant into another of Portland's great neighborhood. We thank you for your consideration with this project and look forward to becoming part of the vibrant Portland restaurant scene in Woodfords Corner.

Respectively submitted,



Jonathan St. Laurent
Manager
UBQ, LLC
dba/ Uncle Billy's Bar-B-Que

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Uncle Billy's Bar-B-Que	Phone:	207-208-9500
Location Address:	539 Deering Ave., Portland, ME	Zip:	04101-4444
If new, what was formerly at this location:	Abilene Restaurant Portland		
Mailing Address:	166 Cumberland Ave., Portland, ME	Zip:	04101
Contact Person:	Jonathan St. Laurent	Phone:	207-751-3539
Contact Person Email:	elvis@unclebillysbarbque.com		
Manager of Establishment:	Jonathan St. Laurent	Date of Birth:	10/30/50
		Phone:	207-751-3539
Owner of Premises (Landlord):	SM & A Properties, LLC		
Address of Premises Owner:	P.O. Box 6752, Portland, ME	Zip:	04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
UBQ, LLC		166 Cumberland Ave., Portland, ME	Zip: 04101
Contact Person:	Jonathan St. Laurent	Phone:	207-751-3539
Principal Officers	Title	Date of Birth	Residence Address
Jonathan St. Laurent	Manager	10/30/50	41 Vesper St., Portland, ME 04101

About Your Establishment

Class of Liquor License:	Class 1		
Type of food served:	BBQ		
Please circle all that will be served:	☒ Beer	☒ Wine	☒ Liquor
Projected percentage of sales:	Generated from Food: 90	Generated from Alcohol: 10	
Hours & days of operation:			

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y
Will you permit dancing on the premises?	☒ Y
Will you permit dancing after 1:00 a.m.?	☒ Y
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ Y
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒ Y
If yes, please list: # of pinball machines: _____ # of amusements: <u>1</u> # of pool tables: _____	
What is your targeted opening date? May 1, 2018	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y
If Yes, please list business name(s) and location(s): Uncle Billy's Bar-B-Que, Newbury St., Portland Uncle Billy's Restro Bar & BBQ, Congress St. Portland, ME	
Is any principal officer under the age of 21?	☒ Y
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y
If Yes, please explain:	

I Jon A. St-Laurent do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Jon A. St-Laurent Title Manager Date 3/28/2018

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and
M.R.S.A. Title 28-A at www.maine.gov.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: UBQ, LLC		Business Name (D/B/A) Uncle Billy's Bar-B-Que	
APPLICANT(S) –(Sole Proprietor) DOB:		Physical Location: 539 Deering Avenue	
DOB:		City/Town Portland	State ME
		Zip Code 04101	
Address		Mailing Address 166 Cumberland Avenue	
City/Town	State	Zip Code	
Portland	ME	04101	
Telephone Number 207-208-9500	Fax Number	Business Telephone Number 207-208-9500	Fax Number
Federal I.D. # 82-1472144	Seller Certificate #: or Sales Tax #: 1190415		
Email Address: Please Print elvis@unclebillysbarbque.com	Website: www.unclebillys.me		

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: **April 23, 2018** Business hours: **11am to 9pm Mon - Fri, 8am to 9pm Sat & Sun**

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

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

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

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

 License # Name of Business (Use an additional sheet(s) if necessary.)

 Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
6. If manager is to be employed, give name: Jonathan A. St. Laurent
7. Business records are located at: 166 Cumberland Ave., Portland, ME 04101
8. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jonathan A. St. Laurent	10/30/1950	Plattsburg, NY
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Portland, ME		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

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

Yes ☐ No ☒ If Yes, give name: _____

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

14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: SM&A Properties

15. Describe in detail the premises to be licensed: **(On Premise Diagram Required)** Full service barbeque restaurant seating 28 patrons offering a full menu while open. Space was formerly Ablene Restaurant, a full service restaurant.

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: March 26, 2018

17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .25 mile

Which of the above is nearest? Church

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

If YES, give details: _____

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

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

Dated at: Portland, ME on March 26, 20 18
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)

Jonathan A. St. Laurent

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: UBQ, LLC
2. Doing Business As, if any: Uncle Billy's Bar-B-Que
3. Date of filing with Secretary of State: 04/03/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Jonathan A. St, Laurent	41 Vesper St., Apt. 3 Portland, ME 04101	10/30/50	Member	10
Third Rail Partners, LLC	412 N. Maine St., Ste 100 Buffalo, WY 82834	05/01/17	Member	90

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

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

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

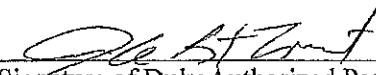
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

Date

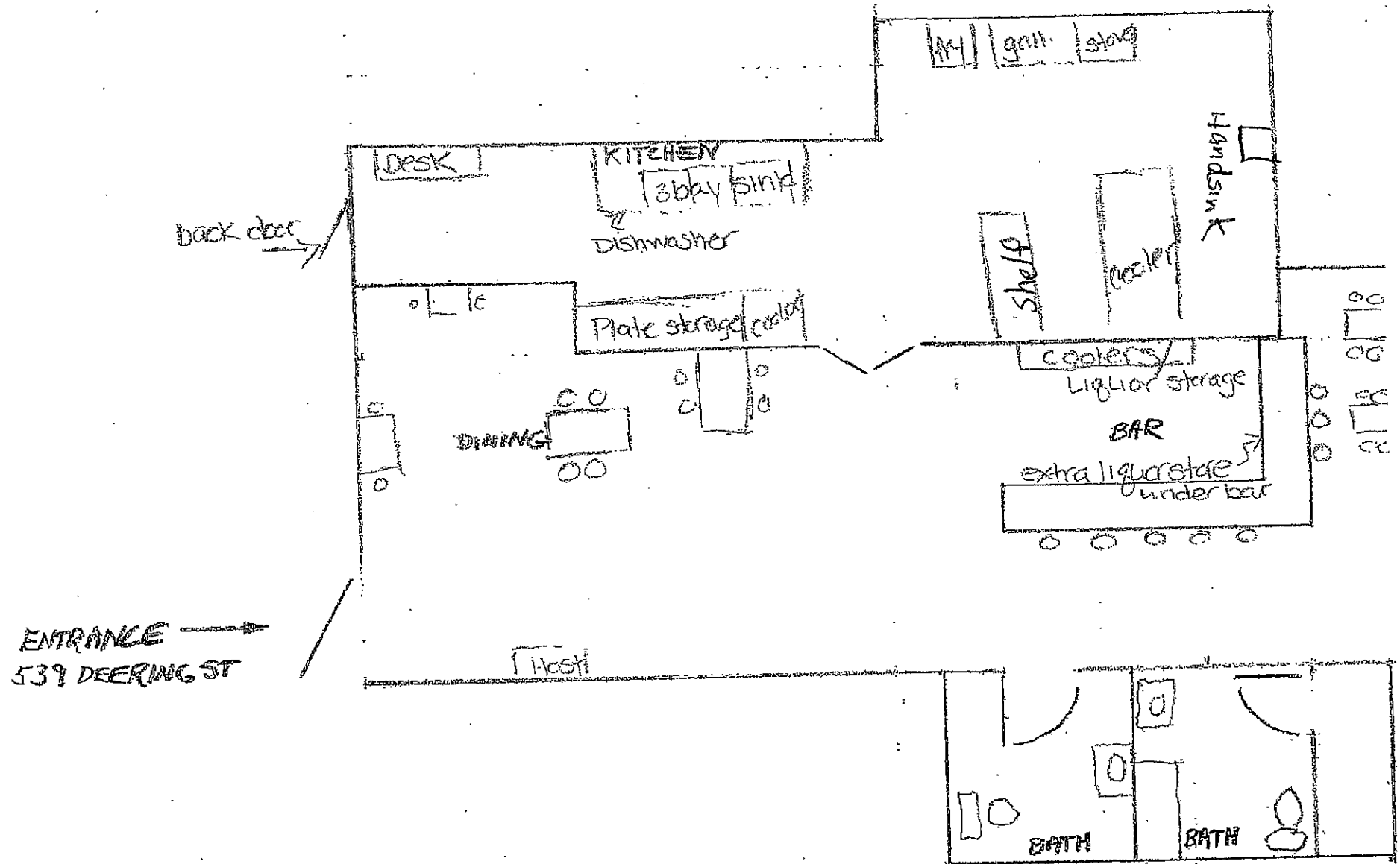
3/26/2018

Jonathan A. St. Laurent

Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



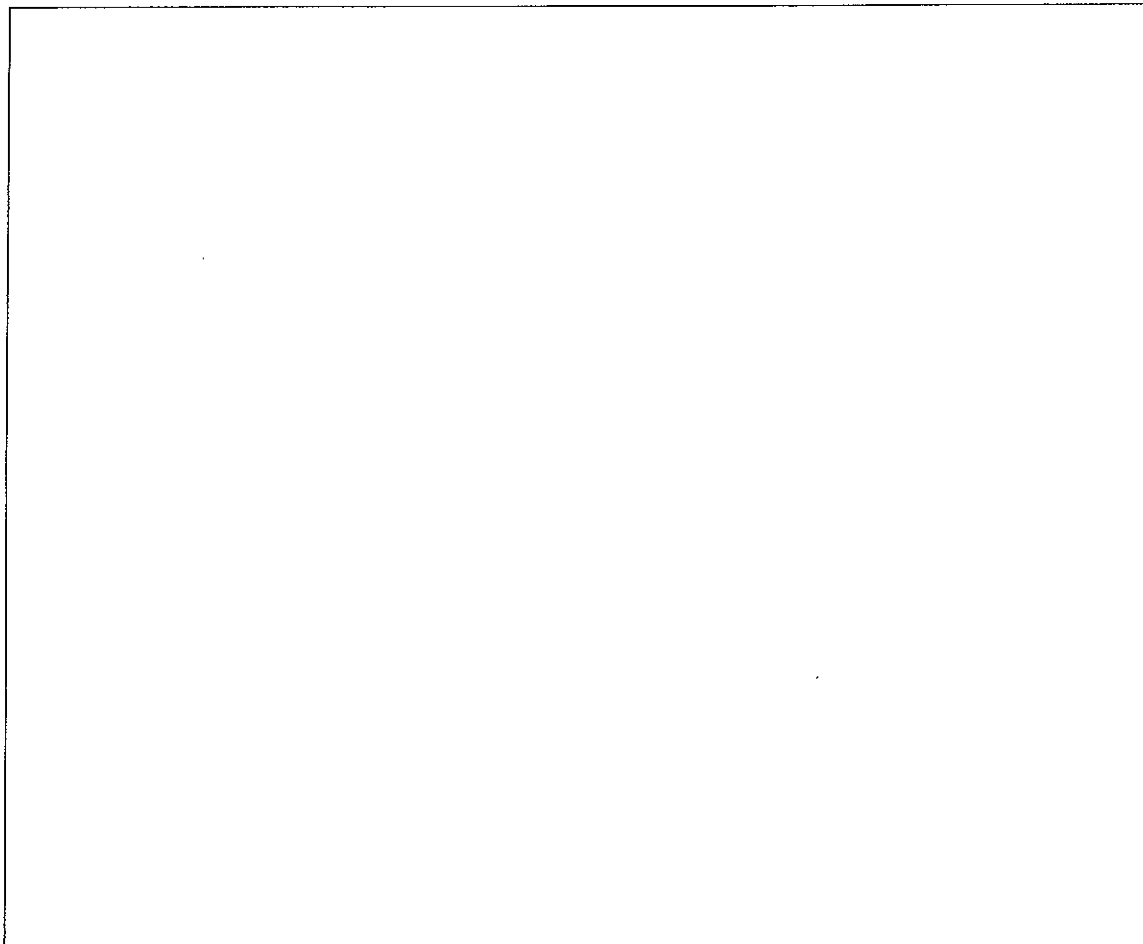
*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*

DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

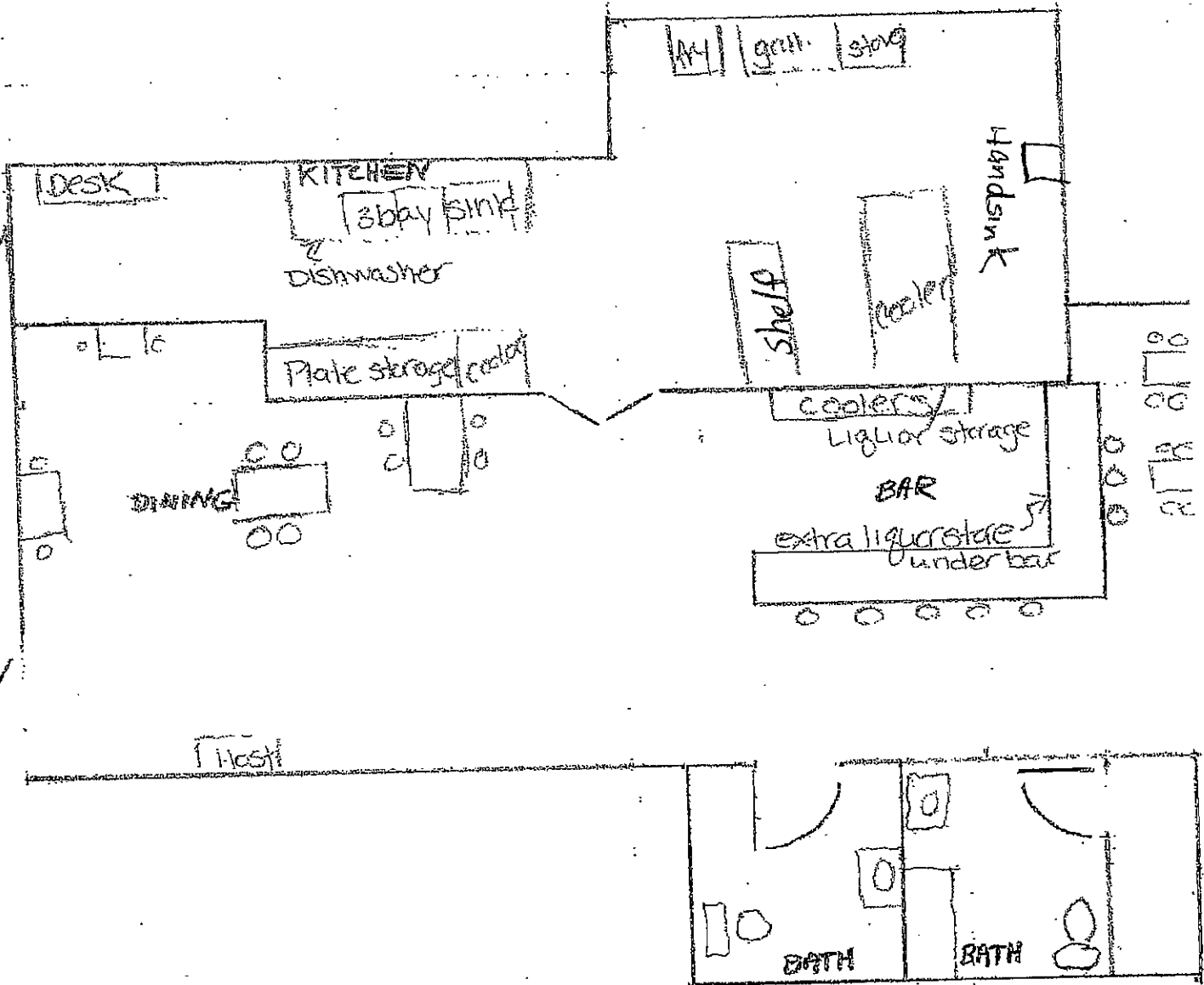
In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



ENTRANCE →
539 DEERING ST

back door →





SMOKED BBQ SANDWICHES – \$11

Served with choice of one side. Served on Bun or Texas Toast

Pulled Pork	Sliced Tri-Tip
Sliced Brisket	Chopped Brisket
Smoked Links (Mild or Spicy)	Pulled Chicken

Add the grilled works (peppers, onions and mushrooms) \$2

Rusty's Smoked Steak Bomb - \$13 (choice of Brisket or Tri-Tip)
the meat, the grilled works & the provolone cheese on a ciabatta roll.

ROADSIDE SIDES – \$3

Smoked Meaty Beans; Skin on Fries; Cole Slaw; Potato Salad.

BBQ SALADS

Small Bowl Side Salad - \$5

Big Bowl Dinner Salad - \$8

Romaine hearts with grape tomatoes, bell peppers, English cucumber, avocado, corn and feta cheese.

The SMOKIN' BBQ Salad - \$12

Choose one: Smoked Chicken; Pulled Pork, Chopped Brisket. or Tri-Tip

Romaine hearts topped with Rusty's in-house smoked choice meat, grape tomatoes, English cucumber, bell peppers, sliced avocado, corn and feta cheese served with your choice of dressing.

RUSTY'S ROADSIDE BBQ COMBO MEAT PLATES

2 meats \$19; 3 meats \$27; 4 meats \$35

SQUEALIN' ROADSIDE BBQ PLATES

*Served with slice of Texas toast and any 2 of the Roadside Sides.
A side salad can be substituted for \$1.50.*

Baby Back Pork Rib Plate

3 ribs \$10; ½ rack \$18; Full Rack - \$32

Sliced Tri-Tip Plate

Regular – \$15; Large – \$19

Smoked Sliced Brisket Plate

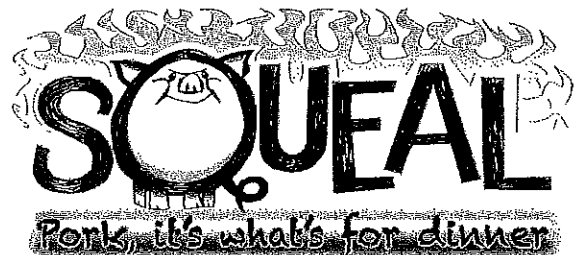
Regular – \$14; Large – \$18

Pulled Pork Plate

Regular – \$12; Large – \$17

Smoked Chicken Plate

¼ - \$10; ½ - \$16; Whole Bird - \$26



Try Our Smoked Chicken Wings !

6 for \$8; 12 for \$14 or 24 for \$24

ROADSIDE BREWS (see board for today's craft beer on tap) 16oz - \$6; 24oz - \$9

UBQ ROADSIDE ALL BEEF BRISKET BURGERS

Portola Burger – lettuce, tomato and onion - \$7, add choice of cheese - \$8

Alpine Burger – grilled onions and mushrooms, lettuce and tomato, and choice of cheese - \$10

Los Trancos Burger - fresh jalapeño, avocado, pepper jack cheese, bacon, lettuce, tomato, onion - \$10

Buckeye BBQ Burger – slow-smoked BBQ pulled pork, BBQ sauce on top a brisket burger - \$15

Skyline Double Burger – two patties, lettuce, tomato, onions and your choice of cheese - \$16

Trinity Turkey Burger – seasoned white-meat turkey burger, lettuce, tomato, onion, provolone - \$9

Foxwood Fried Fish Sandwich – beer-battered cod fillet, with lettuce, tomato and house-made tarter sauce - \$10

Burger Tune-Up Add On's – crispy bacon \$1.50, avocado \$.75, grilled onions \$.75

add cheese: \$1.00 (American, Cheddar, Pepper Jack, Swiss, Provolone)

JUST THE MEAT, THE BEST SLOW SMOKED MEAT!

Baby Back Style Pork Ribs - 3 ribs \$8 ½ rack \$16 full rack \$30

Smoked Sliced Brisket - ½ lb \$15 1 lb \$25

Smoked Sliced Tri-Tip - ½ lb \$16 1 lb \$26

Portland
Maine

Yes Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Uncle Billy's Bar-B-Que-Liquor

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Apr 3, 2018 at 5:10 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Tue, Apr 3, 2018 at 9:44 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Uncle Billy's Bar-B-Que, 539 Deering Avenue for a Class I FSE. This will be going before City Council on 6/4/2018.

The information has been added to Energov for approvals. You can email me the approvals too.

Thanks Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman

Portland Police Department

Patrol Division

109 Middle St

Portland, Maine 04101

(O) 207-756-8294

kevindc@portlandmaine.gov.

Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

UBQ, LLC
166 Cumberland Ave
Portland ME 04101

Re: UBQ, LLC dba Uncle Billy's Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue.

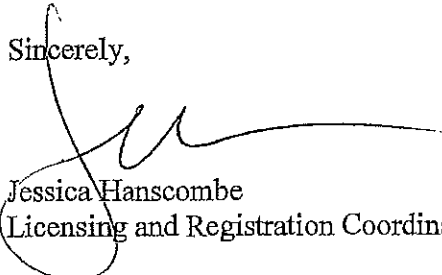
Dear Jonathan St. Laurent,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class I FSE at 539 Deering Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,


Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., UBQ, LLC dba Uncle Billy's Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

order 232-17/18
Tab 11 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91
Anderson Street.**

BAHARAT

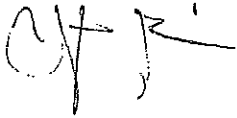
91 Anderson Street | (207) 613-9849 | info@baharatmaine.com

4/4/2018

Dear Mayor Ethan Strimling and the Portland City Council:

Baharat would like to apply for an Outdoor Dining Permit for the summer months. We believe that our location and layout are perfect for alfresco dining and would love for our customers to be able to take advantage of our short but beautiful summer weather. We are requesting roughly 120 square feet of outdoor dining area, with three designated tables of four. We have submitted the required paperwork and layout for your consideration. We appreciate your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clayton Norris', with a stylized flourish at the end.

Clayton Norris
Baharat

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$80.00 plus \$2.00 per Square foot \$2.00 X <u>120</u> SF = <u>320</u>
☐ Outdoor Dining on Public Property in a City Park \$80.00 plus \$6.00 per Square foot \$6.00 X _____ SF = _____

Business Information	
Business Name (d/b/a):	Baharat
Location Address:	91 Anderson St.
Mailing Address:	89 Anderson St. #205
Contact Person:	Jenna Friedman
Contact Person Email:	info@baharatmaine.com
Manager of Establishment:	Jenna Friedman
Owner of Premises (Landlord):	Redfern Properties
Address of Premises Owner:	PO Box 8816

Owner Information

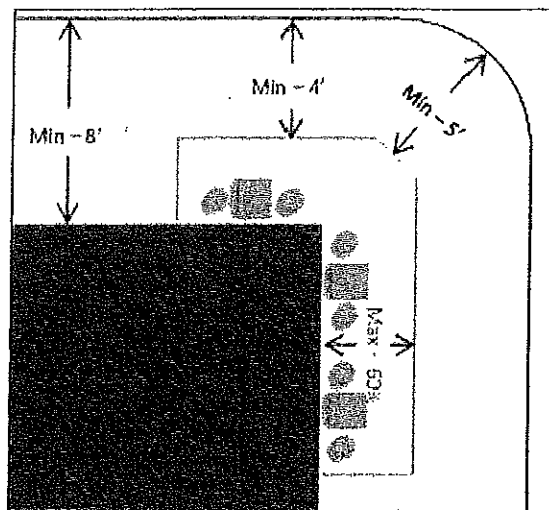
Corporate Name		Corporate Mailing Address	
Baharat, LLC		89 Anderson St #205	
Contact Person:	Clayton Norris	Phone:	(207) 844-0167
Principal Officers	Title	Date of Birth	Residence Address
Clayton Norris	Owner	2/25/81	89 Anderson St #205 04101

About Your Establishment

Class of License:	1	
Type of food served:	Middle Eastern	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Hours & days of operation:	Wed - Sun, 3-10	
Number of Tables	3 (outdoor)	10 (indoor)
Number of Chairs	12 (outdoor)	45 (indoor)

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

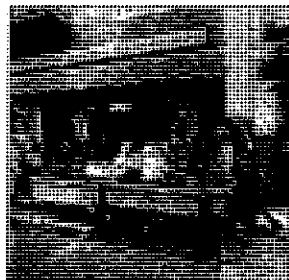
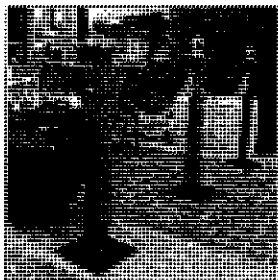


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation

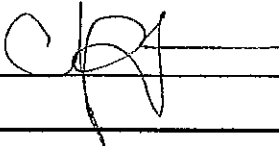


Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature



Title

OWNER

Date

4/5/18

For Administrative Use Only

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

FD: _____

Health: _____

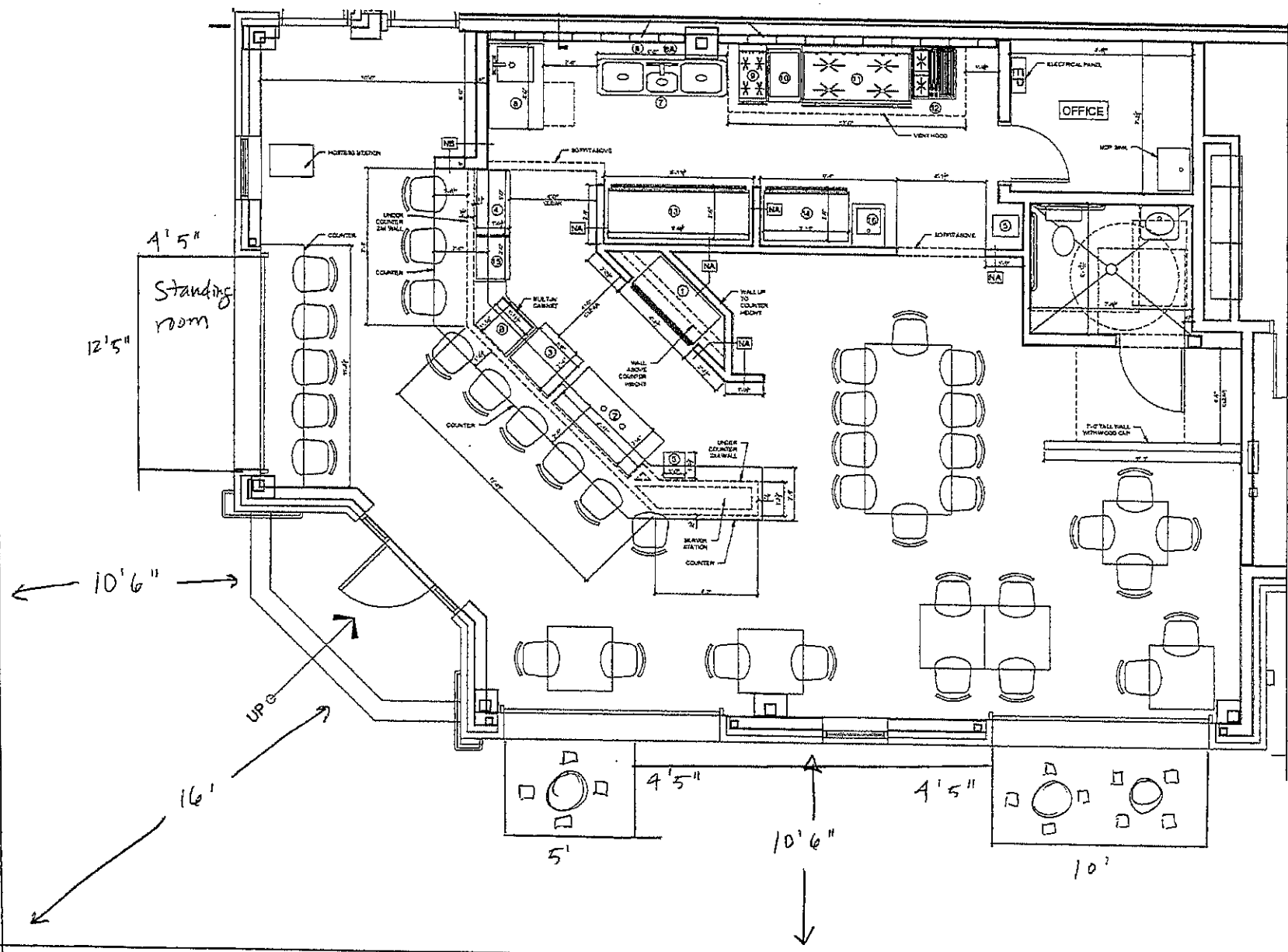
PD: _____

Treasury: _____

Zoning: _____

Request Date / Approval

Notes: _____

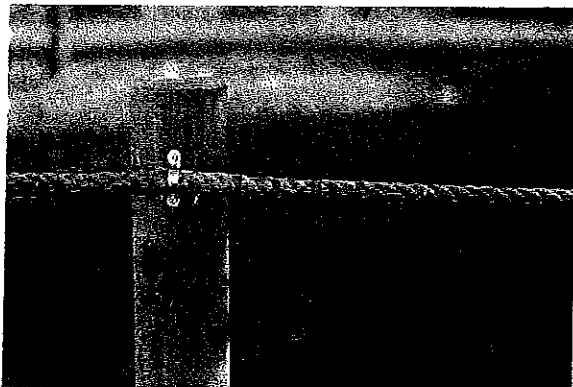


Fox St.

ANDERSON ST.

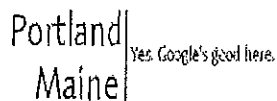
Barrier Solutions:

We are planning on using simple wooden stanchions with boat rope to partition off our outdoor dining area. Examples are seen below:



4/6/2018

City of Portland Mail - Re: Baharat



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Baharat

Kevin Cashman <kevindc@portlandmaine.gov>

Fri, Apr 6, 2018 at 2:06 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

PD has no objections.

Kevin C.

On Thu, Apr 5, 2018 at 1:22 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Baharat, 91 Anderson Street. This is to add outdoor dining on City property. This will go before City Council on 6/4.

Please email me approvals. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Baharat
89 Anderson Street #205
Portland ME 04101

Re: Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91 Anderson Street.

Dear Jenna Friedman,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for Outdoor Dining on Public Property at 91 Anderson Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91 Anderson Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Order 234-17/18
Tab 12 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Battery Steele Brewing LLC dba Battery Steele Brewing. Application for Outdoor Dining
on Private Property at 1 Industrial Way, Unit 12.**

Jacob Condon
Battery Steele Brewing
1 Industrial Way
Portland, ME 04103

4/17/18

Mayor and members of the City Council,

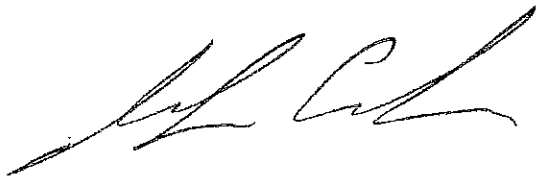
We at, Battery Steele Brewing, would appreciate permission to expand our current outside dining area.

Since our inception a little over a year ago we have been fortunate enough to acquire another unit at the heralded 1IW. Over the last 6 months we have been rehabbing our new unit with more fermentation capacity, ADA bathrooms, floor drains, cold room and office area.

We are very excited as this expansion will allow us to hire our first employees. We plan on having 5 employees by mid summer and couldn't be more happy about it.

We appreciate the opportunity to do business in the city of Portland, Maine.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Condon', written in a cursive style.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Private Property
 Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
 Valid April 1-November 15

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

925-88
 924-18-18

Business Information	
Business Name (d/b/a):	Battery Steele Brewing Phone: 207.409.5334
Location Address:	1 Industrial Way Suite 12 Zip: 04103
Mailing Address:	Zip:
Contact Person:	Jacob Condon Phone: 207.409.5334
Contact Person Email:	JC@batterysteel.com
Manager of Establishment:	Jacob Condon Date of Birth: Phone:
Owner of Premises (Landlord):	AIM One Industrial
Address of Premises Owner:	531 East Chapman Ave Orange, CA Zip: 92866

Owner Information

Corporate Name		Corporate Mailing Address	
Battery Steele Brewing		1 Industrial Way Zip: 04103	
Contact Person:	Jacob Condon	Phone:	207 409.5334
Principal Officers	Title	Date of Birth	Residence Address
Jacob Condon	member	11-7-78	554 Highland Ave South Portland 04106
Shane Noble	member	6-24-84	11 Frederic St Portland 04101

About Your Establishment

Class of License:	Testing Room
Type of food served:	
Please circle all that will be served:	☒ Beer ☐ Wine ☐ Liquor
Hours & days of operation:	12-7 Thursday - Monday
Number of Tables	4
Number of Chairs	12

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature [Signature] Title member Date 4/16/18

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	
CC _____ CA _____ CK _____	Health: _____	
	PD: _____	
Amount: _____	PR: _____	
Date Paid: _____	Treasury: _____	
CC _____ CA _____ CK _____	Zoning: _____	

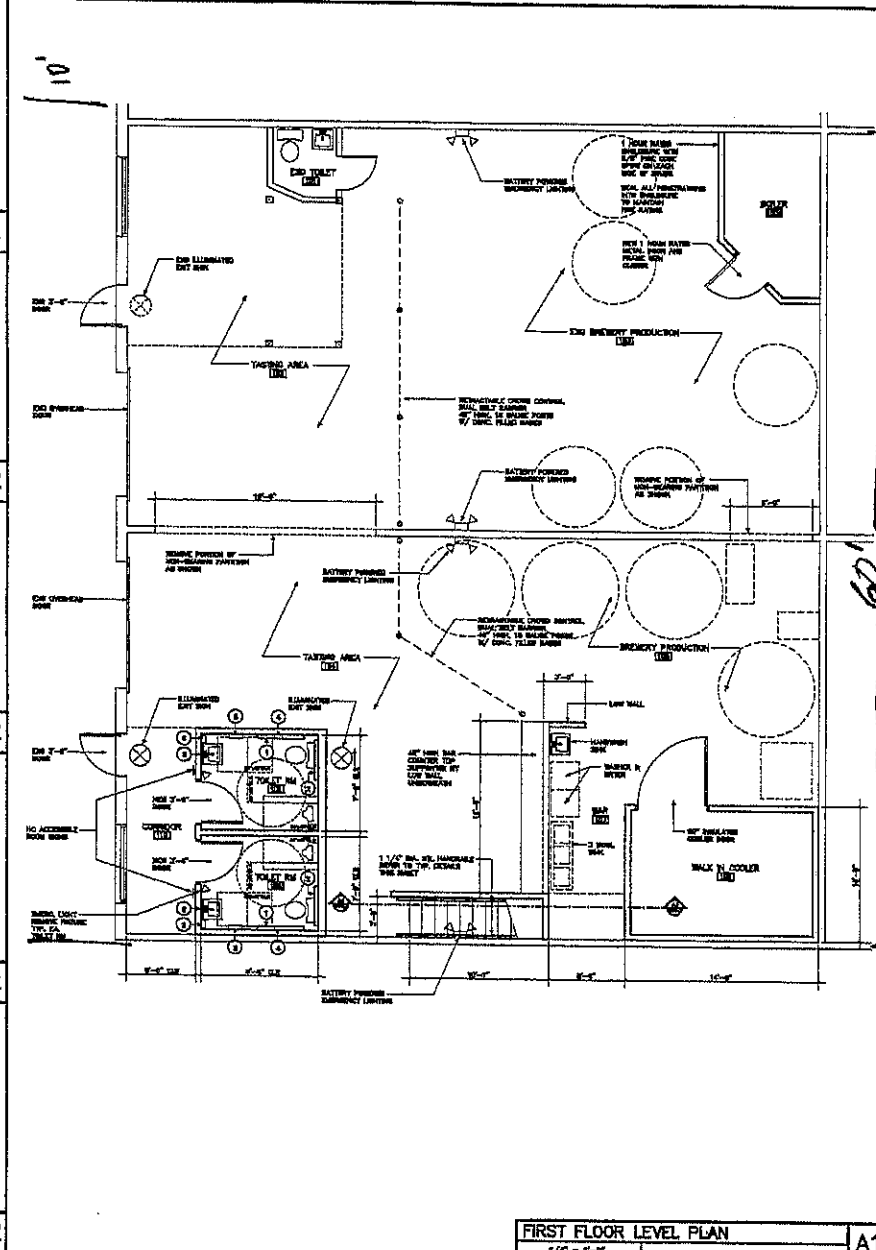
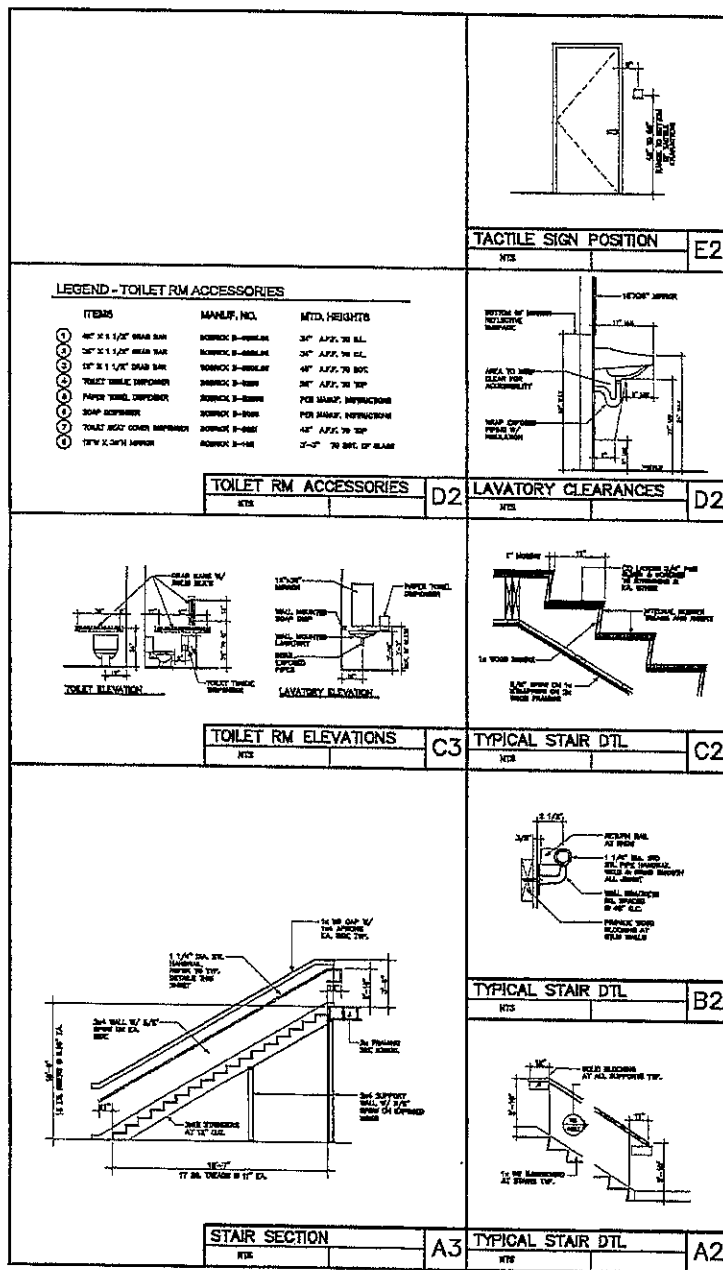
*The proposed area is a 10 foot by 60 foot area at the entrance of the building.

*We have purchased (4) 8 foot picnic tables for seating. This should comfortably be enough seating for 30 people.

*The barriers are 55 gallon, wooden beer barrels with climbing rope connecting the barrels.

*There will be (2) entrances with 5 foot openings each.

*There will be signs that state, "NO DRINKING BEYOND THIS POINT" easily seen from all areas.



ROBERT I. FOSTER ARCHITECT
36 Grosvenor Road, Portland, Maine 04102
(207) 761-8822

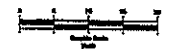
BATTERY STEELE
BIRMINGHAM, ALA.

1 INDUSTRIAL WAY, UNIT #12
PORTLAND, MAINE

GENERAL NOTES

- [illegible]

	01 - 10 - 10	CONSTRUCTION DRAWINGS
Index	Date	Description
VOLUME CHANGES		

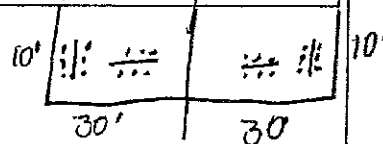
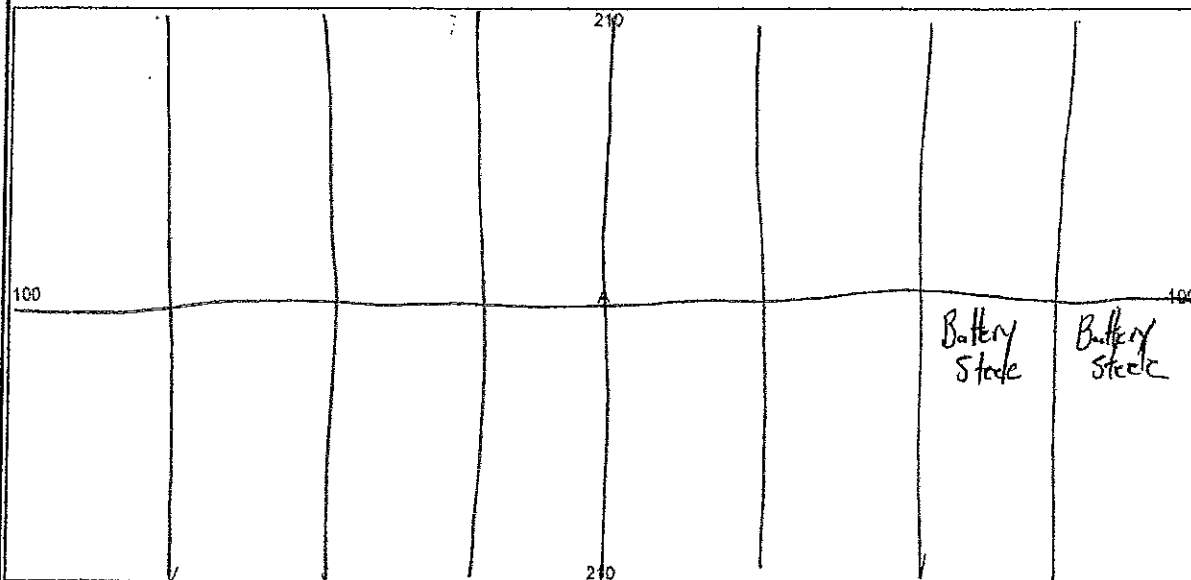


GROUND FLOOR PLAN

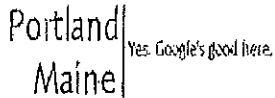
Spending Planner

A10.1

ID	Code	Description	Area
A	VS1	1S	21000



PAIR K I T N G



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Battery Steele Brewery

Kevin Cashman <kevindc@portlandmaine.gov>

Fri, Apr 20, 2018 at 11:14 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keri Ouellette <kouellette@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Thu, Apr 19, 2018 at 15:24 Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Battery Steele Brewing, 1 Industrial Way. They are expanding their outdoor dining. This will go before council on 6/4.

Please email me approvals. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Sent from Gmail Mobile

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Battery Steele Brewing
1 Industrial Way Suite 12
Portland ME 04103

Re: Battery Steele Brewing LLC dba Battery Steele Brewing. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 12.

Dear Jacob Condon,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for Outdoor Dining on Private Property at 1 Industrial Way. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Battery Steele Brewing LLC dba Battery Steele Brewing. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 12. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 235-17/18
Tab 13 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street.

Rosetta Iannaccone
d/b/a/ The 5 Spot
935 Congress St.
Portland, ME 04102

Dear Mayor Strimling and Members of Council,

After a tremendous first year in business it is my intention to respectfully request your approval of a liquor license for "The 5 Spot" at 935 Congress St. here in Portland to sell on-premise beer & wine.

Since our opening one year ago, May 1st, 2017, we have become a positive member of the Valley St. business community and very popular destination for locals, friends, families and tourists alike to gather for a great sandwich in a very casual, fun atmosphere. Many of those customers regularly ask us "So when are ya getting beer."

We've also partnered with local sports teams like the Sea Dogs and Red Claws for great promo's to kick off our 2nd year and look forward to being a "dining hub" with our close proximity to Hadlock and The Expo.

We wish to add a small 2-3 tap system, a small selection of bottled beer and 2 house wines. We are by no means going to be a "bar" or a drinking establishment. But our customers are really getting antsy for a cold beer to wash down our delicious sandwiches.

Moving forward in our City's dynamic food scene and with the rewards/challenges of what the new MMC Expansion will mean to us, we feel that adding some cold beer will better position us for inevitable changes ahead and make literally thousands of customers VERY happy.

Thank you for your time.

Sincerely,

Rosetta Iannaccone
d/b/a/ The 5 Spot
935 Congress St.
Portland, ME 04102

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	ROSETTA IANNACONE d/b/a THE SPOT Phone: 207 536-1430
Location Address:	935 CONGRESS ST. Portland Zip: 04102
If new, what was formerly at this location:	Basement
Mailing Address:	570 BRIGHTON AVE FLR 3 PLAND Zip: 04102
Contact Person:	Phone:
Contact Person Email:	
Manager of Establishment:	Date of Birth: ROSETTA IANNACONE 2/11/87 Phone: 207 777-7725
Owner of Premises (Landlord):	STEPHEN MARDIGAN
Address of Premises Owner:	460 BAXTER BLVD PORTLAND Zip: 04102

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address
ROSETTA IANNACONE	2/11/87	570 BRIGHTON AVE FLR 3
		PORTLAND, ME 04102

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address

About Your Establishment

Class of Liquor License:	3-4	
Type of food served:	Sandwiches	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	10am - 11pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y ☐ N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s):	
THE 5 SPOT 935 CONGRESS ST. PORTLAND, ME 04102	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain: ROSETTA IANNACCONE	
THREAT THEFT BY UNAUTHORIZED TAKING 10/15/15	

I _____ do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature _____ Title _____ Date 4/23/18

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557

www.portlandmaine.gov

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☒ Entertainment without Dancing: \$281 ☐ Entertainment with Dancing: \$504 ☐ After-Hours (1 a.m. to 3 a.m.): \$567

Business Information			
Business Name (d/b/a):	ROSETTA IANNACCONE THE 5 SPOT	Phone:	207 536-1430
Location Address:	935 CONGRESS ST	Zip:	04102

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:		
Will music be electric, acoustical, or both? (Circle)		
Will amplification be used?		YN
If yes, where and at what level?		
BASEMENT ROOM, VERY MELLOW		
Will music be played (Circle all that apply): Inside Outside		
Will you permit dancing on the premises?		YN
Will you permit dancing after 1:00 a.m.?		YN
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 70 ft		
What is your targeted opening date?		ASAP
Does the issuance of this license directly or indirectly benefit any City employee(s)?		YN
If Yes, list name(s) of employee(s) and department(s):		

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

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

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

Signature [Signature] Title OWNER Date 4/23/18

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ BEER ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>The 5 Spot</u>			Business Name (D/B/A) <u>The 5 Spot</u>		
APPLICANT(S) - (Sole Proprietor) <u>Rosetta Iannaccone</u>			Physical Location: <u>935 Congress St</u>		
DOB: <u>2/11/87</u>			City/Town State Zip Code <u>Portland ME 04102</u>		
Address <u>570 Brighton Ave.</u>			Mailing Address <u>935 Congress St.</u>		
City/Town State Zip Code <u>Portland ME 04102</u>			City/Town State Zip Code <u>Portland ME 04102</u>		
Telephone Number Fax Number <u>(207) 747-7725 N/A</u>			Business Telephone Number Fax Number <u>(207) 536-1430 N/A</u>		
Federal I.D. # <u>002-80-5311</u>			Seller Certificate #: <u>118465</u> or Sales Tax #:		
Email Address: Please Print <u>rosetta.iannaccone87@gmail.com</u>			Website: <u>N/A</u>		

If business is NEW or under new ownership, indicate starting date: 5/1/17

Requested inspection date: 6/1/18 Business hours: mon-sat 8.00-7.00

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
2. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
3. Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☒
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # Name of Business (Use an additional sheet(s) if necessary.)

Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☒
6. If manager is to be employed, give name: NIA
7. Business records are located at: 935 Congress St. Portland, ME
8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Rosetta Tannaccone	2/11/87	Concord, NH

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

Portland, ME

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

Name: Rosetta Tannaccone Date of Conviction: 10/15/15

Offense: theft by unauthorized taking Location: Portland, ME

Disposition: guilty (use additional sheet(s) if necessary)

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Stephen Mardigan - 460 Baxter Blvd. Portland, ME

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

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

YES ☒ NO ☐ Applied for: _____

17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3 miles

Which of the above is nearest? King Middle School

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

If YES, give details: personal loan

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

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

Dated at: Portland, ME on 3/28 ~~11/18~~, 20 18
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Rosetta Iannaccone

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00

CLASS X: Class A Lounge

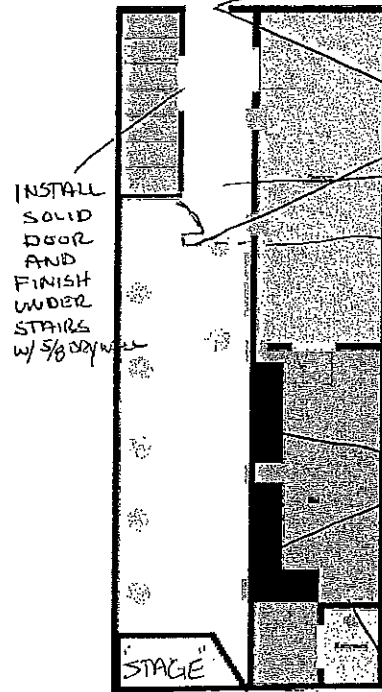
Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

The 5 Spot

BASEMENT



INSTALL
SOLID
DOOR
AND
FINISH
WOODER
STAIRS
w/ 5/8" DRYWALL

INSTALL OUTSIDE LIGHT

*** EVERYTHING IS EXISTING
IN BASEMENT EXCEPT
AS NOTED

INSTALL EXIT LIGHTS

LEVEL UNFINISHED FLOOR & INSTALL TILE

DEMOLISH NON-BEARING WALL & DOOR

FRAME 2x4 WALL WITH 3/4" DOOR
+ 5/8" DRYWALL

CUT HOLES IN EXISTING
WALLS (NOW-LOAD BEARING)

INSTALL CAST-IN-PLACE
CONCRETE BAR TOPS TO

ADDITIONAL 2x4 FRAMING
@ 42" & FINISH WITH 5/8" DRYWALL

INSTALL 2x4 STAGE
WITH 3/4" PLYWOOD &
INDOOR/OUTDOOR CARPET

INSTALL HAND SINK

THIS IS A LOAD BEARING
BEAM THATS CARRIES
1ST FLOOR AND WILL REMAIN
INTACT

* ALL LIGHTING TO BE
UPDATED TO LED'S +
OUTLETS ADDED

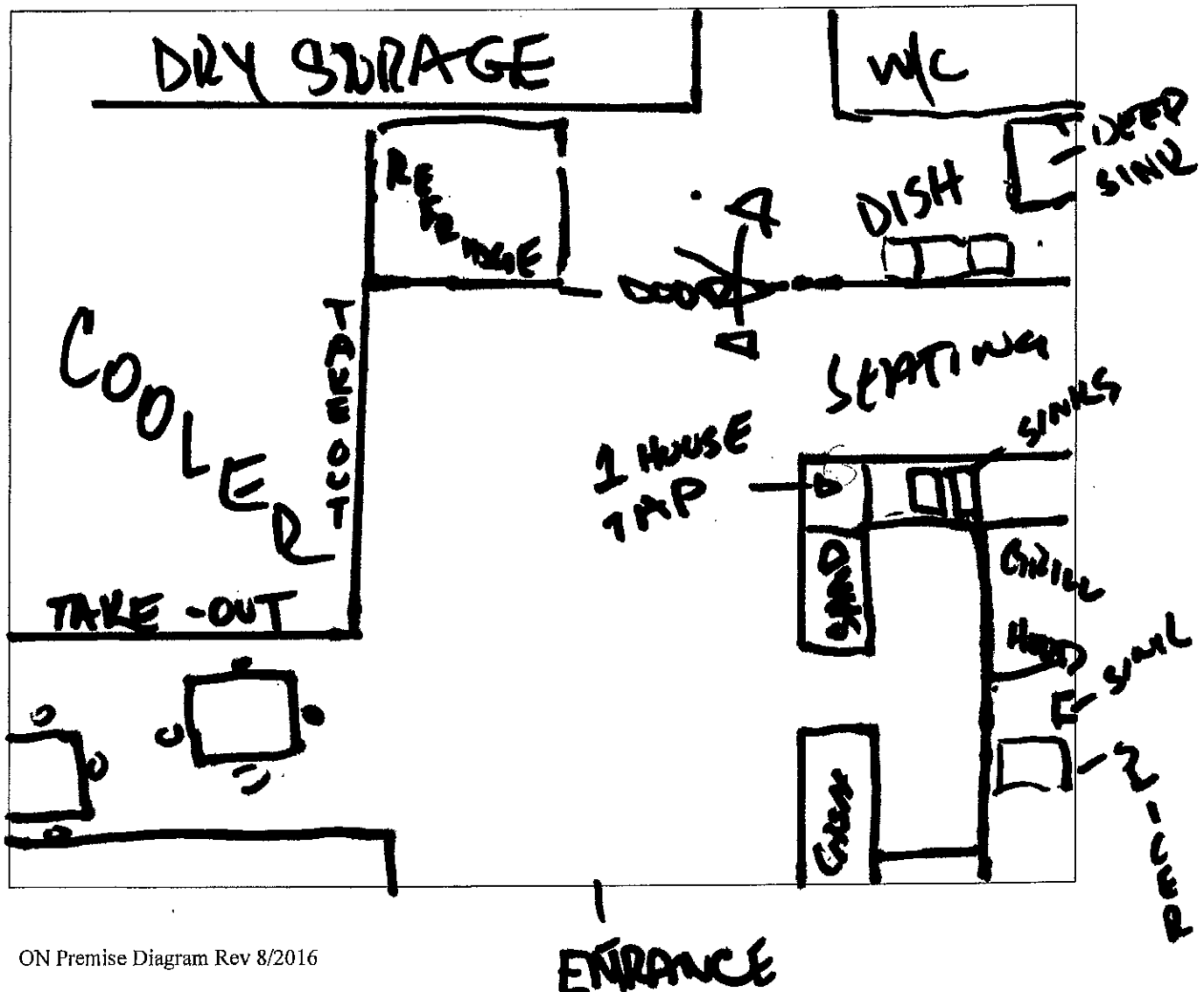
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



Full View Un-Dock

Fastest () Cuisine () Fee ()

Sort Name () Distance () Minimum

Search...



Become A (/r/1312)
Driver /restaurants
/delivery
/Become-
A-Driver-South-
Portland)



AC Grocery (/r/1543)
Deli /restaurants
/delivery
/Deli/AC-
Grocery-



Closed Now
Baristas (/r/1523)
and Bites /restaurants
/delivery
/Baristas-And-



Closed Now
Fork Food (/r/1503)
Lab /restaurants
/delivery/Fork-
Food-Lab-



Closed Now
Romanos (/r/1533)
Macaroni /restaurants
/delivery/Italian-
Grill/Romanos-
Macaroni-Grill-



Closed Now
Brgr Bar (/r/1423)
American /restaurants
/delivery
/American/Brgr-



Closed Now
Sisters (/r/1413)
Gourmet Deli /restaurants
Sandwiches & Deli /delivery
/Sandwiches-
Deli/Sisters-
Gourmet-
Deli-



Closed Now
Bubble (/r/1092)
Maine /restaurants
Taiwanese /delivery
/Taiwanese
/Bubble-
Maine-



Closed Now
Buffalo (/r/1152)
Wild Wings /restaurants
Wings /delivery/Bar-



The 5 Spot

More Info

Philly Cheesesteaks

Add Pepperoni,
Mushrooms, and/or Bacon
for \$1.25 ea.

Classic Philly
Whiz Wit- Small
8in

\$10.00

w/ caramelized onion,
cheese whiz or your
choice of cheese.

Classic Philly
Whiz Wit- Large
10in

\$12.50

w/ caramelized onions
and cheese whiz or
your choice of cheese.

Chicken Steak
Philly - Small 8in

\$10.00

w/ caramelized onions
and your choice of
cheese.

Chicken Steak
Philly - Large 10in

\$12.50

w/ caramelized onions
and your choice of
cheese.

Pizza Steak Philly
- Small 8in

\$10.00

w/ red sauce and

Hoagie

w/ oil, salt, pepper,
oregano, provolone,
smoked salami, boiled
salami, lettuce, tomato, and
onions

Italian Hoagie -
Small 8in

\$10.00

w/ oil, salt, pepper,
oregano, hot "gabagool"
(capicola), provolone,
smoked salami, boiled
salami, lettuce tomato,
and onions

Italian Hoagie -
Large 10in

\$12.50

w/ oil, salt, pepper,
oregano, hot "gabagool"
(capicola), provolone,
smoked salami, boiled
salami, lettuce, and
onions

Ham Hoagie -
Small 8in

\$10.00

w/ oil, salt, pepper,
oregano, ham,
provolone, smoked
salami, boiled salami,
lettuce, tomato, and
onions

Ham Hoagie -
Large 10in

\$12.50

w/ oil, salt, pepper,
oregano, ham,

Specials

Philly soft
pretzels

\$5.00

Small Roast Pork

\$5.00

Italian roast pork with
broccoli rabe or spinach
and extra sharp
provolone cheese and a
side au jus.

Drinks

Fanta Berry-
bottle

\$1.89

Fanta Grape-
bottle

\$1.89

Fanta Pineapple-
bottle

\$1.89

Fanta Green
Apple- bottle

\$1.89

Diet Canada Dry
Ginger Ale- bottle

Full View Un-Dock
Fastest () Cuisine () Fee ()
Sort Name () Distance () Minimum
()

Become A (/r/1312
Driver /restaurants
/delivery
/Become-
A-Driver-South-
Portland)

AC Grocery (/r/1543
Deli /restaurants
/delivery
/Deli/AC-
Grocery-
Closed Now For Order

Baristas (/r/1523
and Bites /restaurants
/delivery
/Baristas-And-
Bites-And-
Closed Now For Order

Fork Food (/r/1503
Lab /restaurants
/delivery/Fork-
Food-Lab-
Closed Now For Order

Romanos (/r/1533
Macaroni /restaurants
Grill /delivery/Italian-
Italian Grill Grill/Romanos-
Macaroni-Grill-
Closed Now For Order

Brgr Bar (/r/1423
American /restaurants
/delivery
/American/Brgr-
Closed Now For Order

Sisters (/r/1413
Gourmet Deli /restaurants
Sandwiches & Deli /delivery
/Sandwiches-
Deli/Sisters-
Gourmet-
Deli-
Closed Now For Order

Bubble (/r/1092
Maineia /restaurants
Taiwanese /delivery
/Taiwanese
/Bubble-
Maineia-
Closed Now For Order

Buffalo (/r/1152
Wild Wings /restaurants
Wings /delivery/Bar-

caramelized onions and
your choice of cheese.

Pizza Steak Philly
- Large 10in
\$12.50

w/ red sauce and
caramelized onions and
your choice of cheese.

Tastykake

Butterscotch Krimpets-
box of 6 \$6.99

Butterscotch Krimpets-
2 pack \$1.89

Cherry Pie \$1.89

Apple Pie \$1.89

Tasty Klair Pie \$1.89

provolone, smoked
salami, boiled salami,
lettuce, tomato and
onions

Turkey Hoagie -
Small 8in
\$10.00

w/ oil, salt, pepper,
oregano, turkey,
provolone, smoked
salami, boiled salami,
tomato, and onions

Turkey Hoagie -
Large 10in
\$12.50

w/ oil, salt, pepper,
oregano, turkey,
provolone, smoked
salami, boiled salami,
tomato, and onions

Powerade- Pink
Lemonade \$1.89

Coke - Bottle \$1.89

Powerade- Lemon
Lime \$1.89

Diet Coke - Bottle
\$1.89

Coke Cherry -
Bottle \$1.89

Coke Vanilla -
Bottle \$1.89

Powerade - Fruit
Punch \$1.89

Coke Zero - Bottle
\$1.89

Powerade -
Mountain Berry
Blast \$1.89

Sunkist - Bottle \$1.89

Sprite - Bottle \$1.89

Moxie - Bottle \$1.89

Canada Dry
Ginger Ale -
Bottle \$1.89

Mellow Yellow -
Bottle

 Full View  Un-Dock \$1.89

Fastest () Cuisine () Fee ()

Sort Name () Distance () Minimum ()

Minute Maid
Lemonade - Bottle

\$1.89



Become A Driver (/r/1312)
/restaurants
/delivery
/Become-A-Driver-South-Portland)

Barq's Rootbeer - Bottle

\$1.89



AC Grocery (/r/1543)
Oeli /restaurants
/delivery
/Deli/AC-Grocery-

Sides



Closed Now, Pre-Order
Baristas (/r/1523)
and Bites /restaurants
/delivery
/Baristas-And-Bites-

 Coleslaw \$2.00

 Classic Lays - Small Bag



Closed Now, Pre-Order
Fork Food Lab (/r/1503)
/restaurants
/delivery/Fork-Food-Lab-

\$1.00

 Philly Soft Pretzel



Closed Now, Pre-Order
Romanos (/r/1533)
Macaroni Grill /restaurants
/delivery/Italian-Grill/Romanos-Macaroni-Grill-

\$1.75

Made by Federal Pretzel Company

 Cool Ranch Doritos



Closed Now, Pre-Order
Brgr Bar (/r/1423)
American /restaurants
/delivery
/American/Brgr-

\$1.00

 Nacho Doritos \$1.00



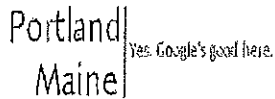
Closed Now, Pre-Order
Sisters (/r/1413)
Gourmet Deli /restaurants
Sandwiches & Deli /delivery
/Sandwiches-Deli/Sisters-Gourmet-Deli-



Closed Now, Pre-Order
Bubble (/r/1092)
Mainieia /restaurants
Taiwanese /delivery
/Taiwanese-Bubble-Maineia-



Closed Now, Pre-Order
Buffalo (/r/1152)
Wild Wings /restaurants
Wings /delivery/Bar-



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: The 5 Spot-Basement

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Apr 24, 2018 at 12:30 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, Apr 23, 2018 at 8:48 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for The 5 Spot (basement), 935 Congress Street. They are opening the basement as a Class III & Class IV. They will go before council on 6/4 for this license which will include entertainment without dance.

The information has been added to Energov for approvals. You can email me too. Thanks Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



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

JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101

Transaction Response #: MIQ99D567862

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-04-24) :

Inquiries Name(s) ROSETTA IANNACCONE (1987-02-11)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Rosetta Iannaccone
570 Brighton Ave Floor 3
Portland ME 04102

Re: Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street.

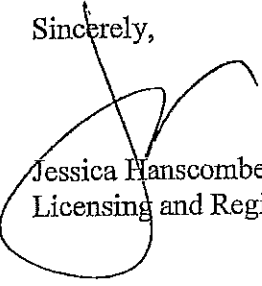
Dear Rosetta Iannaccone,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,


Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

order 236-17/18
Tab 14 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on
Public Property at 505 Fore Street.**

Lacazzimma Inc.
505 Fore Street
04101 Portland ME
(207) 774-3500

2018, April the 26th

Attention to:

Mayor and Members of the City Council
389 Congress Street
Portland, ME

Dear Mayor and Members of the City Council,

we gently require You a new restaurant's full liquor license for the space located at 505 Fore Street, Portland, ME.

The new restaurant will be named "Pizzarino" and will be a typical Italian Pizzeria with Bar, specialized in authentic Italian recipes and cocktails.

Pizza will be made daily with a special wholegrain flour, directly imported from Italy.

We will also propose Risotto, Arancini, Gnocchi, and Fresh Salads.

The Bar will serve original Italian aperitifs, typical Italian cocktails, beers and wines, from Italy and from Maine.

We will also propose wine tastings, guided by our experienced sommelier from Italy, who will be in charge of pairing our special dishes and pizzas with appropriate wines and beers, so to suggest to our customers the best way to enjoy safe food with responsibly drinking.

Thank very much for your kind attention, we look forward to reading from You.

Kind Regards,
Lacazzimma Inc.



President Enrico Barbiero

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	PIZZARINO Phone: (207) 536-1189
Location Address:	505 FORE STREET - PORTLAND - Zip: 04101
If new, what was formerly at this location:	RESTAURANT AND SPIRIT BAR
Mailing Address:	505 FORE STREET - PORTLAND - Zip: 04101
Contact Person:	STEFANO ZURLENI Phone: (786) 399-1229
Contact Person Email:	STEFANOZURLENI@GMAIL.COM
Manager of Establishment:	STEFANO ZURLENI Date of Birth: 12/28/1970 Phone: (786) 399-1229
Owner of Premises (Landlord):	CASCO VIEW HOLDINGS III, LLC
Address of Premises Owner:	P.O. BOX 1137 - PORTLAND Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
LACAZZINNA INC		505 FORE ST - PORTLAND - ME Zip: 04101	
Contact Person:	STEFANO ZURLENI	Phone:	(786) 399-1229
Principal Officers	Title	Date of Birth	Residence Address
ENRICO BARBIERO	PRESIDENT	12-10-1970	57 COTTAGE PARK ROAD - 04103 PORTLAND ME
STEFANO ZURLENI	TREASURER	12-28-1970	736W 51 ST STREET - MIAMI BEACH - FL
IVANO STOPPANI	VICE-PRESIDENT	07-09-1971	25 HIGH STREET - PORTLAND 04101 - ME

About Your Establishment

Class of Liquor License:	RESTAURANT CLASS 1	
Type of food served:	ITALIAN FOOD	
Please circle all that will be served:	(Beer) (Wine) (Liquor)	
Projected percentage of sales:	Generated from Food: 65%	Generated from Alcohol: 35%
Hours & days of operation:	11 AM TO 11 PM / 7 DAYS A WEEK	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	(Y) (N)
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	(Y) (N)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	(Y) (N)
Will you permit dancing on the premises?	(Y) (N)
Will you permit dancing after 1:00 a.m.?	(Y) (N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	(Y) (N)
If yes, will the outside dining be on (PUB) or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	(Y) (N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	2018 - JUNE
Does the issuance of this license directly or indirectly benefit any City employee(s)?	(Y) (N)
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	(Y) (N)
If Yes, please list business name(s) and location(s): PACIARINO - 40 FORE STREET - PORTLAND	
Is any principal officer under the age of 21?	(Y) (N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	(Y) (N)
If Yes, please explain:	

I _____ do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title PRESIDENT Date 04-26-2018

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and
M.R.S.A. Title 28-A at www.maine.gov.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Outdoor Dining Permit on Public Property Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$80.00 plus \$2.00 per Square foot \$2.00 X _____ SF = _____
☐ Outdoor Dining on Public Property in a City Park \$80.00 plus \$6.00 per Square foot \$6.00 X _____ SF = _____

Business Information			
Business Name (d/b/a):	LACAZZINNA INC	Phone:	207-536-1189
Location Address:	505 FORE STREET	Zip:	04101
Mailing Address:	505 FORE STREET	Zip:	04101
Contact Person:	STEFANO ZURLINI	Phone:	786 399 1229
Contact Person Email:	STEFANO.ZURLINI@GMAIL.COM		
Manager of Establishment:	Date of Birth:	Phone:	
Owner of Premises (Landlord):	CASCO VIEW HOLDINGS III, LLC - PO BOX 1137 - PORTLAND - NE 04104		
Address of Premises Owner:	PO BOX 1137 PORTLAND - NE	Zip:	04104

Owner Information

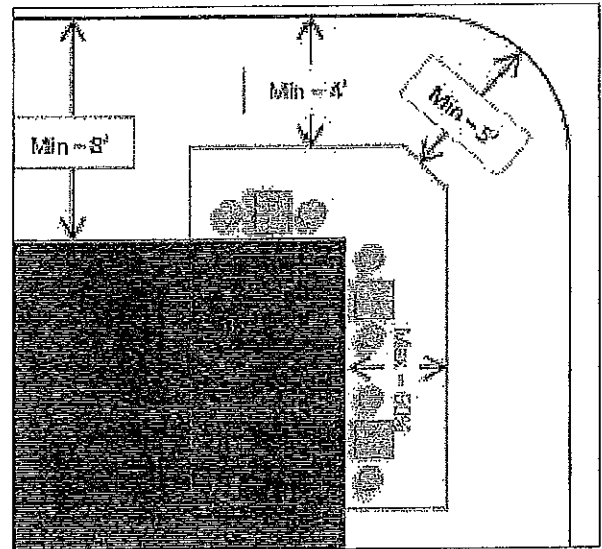
Corporate Name		Corporate Mailing Address	
LACAZZINNA INC	505 FORE STREET - PORTLAND - NE	Zip:	04101
Contact Person:	STEFANO ZURLINI	Phone:	786-399-1229
Principal Officers	Title	Date of Birth	Residence Address
ERARICO BARBIERO	PRESIDENT	12-10-1970	57 COTTAGE PARK ROAD - PORTLAND 04103
STEFANO ZURLINI	TREASURER	12-28-1970	736 W 51ST STREET - MIAMI BEACH - FL 33140
PAURO STOPPANI	VICE-PRESIDENT	07-09-1971	25 HIGH STREET - PORTLAND - 04101

About Your Establishment

Class of License:	RESTAURANT CLASS 1
Type of food served:	ITALIAN FOOD
Please circle all that will be served:	(Beer) (Wine) (Liquor)
Hours & days of operation:	11 AM to 11 PM - 7 DAYS / WEEK
Number of Tables	10
Number of Chairs	24

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

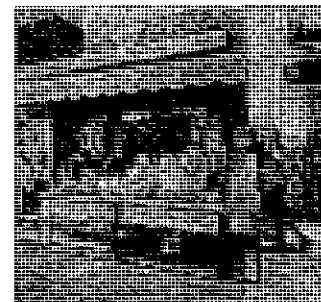
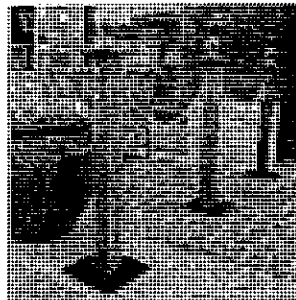
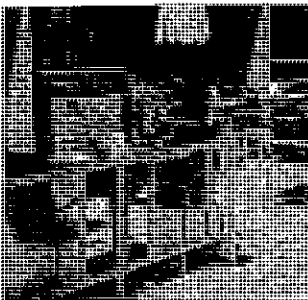


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

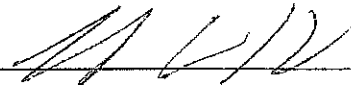
Example barrier types that meet regulation



Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title PRESIDENT Date 04-26-2018

For Administrative Use Only

Amount: _____		Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____	_____
CC _____ CA _____ CK _____	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	Treasury: _____	_____	_____
Date Paid: _____	Zoning: _____	_____	_____
CC _____ CA _____ CK _____			

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINE.LIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: LACAZZIMHA INC			Business Name (D/B/A) PIZZARINO		
APPLICANT(S) (Sole Proprietor) DOB:			Physical Location: 505 FORE STREET - PORTLAND		
DOB:			City/Town PORTLAND	State MAINE	Zip Code 04101
Address 505 FORE STREET			Mailing Address 505 FORE STREET		
City/Town PORTLAND	State ME	Zip Code 04101	City/Town PORTLAND	State MAINE	Zip Code 04101
Telephone Number (207) 536-1189		Fax Number	Business Telephone Number (207) 536-1189		Fax Number
Federal ID, # 82-3182333			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print			Website:		

If business is NEW or under new ownership, indicate starting date: 06-11-2018

Requested inspection date: 06-07-2018 Business hours: 11AM - 11PM

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

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

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

If YES, complete Supplementary Questionnaire

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

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

9. Business records are located at: 505 FORE STREET - PORTLAND

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
ENRICO CARNINE BARBIERO	1970-12-10	MILAN - ITALY
STEFANO CARLO ZURLENI	1970-12-28	MILAN - ITALY
MAURO STOPPANI	1971-07-09	MILAN - ITALY
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
PORTLAND - MAINE / MIAMI - FLORIDA / MILAN - ITALY		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: CASCO VIEW HOLDINGS III LLC - PO BOX 1137 - PORTLAND - MAINE - 04104

17. Describe in detail the premises to be licensed: (On Premise Diagram Required) MAIN FLOOR: RESTAURANT AND BAR / BASEMENT: STORAGE

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2000 Ft Which of the above is nearest? CHURCH

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

If YES, give details: _____

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

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

Dated at: PORTLAND / MAINE on 04-26, 20 18
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

ENRICO CARNINE BARBIERO

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

FILING FEE: (must be included on all applications).....	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the Treasurer of Maine. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: LACAZZINHA INC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 10/19/2017 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
ENRICO CARMINE BARBIERO	57 COTTAGE PARK ROAD, 04103 PORTLAND ME	12/10/1970	PRESIDENT	33,3%
STEFANO CARLO ZURLENI	736 W 51 ST. STREET MIAMI BEACH, FL 33140	12/28/1970	TREASURER	33,3%
PAURO STOPPANI	VIA DOMENICHINO 40 20149 - MILAN - ITALY 25 HIGH STREET - PORTLAND 04101 MAINE	07/09/1971	VICE PRESIDENT	33,3%

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

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

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed).

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

04-26-2018

Date

ENRICO CARLINE BARBIERO

Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

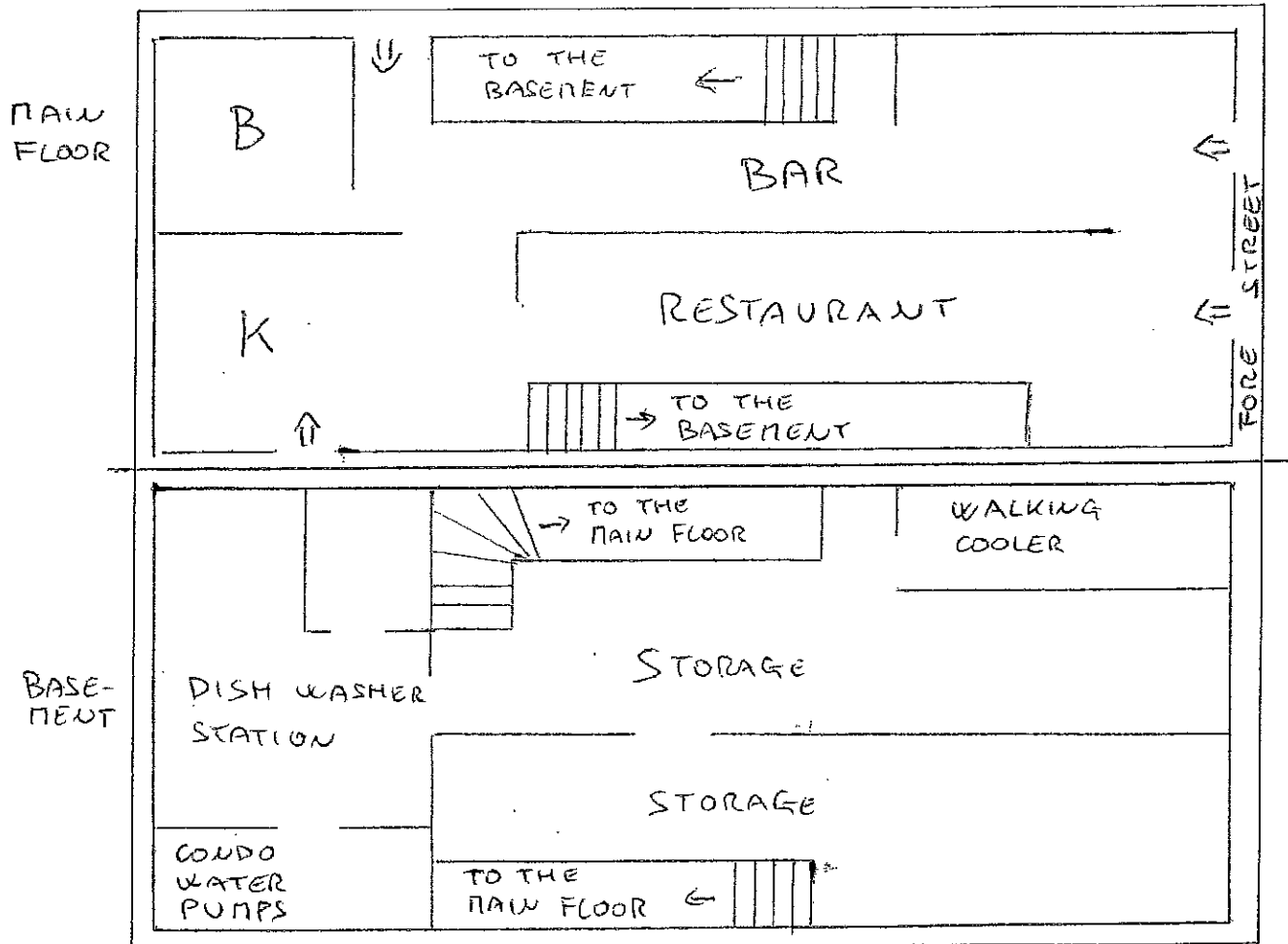
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

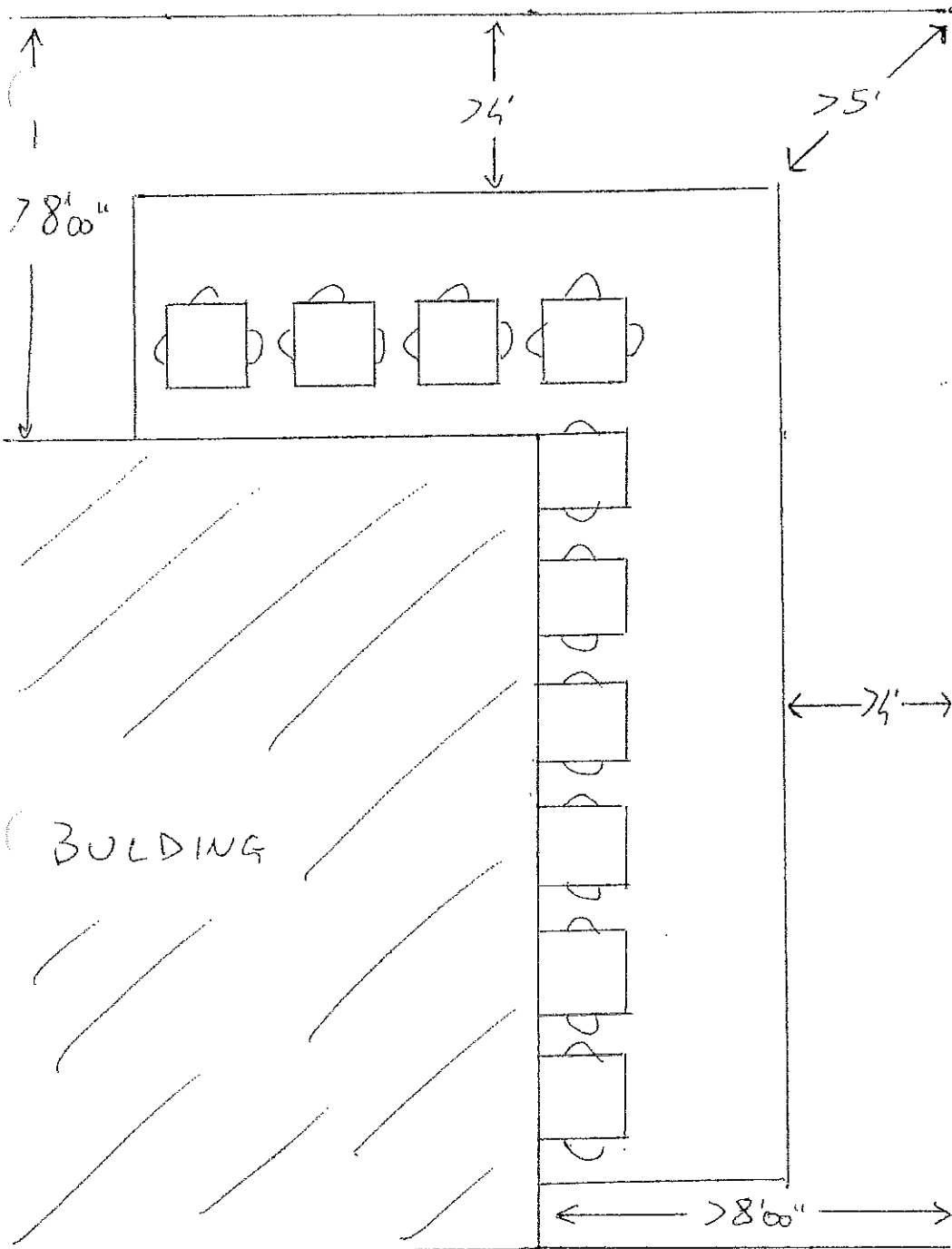
DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

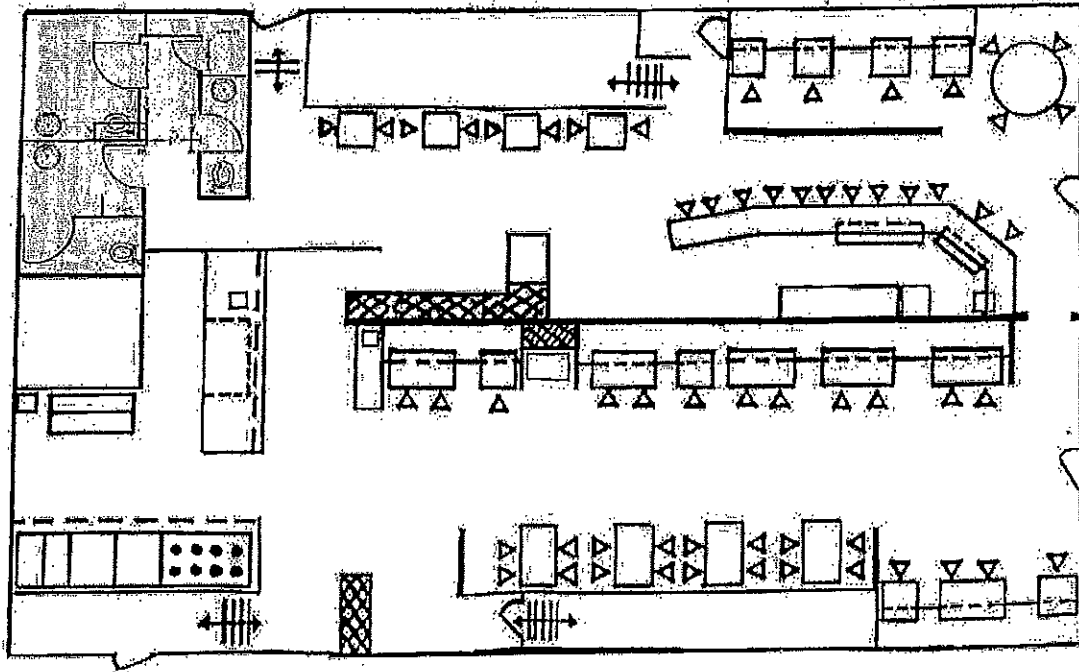




FORE STREET

Exhibit A

First Floor



Basement

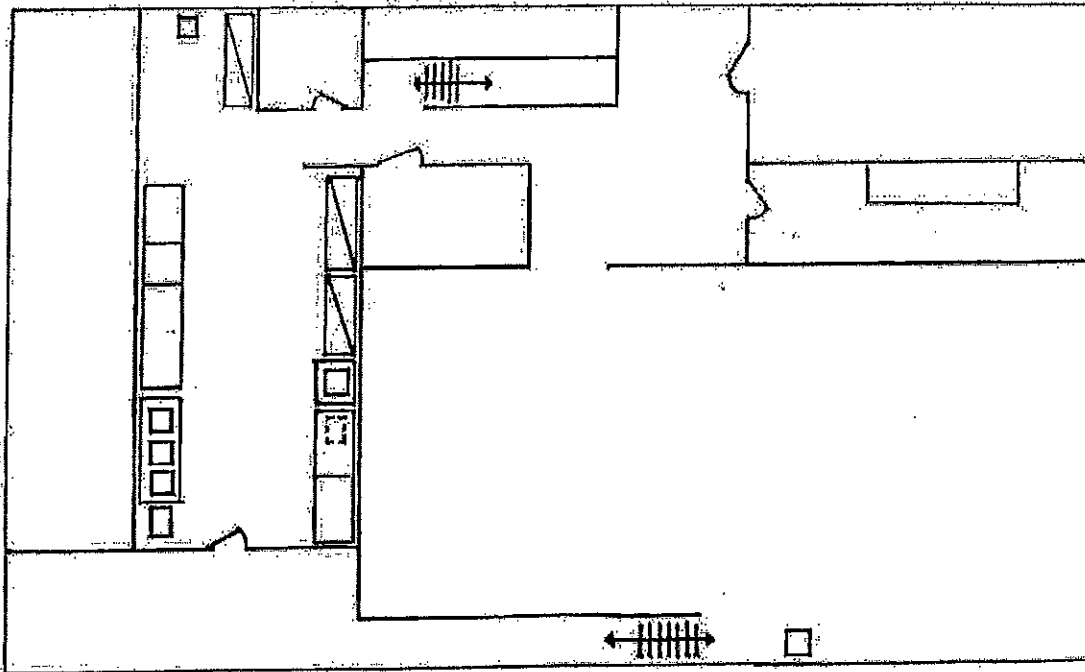
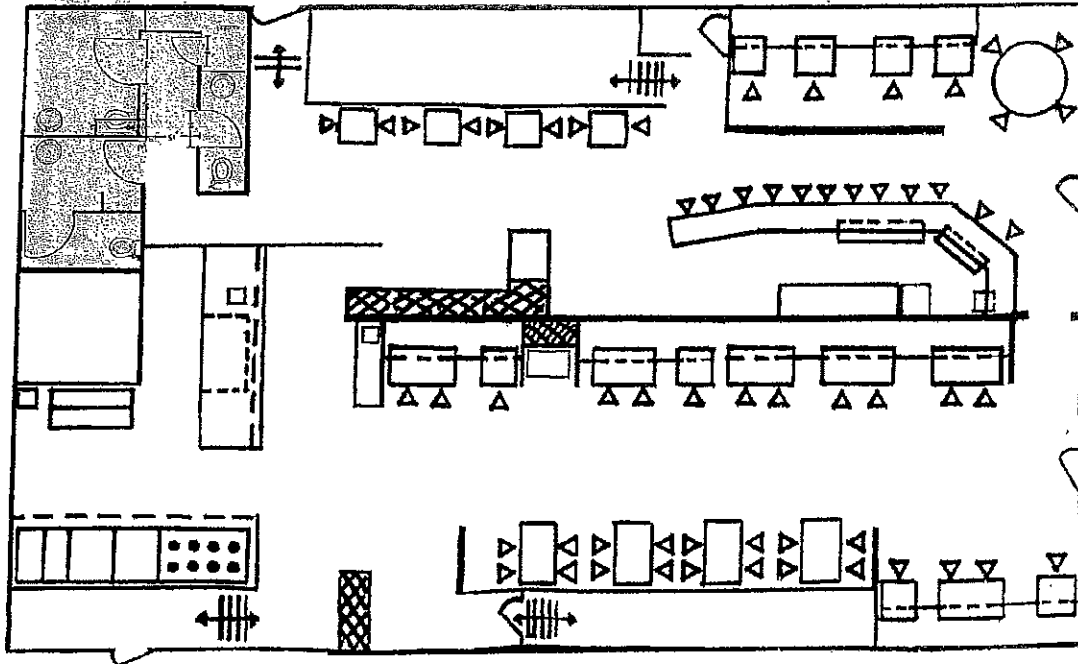
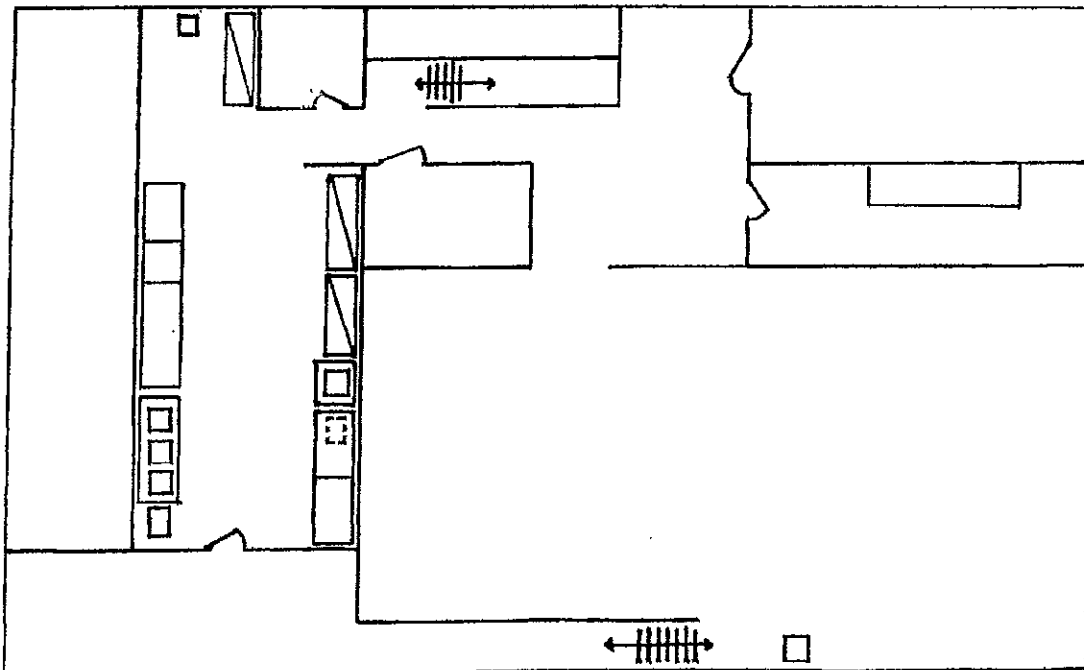


Exhibit A

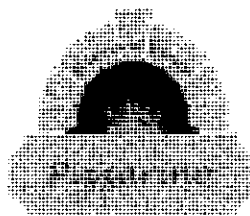
First Floor



Basement







Italiani Autentici

Pizzas:

MARINARA
MARGHERITA
NAPOLETANA
ROMANA
PUGLIESE
PROSCIUTTO
FUNGHI
CARCIOFI
PROSCIUTTO e FUNGHI
FUNGHI e CARCIOFI
CAPRICCIOSA
DIAVOLA
TONNO e CIPOLLA
CALZONE
SPECIAL PIZZA

Risotti e Gnocchi:

RISO Classico
RISO ai FUNGHI
RISO ai CARCIOFI
ARANCINO di RISO Classico
ARANCINO di RISO alla Bolognese
ARANCINO di RISO al Prosciutto e Formaggio
GNOCCHI di PATATE al Pomodoro
GNOCCHI di PATATE alla Bolognese
GNOCCHI di PATATE al Pesto



Italiani Autentici

Salads:

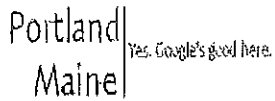
INSALATA MISTA Classica
INSALATA MISTA Croccante
INSALATA di Rucola, Pere e Parmigiano
INSALATA con Tonno, Capperi e Cipolle
INSALATA Caprese
INSALATA Caprese di Bufala

Desserts:

PIZZA DOLCE alla NUTELLA
PIZZA DOLCE all'ARANCIA
PIZZA DOLCE alle FRAGOLE
GELATO alla CREMA
GELATO al CIOCCOLATO
GELATO MISTO
TIRAMISU
PANNA COTTA
ANANAS

Aperitifs and Cocktails:

CAMPARI SPRITZ
APEROL SPRITZ
BELLINI
ROSSINI
TINTORETTO
MIMOSA
AMERICANO
NEGRONI
NEGRONI SBAGLIATO
BOMBARDINO



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Pizzarino

Kevin Cashman <kevindc@portlandmaine.gov>

Fri, May 4, 2018 at 2:04 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Wed, May 2, 2018 at 9:23 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

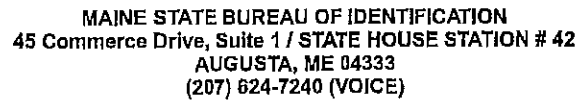
Please see the attached license. This will be going before council on 6/4.

The information has been added to Energov or you may email me.

Thanks Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



Transaction Response #: MIQ99D576873

Introduction

Inquiries Name(s) STEFANO ZURLINI (1970-12-28)

<https://www5.informe.org/cgi-bin/online/pcr/getrecord.pl?e=bl@portlandmaine.gov&f=MIQ99D576873&l=3609702>



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

JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101

Transaction Response #: MIQ99D576871

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-05-02) :

Inquiries Name(s) ENRICO BARBIERO (1970-12-10)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

**JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101**

Transaction Response #: MIQ99D576874

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-05-02) :

Inquiries Name(s) NAURO STOPPANI (1971-07-09)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Lacazzima Inc
505 Fore Street
Portland ME 04101

Re: Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street.

Dear Sirs,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St, Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 237-17/18
Tab 15 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street.

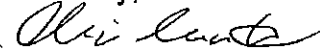
May 6, 2018

Dear Mayor and City Council Members,

I am the owner / manager of Belleville, a bakery located at 1 North Street Portland Maine 04101. We have been operating for six months and are now applying for a malt and vinuous license, plus outdoor seating. We intend to offer beer and wine for in house consumption alongside our bakery menu (pizza/sandwiches/salads) throughout the day, starting at 11 AM and ending at 9 PM.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Deutsch".

Christopher Deutsch

Belleville LLC

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Belleville	Phone:	207 536-7463
Location Address:	1 North Street Portland, ME 04101		
If new, what was formerly at this location:			
Mailing Address:	1 North Street Portland, ME 04101		
Contact Person:	Chris Deutsch	Phone:	703 395-9351
Contact Person Email:	bellevillemaine@gmail.com		
Manager of Establishment:	Chris Deutsch	Date of Birth:	10/23/1980
Owner of Premises (Landlord):	Flatbush Ventures LLC		
Address of Premises Owner:	298 Mitchell Rd Cape Elizabeth, ME 04107		

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Belleville LLC		1 North St. Portland, ME 04101	
Contact Person:	Chris Deutsch	Phone:	703 395-9351
Principal Officers	Title	Date of Birth	Residence Address
Chris Deutsch	Owner	10/23/80	39 Read St. Portland, ME 04103

About Your Establishment

Class of Liquor License:	III and IV	
Type of food served:	Sandwiches, Pizza	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%
Hours & days of operation:	Tue - Fri 7am - 9pm SAT - SUN 8am - 9pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain: We are a bakery - pasty sales in the morning	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? We are currently open without sale of alcohol	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s): Belleville 1 North St. Portland, ME 04101	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

I, Chris Deutsch do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Chris Deutsch Title OWNER Date 5-6-2018

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and
M.R.S.A. Title 28-A at www.maine.gov.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☐ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$80.00 plus \$2.00 per Square foot \$2.00 X <u>72</u> SF = _____
☐ Outdoor Dining on Public Property in a City Park \$80.00 plus \$6.00 per Square foot \$6.00 X _____ SF = _____

Business Information	
Business Name (d/b/a):	Belleville
Location Address:	1 North St. Portland ME 04101
Mailing Address:	Same
Contact Person:	Chris Deutsch
Contact Person Email:	bellevillemaine@gmail.com
Manager of Establishment:	Chris Deutsch 10/23/80
Owner of Premises (Landlord):	Flatbush Ventures LLC
Address of Premises Owner:	298 Mitchell Rd. Cape Elizabeth 04107

Owner Information

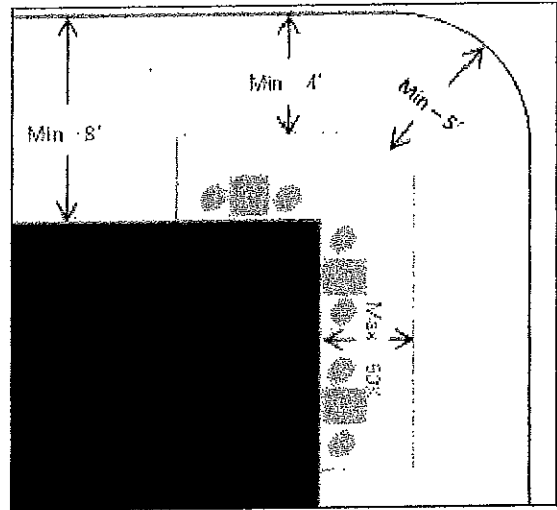
Corporate Name		Corporate Mailing Address	
Belleville LLC		1 North St. Portland, ME 04101	
Contact Person:	Chris Deutsch	Phone:	703 395-9351
Principal Officers	Title	Date of Birth	Residence Address
Chris Deutsch	Owner	10/23/80	39 Read St. Portland, ME 04103

About Your Establishment

Class of License:	
Type of food served:	Pizza/Sandwiches/Salad/Pastry
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Tues-Fri (7am-9pm) Sat-Sun (8am-9pm)
Number of Tables	Interior (4 tables) Exterior (4 tables)
Number of Chairs	Interior (8 seats) Exterior (8 seats)

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

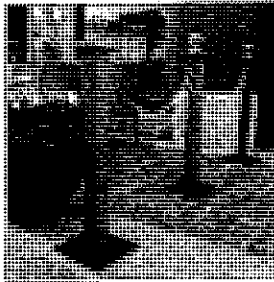
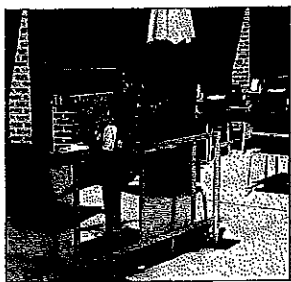


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature *Chin Lunt* Title Owner Date 5/10/18

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____
CC _____ CA _____ CK _____	Health: _____	_____
	PD: _____	_____
Amount: _____	Treasury: _____	_____
Date Paid: _____	Zoning: _____	_____
CC _____ CA _____ CK _____		

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| ☒ RESTAURANT (Class I,II,III,IV) | ☐ RESTAURANT/LOUNGE (Class XI) | ☐ CLASS A LOUNGE (Class X) |
| ☐ HOTEL (Class I,II,III,IV) | ☐ HOTEL, FOOD OPTIONAL (Class I-A) | ☐ BED & BREAKFAST (Class V) |
| ☐ CLUB w/o Catering (Class V) | ☐ CLUB with CATERING (Class I) | ☐ GOLF COURSE (Class I,II,III,IV) |
| ☐ TAVERN (Class IV) | ☐ QUALIFIED CATERING | ☐ OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Belleville LLC			Business Name (D/B/A) Belleville		
APPLICANT(S) –(Sole Proprietor) Christopher Deutsch			DOB: 10.23.80		
Physical Location: 1 North Street					
Amy Fuller			DOB: 08.03.80		
City/Town Portland			State ME		Zip Code 04101
Address 9 Everett Street 39 Peard St.			Mailing Address 1 North Street		
City/Town Portland			State ME		Zip Code 04101
Telephone Number 703-395-9351			Fax Number		
Business Telephone Number 207-536-7463			Fax Number		
Federal I.D. # 821041085			Seller Certificate #: or Sales Tax #: 1187154		
Email Address: bellevillemaine@gmail.com			Website: blvl.me		

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business
Physical Location	City / Town

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

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

7. Business records are located at: 9 Everett St. Portland, ME 04101
39 Read St. 04103

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Amy Fuller	08.03.80	Portland, ME
Christopher Deutsch	10.23.80	Johannesburg, South Africa
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Portland, ME; New Orleans, LA; Silver Spring, MD		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
Flatbush Ventures LLC, 298 Mitchell Rd, Cape Elizabeth, ME 04107

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
See attached

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

17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.4 miles
Which of the above is nearest? School and Church (equidistant)

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐
If YES, give details: Business loan, Bangor Savings Bank

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

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

Dated at: PORTLAND, MAINE on APRIL 30, 2018
Town/City, State Date

Please sign in blue ink

Christopher Deutsch
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

CHRISTOPHER DEUTSCH
Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Belleville LLC
2. Doing Business As, if any: Belleville
3. Date of filing with Secretary of State: 11.10.16 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Christopher Deutsch	9 Everett St. Portland, ME 04101; 29 Wilson St. #2, Portland, ME 04101; 6318 General Pershing St, New Orleans, LA 70115; 8325 Sycamore Place, New Orleans, LA 70118; 1109 Osage Street, Silver Spring, MD 20903	10.23.80	Owner	100

(Ownership must equal 100% for Corporations, LLC's etc.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

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

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

05-06-2018

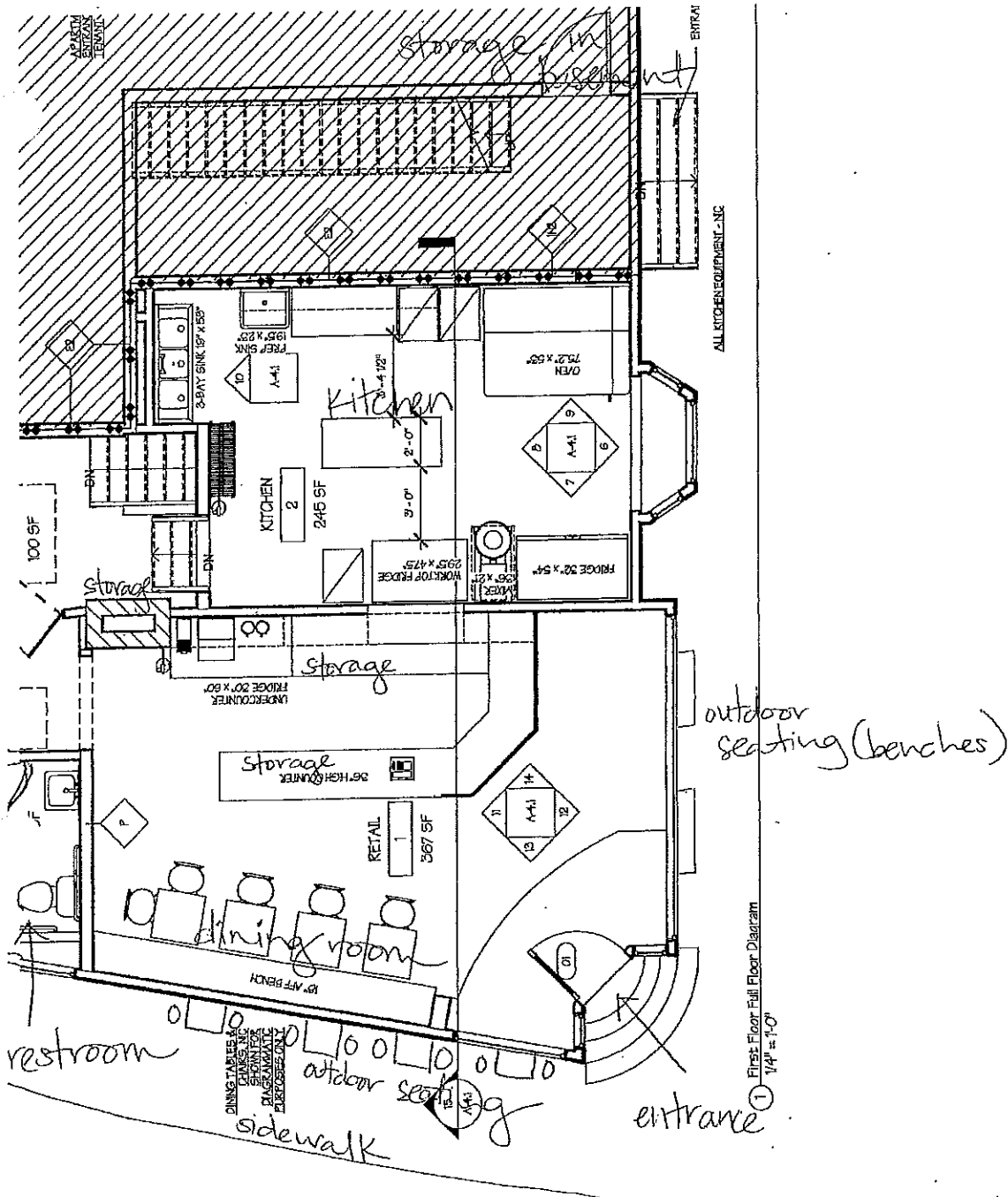
Date

CHRIS DEUTSCH

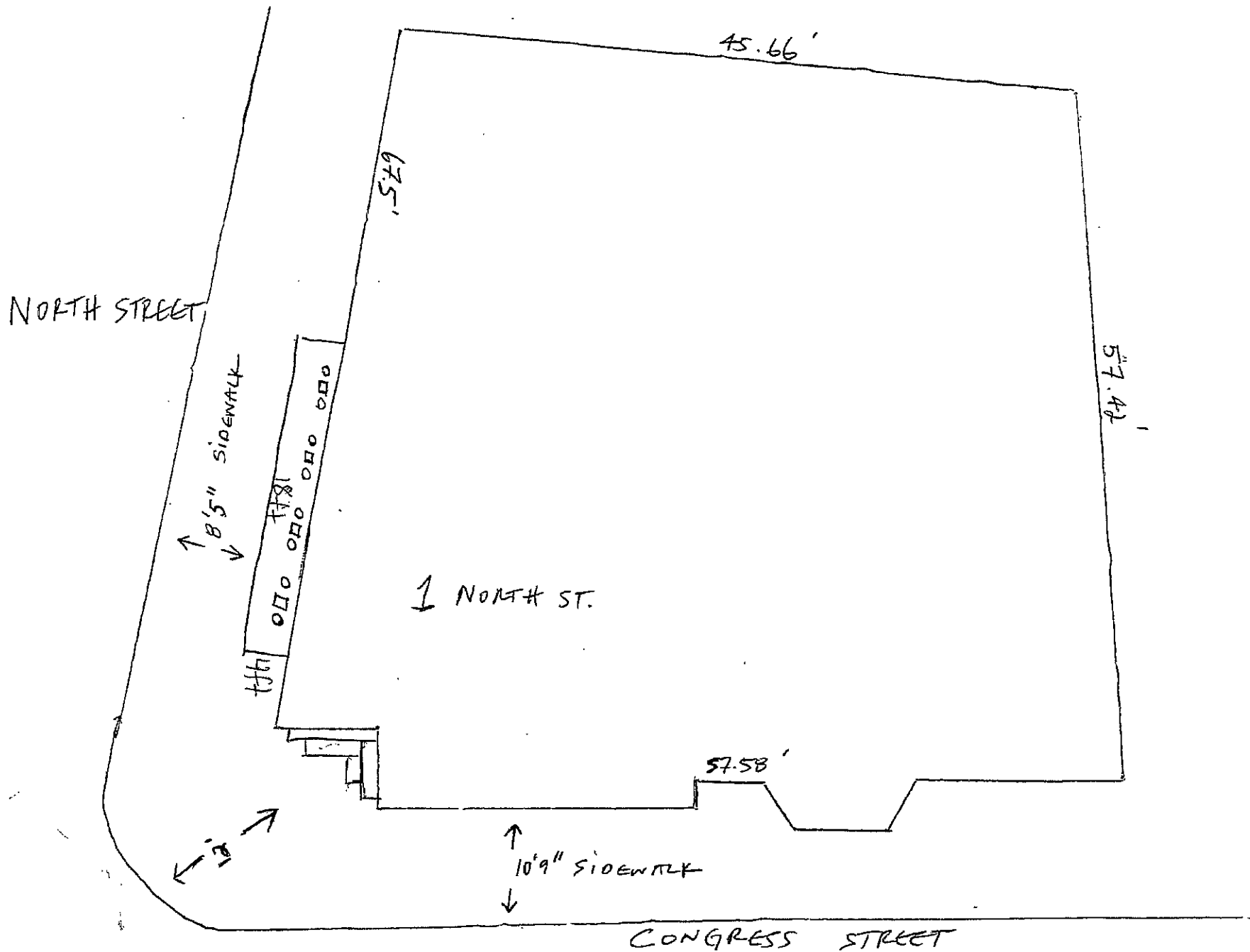
Print Name of Duly Authorized Person

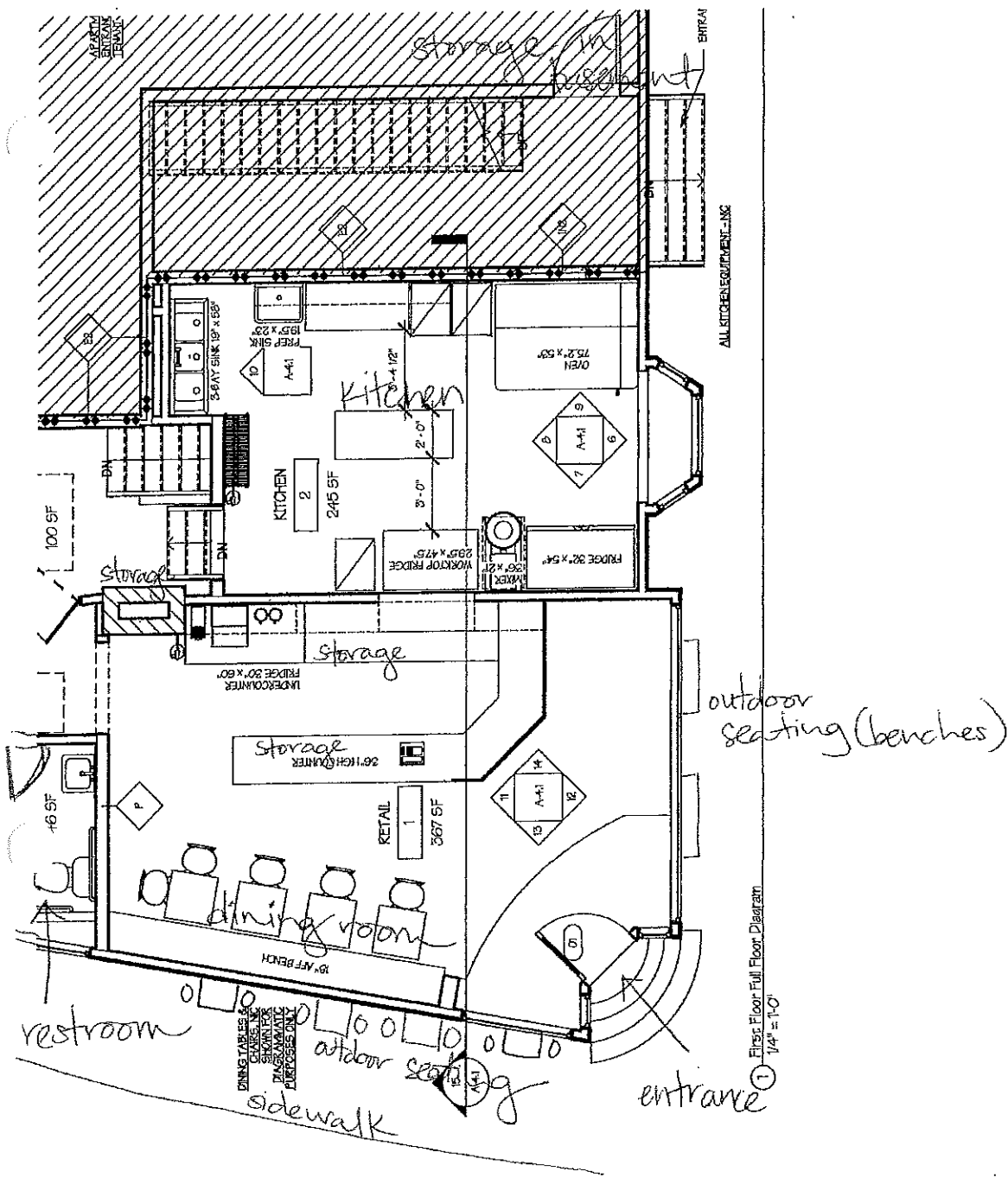
Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



Requesting approval for liquor consumption in dining room and outdoor seating area.





Requesting approval for liquor consumption in dining room and outdoor seating area.

BLVL MENU

BREAKFAST MENU (7 AM) - TUESDAY-SUNDAY

Croissant
Pain au Chocolat
Almond Croissant
Chocolate Almond Croissant

LUNCH MENU (11-3) - TUESDAY-SUNDAY

Pizza / Slice / Roman Style

Margherita
Seasonal
Seasonal

Sandwiches (on, focaccia, brioche)

Prosciutto, mozzarella, tomato, basil, focaccia
Veggie/choice

Salads

Seasonal Greens, raw veggies, croutons, yogurt dijon dressing
Nuts, Greens, blue cheese, lemon dressing

BLVL DINNER MENU (4-9) - FRIDAY/SATURDAY/SUNDAY

Whole Pizza Pies - 16-18 inch

Margherita
Marinara - V
Salami Olive
Mushrooms
Sausage Onion Hot Peppers

Salads

Seasonal Greens, raw veggies, lemon dressing
Nuts, Greens, blue cheese, lemon dressing

Ice Cream

5/11/2018

City of Portland Mail - Re: Belleville

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Belleville

Kevin Cashman <kevindc@portlandmaine.gov>

Fri, May 11, 2018 at 3:12 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C

On Fri, May 11, 2018 at 14:08 Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Belleview, 1 North Street. They currently hold a FSE with Prep license and is upgrading to a Class III & IV. They will be going before council on 6/4 This does include outdoor dining on public property

The information has been added to Energov or you may email me. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

Sent from Gmail Mobile



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

JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101

Transaction Response #: MIQ99D588977

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-05-11) :

Inquiries Name(s) **CHRIS DEUTSCH (1980-10-23)**

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Belleville LLC
1 North Street
Portland ME 04101

Re: Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street.

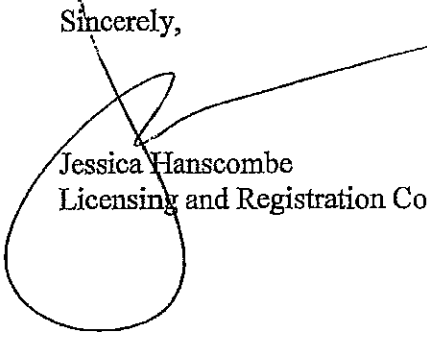
Dear Chris Deutsch,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class III & Class IV FSE with Outdoor Dining on public property at 1 North Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,



Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

**Notice of Public Hearing
City of Portland**

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 238-17/18
Tab 16 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street.

Greenlight Studio

49 Dartmouth Street
Portland, Maine 04101
207-899-1900
greenlightplayspace@gmail.com

May 11, 2018

Mayor Strimling and Members of the City Council
389 Congress Street
Portland, ME 04101

Dear Mayor Strimling and Members of the City Council:

We at Greenlight Studio, a playspace for pre-school children and community café, are applying for a beer and wine license. It is our intention to be open a few evenings a week so parents can bring their children to play in our space while the parents responsibly enjoy local craft beer and wine in addition to our full café and non-alcoholic drink menu.

This set up will allow for entire families to enjoy each other's company and connect with their community. Our play space allows the children to play happily while the adults supervise and connect with each other. It is a unique concept and we feel that these evenings will have a lot of value for our customers.

We respectfully request that you grant our request for a beer and wine license.

Sincerely yours,

Anna Maria Tocci

President

Greenlight Playspace and Cafe (Greenlight Studio)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Greenlight Studio Phone: 207-899-1900
Location Address:	49 Dartmouth St., Portland, ME Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	49 Dartmouth St., Portland ME Zip: 04101
Contact Person:	Anna Tocci Phone: 207-807-0006
Contact Person Email:	greenlightplayspace@gmail.com
Manager of Establishment:	Anna Tocci Date of Birth: 12/16/77 Phone:
Owner of Premises (Landlord):	Goold & Co / 49 Dartmouth LLC
Address of Premises Owner:	715 Boylston St 6th Fl, Boston MA Zip: 02116

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Greenlight Playspace + Cafe		49 Dartmouth St, Portland ME Zip: 04101	
Contact Person:	Anna Tocci	Phone:	207-807-0006
Principal Officers	Title	Date of Birth	Residence Address
Anna Tocci	President	12/16/77	50 Emerson Dr, Windham, ME 04062
Justin André	Secretary	11/10/73	Same

About Your Establishment

Class of Liquor License:	Class III 3. <u>III</u>		
Type of food served:	Sandwiches, salads, smoothies, rice + beans		
Please circle all that will be served:	☒ Beer	☒ Wine	☐ Liquor
Projected percentage of sales:	Generated from Food: 75 75%	Generated from Alcohol: 25%	
Hours & days of operation:	current Mon-Fri 8am-3pm Sat 8am-1pm will extend hours 2-3 days/week until 7pm		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y ☐ N
If No, please explain: we will always have our full menu, but we have lots of sandwiches	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (if yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☐ N
Will you have outside dining? (if yes, an Outdoor Dining Application is required)	☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	currently open
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s):	225
AnnaTocci owned Northstar Cafe which had a liquor license in 2008 at Congress St.	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain:	

I, AnnaTocci do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title President Date 4/30/18

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINE.LIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☐ CLASS A LOUNGE (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Greenlight Playspace and Cafe</u>	Business Name (D/B/A) <u>Greenlight Studio</u>
APPLICANT(S) - (Sale Proprietor) <u>President of Scorp: Anna Tocci</u> DOB: <u>12/16/77</u>	Physical Location: <u>49 Dartmouth St.</u>
Address <u>50 Emerson Drive</u> (home address)	City/Town State Zip Code <u>Portland ME 04101</u>
City/Town State Zip Code <u>Wintham ME 04062</u>	Mailing Address <u>same</u>
Telephone Number Fax Number <u>207-807-0006 none</u>	City/Town State Zip Code <u>Portland ME 04101</u>
Federal ID # <u>47-4330756</u>	Business Telephone Number Fax Number <u>207-899-1900 none</u>
Email Address: Please Print <u>greenlightplayspace@gmail.com</u>	Seller Certificate #: or Sales Tax #: <u>1176325</u>
	Website: <u>www.greenlight-studio.com</u>

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: any date Mon-Fri Business hours: Mon-Fri 8am-3pm Summer Hours (June-Aug) Mon-Fri 8am-1pm

3. If a premise is a hotel, indicate number of rooms available for transient guests: N/A

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

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

If YES, complete Supplementary Questionnaire

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

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

9. Business records are located at: 49 Dartmouth St, Portland, ME 04101

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Anna Tocci	12/16/77	Newport, VT
Justin Andre	11/10/73	Winchester, VA

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

50 Emerson Drive, Windham, ME (Both Anna + Justin)

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Gould + Co / 49 Dartmouth, LLC, 715 Boylston St., 6th Fl., Boston, MA 02116

17. Describe in detail the premises to be licensed: (On Premise Diagram Required) 3500 sq ft, kitchen, 2 cafe spaces + playspace for children (1-6 yo)

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 550 ft Which of the above is nearest? Church - Hope Gateway

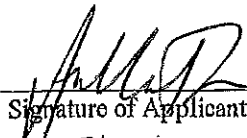
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: loan from Sherry Andre, Justin Andre's mother

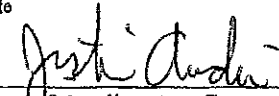
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

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

Dated at: Portland, ME on May 8, 2018
Town/City, State Date


Signature of Applicant or Corporate Officer(s)
5/11/18
Print Name

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
Justin Andre
Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	\$ 900.00
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) CLASS I-A: Hotels only that do not serve three meals a day.	\$1,100.00
Class II Spirituous Only CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III Vinous Only CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV Malt Liquor Only CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) CLASS V: Clubs without catering privileges.	\$ 495.00
Class X Spirituous, Vinous and Malt – Class A Lounge CLASS X: Class A Lounge	\$2,200.00
Class XI Spirituous, Vinous and Malt – Restaurant Lounge CLASS XI: Restaurant/Lounge; and OTB.	\$1,500.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the Treasurer of Maine. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Greenlight Playspace and Cate, Inc.
2. Doing Business As, if any: Greenlight Studio
3. Date of filing with Secretary of State: 5/28/15 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Anna Tocci	50 Emerson Dr Windham, ME 04062	12/16/77	President	50
Justin Andre	50 Emerson Dr Windham, ME 04062	11/10/73	Secretary	50

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

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

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed).

Name: _____

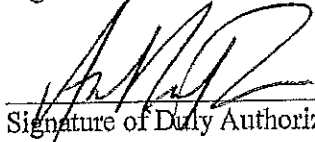
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

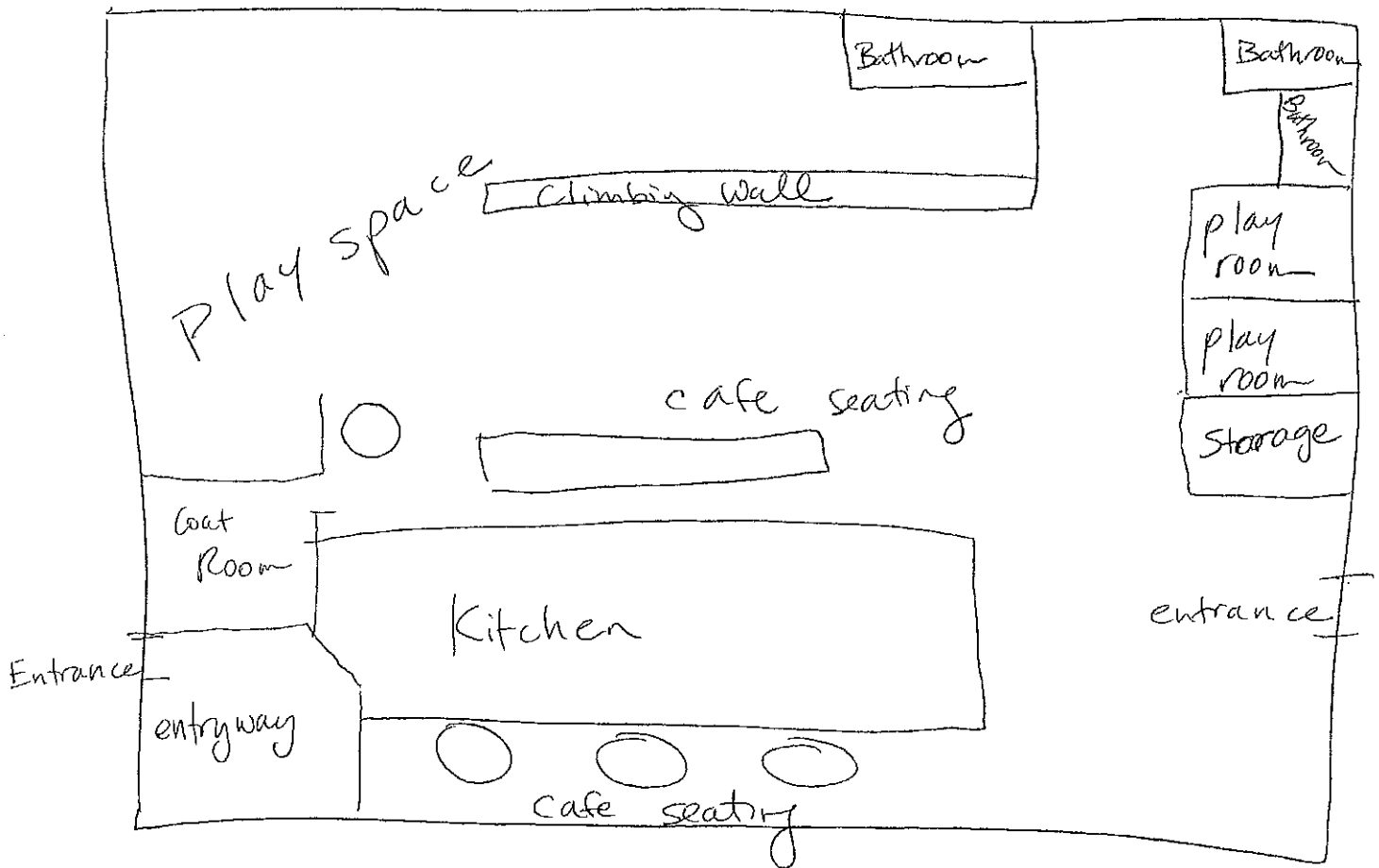
5/11/18
Date

Anna Maria Tocci
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

On Premise Diagram



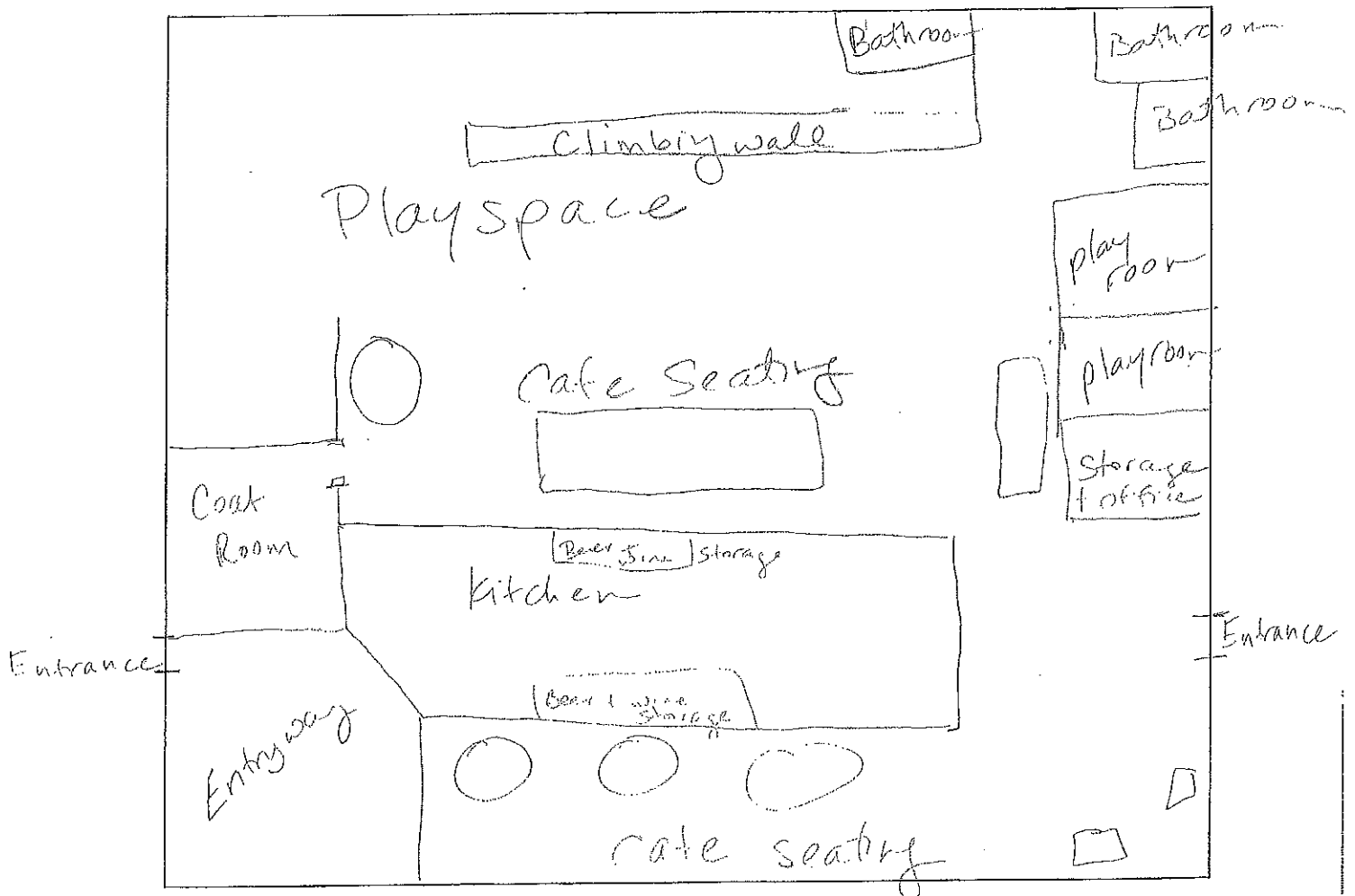
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



BUILD A BAGEL \$3

(Union Bagel Co Organic Flour Bagels:

Plain, Sesame, or Everything)

Add Cream cheese or	
garlic herb cream cheese	\$.50
Add Avocado	\$2.00
Add Goat Cheese	\$1.50
Add tomato or red onion	\$.50
Add hummus	\$1.00

SMOOTHIES

\$4 small (9oz) / \$6 large (16 oz)

* Some fruit comes in mixed bags, so please let
our staff know about any fruit allergies*

The Classic: Org Strawberries, Banana, Greek
Yogurt, Org Milk and a Touch of Honey

Berry Bliss: Wild Blueberries, Banana,
Org Strawberries, Apple Cider, Coconut Milk

Glorious Green: Org Pineapple and Mango,
Org Spinach, Org Mango Passionfruit Juice

Blueberry Mango Dream: Wild Blueberries,
Banana, Almond Milk, and Org Mango
Passionfruit Juice

Tropical Joy: Org Pineapple, Org Mango, and
Org Strawberry, Banana, Coconut Milk, Org
Mango Passionfruit Juice, Drop of dōTERRA
Wild Orange Essential Oil

Add:

Scoop dōTERRA Vanilla Trim Shake	\$2
Scoop dōTERRA Chocolate Trim Shake	\$2
Scoop dōTERRA Vegan Trim Shake	\$2
Scoop Flax Seeds	\$.50
Scoop Chia Seeds	\$.50

HOT BEVERAGES

(SMALL 12oz/LARGE 16oz)

(Coffee and Espresso is Organic and Fair
Trade & Roasted Locally by Seacoast Coffee)

Choose from Organic 2% Milk, Almond Milk or Coconut Milk

Coffee	\$2.00/\$2.50
Cold Brew Hot	\$4.00/\$4.50
Iced Cold Brew (14oz mug) \$4/	\$4.25/\$5
Espresso	\$2.25/\$2.75
Americano	\$2.50/\$3.00
Latte/Cappuccino	\$3.50/\$4.00
Mocha	\$4.00/\$4.50
Chai Latte	\$3.50/\$4.00
Hot Chocolate	\$3.00/\$3.50
Hot Cider	\$2.50/\$3.00
Homegrown Herb and Tea	\$2.50

- Lady Grey or Irish Breakfast
- Gunpowder Green
- Yoga Tea
- Ginger Snap
- Simply Minty
- Lemon Squeezer
- Phony Cider

ADD \$.50 FOR ICED BEVERAGES (16/24oz)

Hours:

Monday-Friday 8am-3pm

Saturday 8am-1pm

Saturday afternoon and Sunday available
for private party rentals

FREE WIFI

CALL YOUR ORDER IN AND WE'LL HAVE
IT WAITING FOR YOU

49 DARTMOUTH STREET
PORTLAND, MAINE 04101
207-899-1900

GREENLIGHT

CAFE



PORTLAND MAINE



Sandwiches

COLD

Curried Albacore Tuna Salad with Cucumbers and Baby Greens on Org Honey Whole Wheat	\$8
Sabra Hummus with Cucumbers, Tomatoes, and Baby Greens on Org Honey Whole Wheat	\$7
Applegate Farms Natural Turkey, Mayo, Avocado, Tomato, Baby Greens on Organic Honey Whole Wheat	\$10
Natural Prosciutto and Chevre with Fig Jam and Mesclun on Organic Italian	\$10
Tomato, Fresh Mozzarella, (nut-free) Pesto on Organic Italian	\$8
Add natural prosciutto	\$3

PANINI

Veggie Panino: Portabella Mushroom, Caramelized Onions, Cheddar, Spinach	\$8
Tuna Panino: Our Curried Tuna Salad and Jack Cheese	\$8
Turkey Panino: Applegate Farms Natural Turkey, Pesto, Provolone	\$10
Grilled Cheese on Organic Honey Wheat	\$5
Add Avocado	\$2
Add Tomato and Onion	\$0.50
Add Slice Turkey or Prosciutto	\$2

1/2 Sandwich and Side Salad for Price of Sandwich	
Add side salad to any sandwich	\$4

GLUTEN FREE options:

Udi's Gluten Free Bread (ADD \$1)
OR Local, organic corn tortillas from
Tortillerilla Pachanga

Salads

\$6 Small/\$9 Large

Garden Salad: Organic hearty baby greens, tomato, cucumbers, and organic shredded carrot
Spinach Salad: Organic spinach, apple, goat cheese, and red onion
Choice of dressing: doTERRA Lavender Vinaigrette or Ranch

Add:	Applegate Turkey: \$4
	Scoop of Curried Tuna: \$3
	Avocado: \$2

Rice and Beans

Jasmine Rice and Black Beans	\$5
Add cheese	\$1
Add Avocado	\$2
Add tomato	\$0.50
Add red onion	\$0.50

Platters

Veggie Platter with Herbed Cream Cheese, Ranch Dressing or Hummus	\$7
Cheese, Bread, and Apple	\$7

PLEASE LET US KNOW OF ANY FOOD
ALLERGIES SO THAT WE CAN BEST
ACCOMMODATE YOUR NEEDS

For the Kiddos

LUNCH

Grilled Cheese	\$5
Cheese Quesadilla (corn tortilla)	\$4
Add Avocado	\$2
Add Tomato and Onion	\$0.50
Add Slice Turkey or Prosciutto	\$2
Sunflower Butter* and Jam	\$5
Simple Turkey and Honey Wheat	\$5
Kids' Garden Salad	\$4
(mesclun, tomato, cucumbers, shredded carrot, and ranch)	
Kids' Rice and Black Beans	\$3
Add cheese	\$0.50
Add Avocado	\$2
Add tomato	\$0.25

SNACKS

Cheese Sticks	\$1 ea
Apple (whole or sliced)	\$2 ea
Banana (whole or sliced)	\$1 ea
Ants on a Log	\$2 ea
(Celery with sunbutter* and raisins)	
Piece of Toast with Jam	\$2 ea
Mini-Muffins (Blueberry or Banana)	\$1 ea

DRINKS

Juice (Apple or Fruit Punch)	\$1.50
Milk/Chocolate Milk	\$2
Kid Tea	\$2

* Our sunbutter is house made and contains
coconut oil and honey

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Greenlight Studio

Kevin Cashman <kevindo@portlandmaine.gov>

Mon, May 14, 2018 at 9:25 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 14, 2018 at 9:10 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Greenlight Studios. They are upgrading from a FSE with Prep to a Class III & IV. They will be going before council on 6/4 for approval.

The information has been added to Energov or you may email me. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindo@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



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

JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101

Transaction Response #: MIQ99D589790

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-05-14) :

Inquiries Name(s) JUSTIN ANDRE (1973-11-10)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

JESSICA HANSCOMBE
389 CONGRESS STREET
ROOM 307
PORTLAND, ME 04101

Transaction Response #: MIQ99D589787

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-05-14) :

Inquiries Name(s) ANNA TOCCI (1977-12-16)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Greenlight Playspace and Café
49 Dartmouth Street
Portland ME 04101

Re: Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street.

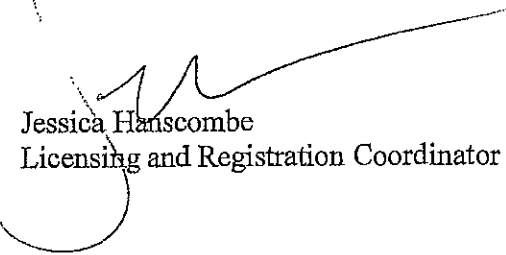
Dear Anna Tocci,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class III & Class IV FSE at 49 Dartmouth Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,


Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 239-17/18
Tab 17 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street.



MAINE BUSINESS BROKERS

EST. 1981

City Council & Staff
Portland, ME.

Monday, May 14, 2018

Honorable Mayor and City Council Members:

Attached, please find our business license application for a new Wharf St. venue: an upscale whiskey bar and pub located at the corner of Wharf St. and Union St. BranchWater will feature a broad array of premium whiskeys, bourbons and scotches combined with a lunch and dinner menu in a comfortable and intimately designed space.

We have been working closely with the new Wharf St. landlord, Joe Cooper, to develop a new tenant mix for the west end of Wharf St; specifically, in 50 and 52 Wharf St. BranchWater is the first step in a new mixture of food and beverage on the street.

If you have any questions, please don't hesitate to contact us. We appreciate your consideration of this application.

Sincerely,

Gary Savage
General Manager

Larry Constantin
Brian Hanson
Owners
Bourbon Ventures, LLC

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	BRANCHWATER Phone: 207-450-6475
Location Address:	52 WHARF ST. PORTLAND Zip: 04101
If new, what was formerly at this location:	MARKS SPORTS BAR
Mailing Address:	217 COMMERCIAL ST. SUITE 300 Zip: 04101
Contact Person:	BRIAN HANSON Phone: 207-450-6475
Contact Person Email:	BRIAN@MAINEBUSINESSBROKERS.COM
Manager of Establishment:	GARY SAVAGE Date of Birth: 4-17-62 Phone: 207-357-6311
Owner of Premises (Landlord):	JOE COOPER, WHARF PROPERTY, LLC
Address of Premises Owner:	4 MIK ST. SUITE 103 PORTLAND Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
BOURBON VENTURES, LLC		217 COMMERCIAL ST. SUITE 300 Zip: 04101	
Contact Person:	BRIAN HANSON	Phone:	207-450-6475
Principal Officers	Title	Date of Birth	Residence Address
BRIAN HANSON	MEMBER	10-3-69	13 Hillcrest W. PORTLAND, ME 04103
LAWRENCE CONSTANTIN	MEMBER	3-20-73	5125 Jasmine Way, Palm HARBOR FL 34685

About Your Establishment

Class of Liquor License:	Class XI	
Type of food served:		
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 30%	Generated from Alcohol: 70%
Hours & days of operation:	3pm to close (12 or 1) Lunch seasonal 7 days/week	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y(N)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y(N)
Will you permit dancing on the premises?	Y(N)
Will you permit dancing after 1:00 a.m.?	Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y(N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	7/15/18
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y(N)
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s):	See addendum
Is any principal officer under the age of 21?	Y(N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y(N)
If Yes, please explain: Traffic violations in 80's when I was a teenager, never been denied a liquor license, - Brian Hanson	

I, Brian Hanson do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title LLC Member Date 5.14.18

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINE.LIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☐ CLASS A LOUNGE (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☒ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>BOURBON VENTURES, LLC</u>		Business Name (D/B/A) <u>BRANCHWATER</u>	
APPLICANT(S) (Sole Proprietor) DOB:		Physical Location: <u>52 WHARF ST.</u>	
DOB:		City/Town <u>PORTLAND</u>	State <u>ME</u>
Address <u>217 COMMERCIAL ST. SUITE 300</u>		Mailing Address <u>217 COMMERCIAL ST. SUITE 300</u>	
City/Town <u>PORTLAND</u>	State <u>ME</u>	Zip Code <u>04112</u>	City/Town <u>PORTLAND</u>
State <u>ME</u>	Zip Code <u>04112</u>	State <u>ME</u>	Zip Code <u>04112</u>
Telephone Number <u>207-450-6475</u>	Fax Number	Business Telephone Number <u>207-450-6475</u>	Fax Number
Federal I.D. # <u>82-4645572</u>	Seller Certificate #: or Sales Tax #: <u>CONFIRMATION # 99965</u>		
Email Address: Please Print <u>BRIAN@MAINEBUSINESSBROKERS.COM</u>	Website:		

If business is NEW or under new ownership, indicate starting date: 7.8.18

Requested inspection date: 7.1.18 Business hours: MON-SUN 3pm to Close (12 or 1)

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

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

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

If YES, complete Supplementary Questionnaire

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

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

9. Business records are located at: 217 Commercial St Suite 300 Portland, ME

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
BRIAN HANSON	10/3/69	Caribou, ME
LAWRENCE CONSTANTIN	3/20/73	BURLINGTON, VT
GARY SAVAGE	4/17/68	RUMFORD, ME

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

BRIAN HANSON - PORTLAND ME GARY SAVAGE - PORTLAND ME
LAWRENCE CONSTANTIN - PALM HARBOR, FL ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:
302 COOPER, WAAAF PROPERTIES, LLC 4 MILK ST SUITE 103 PORTLAND

17. Describe in detail the premises to be licensed: (On Premise Diagram Required) Approx 1500 Sq ft
NORTH WEST CORNER OF 50 WAAAF ST.

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1200' Which of the above is nearest? CHURCH/CHAPEL

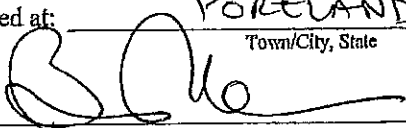
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

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

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

Dated at: PORTLAND, ME on 5.12, 2018
Town/City, State Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Brian HANSON
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name



State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: BOURBON VENTURES, LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 3.1.18 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
BRYAN HANSON	13 Hillcrest West Portland, ME 04103	10.3.69	MEMBER	50
LAWRENCE CONSTANTIN	5125 JASMINE WAY PALM HARBOR, FL 34685	3.20.78	MEMBER	50

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

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

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed).

Name: _____

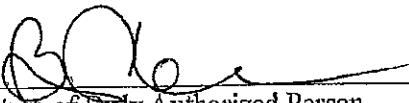
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

5.12.18
Date

BRIAN HANSON
Print Name of Duly Authorized Person

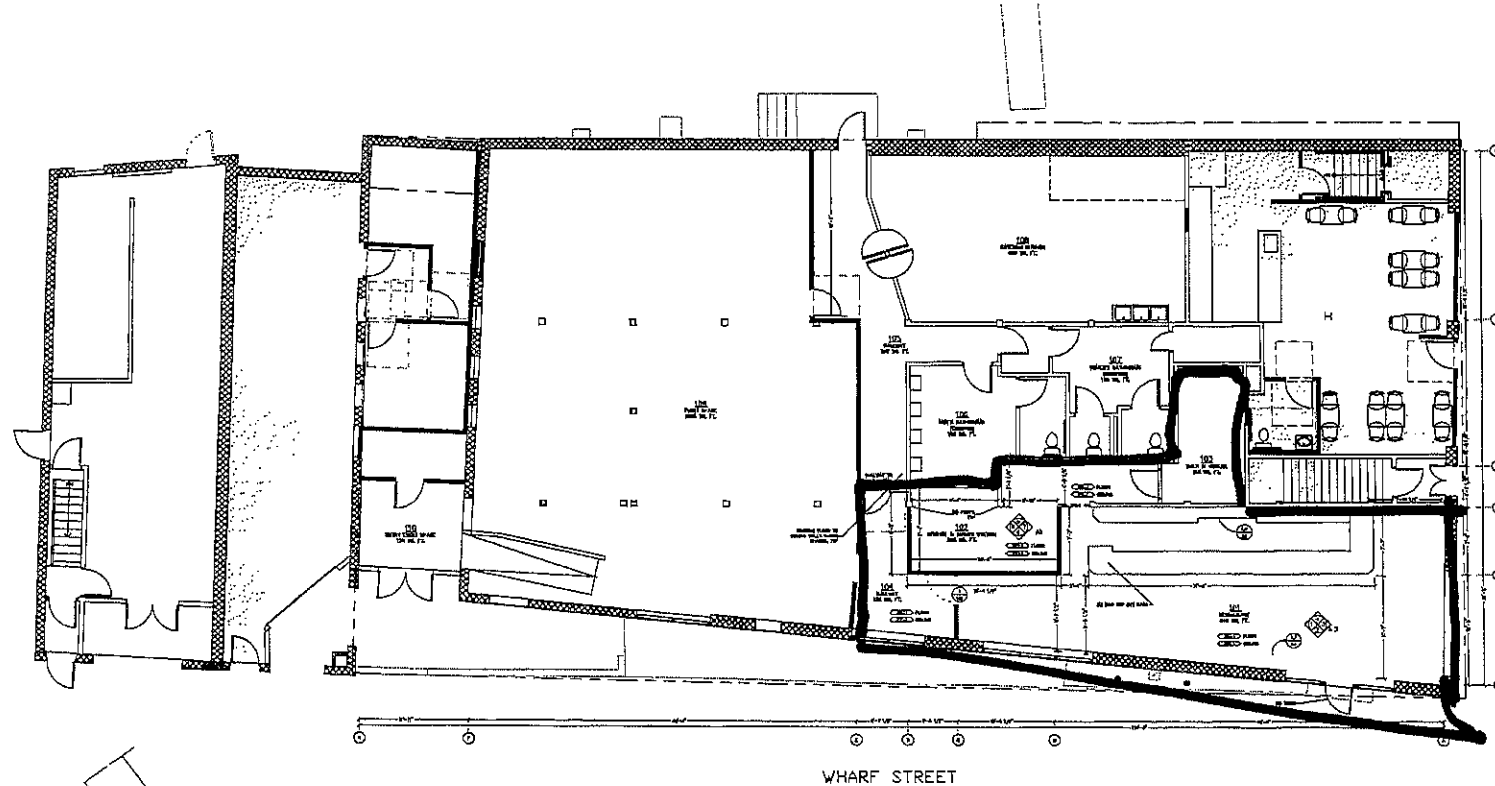
Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

DOOR SCHEDULE

NO.	LOCATION	DOOR	WIDTH x HEIGHT	THICKNESS	MATERIAL	TYPE	GLAZING	FINISH	FRAME	THRESHOLD	HANDRAIL GROUP	ADDITIONAL NOTES
101/1	RESTAURANT	PRE/POST	3'-0" x 7'-0"		WOOD			PAINT	WOOD	NONE	1	45 MINUTE FIRE RATED

NO.	MANUFACTURER	MODEL/DESCRIPTION	NOTES	FUNCTION	FINISH	REMARKS
1	VON DUPRE	ENTRY DEVICE	80 SERIES-CONCEALED	PANIC/BURGLAR	810	PROVIDE CLOSER
2	VON DUPRE	ENTRY DEVICE	80 SERIES-CONCEALED	PANIC/BURGLAR	810	PROVIDE CLOSER W/ MAGNET HOLD-OPEN
3	BALDWIN	WAVE LEVER SERIES	8450.102.001A	ENTRANCE LOCK	102	W/ 800.102.102 ARCHED CYLINDER LOCK
4	BALDWIN	WAVE LEVER SERIES	8450.102.001A	KEYED ENTRY	102	
5	BALDWIN	WAVE LEVER SERIES	8450.102.001A	PASSAGE	102	
6	BALDWIN	WAVE LEVER SERIES	8450.102.001A	LOCK	102	W/ 800.102.102 ARCHED CYLINDER



DRAFT

1 FLOOR PLAN
SCALE = 3/16" = 1'-0"

PROJECT NORTH

Jake Keeler
Design Build

43 Hardy Road
Falmouth, ME 04105
603-828-5100

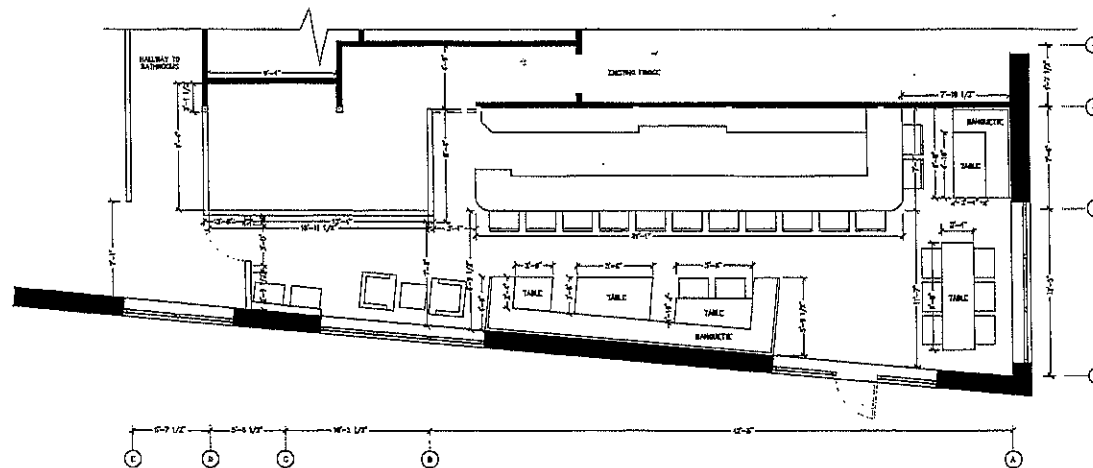
WHARF STREET WHISKEY BAR
WHARF STREET
PORTLAND, ME

TITLE:
FLOOR PLAN

DATE:
5/11/16

ISSUED FOR:
REVIEW

DRAWING NO:
A1

[illegible]

DRAFT

1	FLOOR PLAN - FURNITURE
	SCALE = 1/4" = 1'-0"



DRAWING NO: A2

MENU

Snack | Start | Share

Buffalo Cauliflower 9.95

Scratch-Made Hot Sauce, Celery, House Bleu Dressing

Sticky Ale Wings 10.95

Agave, Ale, Sriracha, Soy, Citrus

Meatloaf Sliders 8.95

Bacon Tomato Jam , Swiss , Arugula, Crispy Onions, Brioche

Traditional Fries 7.95

With dipping sauce

Parmesan Truffle Fries 8.95

Truffle Butter, Fresh Parsley, Balsamic Ketchup

Charcuterie Board 12.95

Variety of meats and cheeses, local fruit and specialty nuts

Salads

Green Street Salad 9.95

Grapes, Green Apples, Candied Walnuts, Craisins, Gorgonzola, Apple Cider Vinaigrette, Romaine, Spring Mix

Kale Salad with Figs 12.95

Pecan Crusted Chicken, Port Marinated Figs, Bartlett Pears, Candied Pecans, Gorgonzola, Mixed Greens, Spinach, Port Fig Vinaigrette

Chopped Chicken Cobb Salad 12.45

Grilled Chicken, Romaine, Bacon, Avocado, Roma Tomato, Gorgonzola, Half Easy Egg, Grilled Chicken, Green Goddess

Handhelds

Branch Water Burger 9.95

Humanely Raised, Antibiotic and Hormone, Free Prime Beef, Local Tomato, Lettuce, Onion, Brioche Bun

Knife and Fork Blt 8.95

Arugula, Fried Green Tomato, White Cheddar, Bacon, Corn Avocado Relish

The Rooster 10.95

Blackened Chicken, Swiss, Bacon, Tomato, Arugula, Herb Mayo

The Lobster Roll -Market Price

Fresh Maine Lobster Served on a brioche roll with bib lettuce and finished with a house made butter aioli

Branch Water Grilled Cheese 12.95

Turkey, Applewood Bacon, Provolone, Pepperjack, Avocado Salsa, Herb Mayo, Sourdough, Tomato Bisque

5/15/2018

City of Portland Mail - Re: Branchwater

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Branchwater

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 14, 2018 at 9:25 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 14, 2018 at 2:27 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached applications for Branchwater, 52 Wharf Street. This will be going before Council on 6/4.

The information has been added to Energov or you may email me approvals. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Bourbon Ventures LLC
217 Commercial Street Suite 300
Portland ME 04101

Re: Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street.

Dear Brian Hanson,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for a Class XI FSE at 52 Wharf Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica", is written over the printed name and title.

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Businesses licensed in Portland, ME.

Industry Nightclub: 50 Wharf St.

Union St. Grill: 9 Union St.

Right Proper Charlies: 50 Wharf St.

Hanson Brothers Seafood: Portland Public Market

Hanson Brother Seafood Restaurant: Portland Public Market

Cold Bay Seafood: Portland Public Market

The Pantry: Portland Public Market

Splatz Indoor Paintball: 1173 Riverside St.

Splatz Extreme Sports Gear: 517 Warren Ave.

Maine Business Brokers: 217 Commercial St.

Order 240-17/18
Feb 18 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for
Outdoor Dining on Public Property at 219 Anderson Street.**

5/12/2018

Dear Mayor Strimling and members of the City Council,

We are proposing an outdoor seating area for the tasting room located at 219 Anderson Street, Suite #2. The proposed area lies partly on public sidewalk and partly on private property owned by Allen Jagger (our landlord).

Please see attached drawings and docs for details on this proposal.

Sincerely,

Chris Gamble
Owner
Blue Lobster Wine Co.
219 Anderson St. Suite #2
Portland, ME 04101

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00

☒ Outdoor Dining on Public Property \$80.00 plus \$2.00 per Square foot $2.00 \times 224.5 \text{ SF} = \535

☒ Outdoor Dining on Public Property in a City Park \$80.00 plus \$6.00 per Square foot $6.00 \times 124.5 \text{ SF} = \747

Business Information	
Business Name (d/b/a):	Blue Lobster Urban Winery
Location Address:	219 ANDERSON ST STE 2 PORTLAND, ME 04101
Mailing Address:	SAME
Contact Person:	CHRIS GAMBLE
Contact Person Email:	CHRIS@BLUELOBSTERWINES.COM
Manager of Establishment:	CHRIS GAMBLE 3/5/67
Owner of Premises (Landlord):	ALLAN JAGGER
Address of Premises Owner:	5 AMBERSCOGGIN RD FALMOUTH, ME 04105

Owner Information

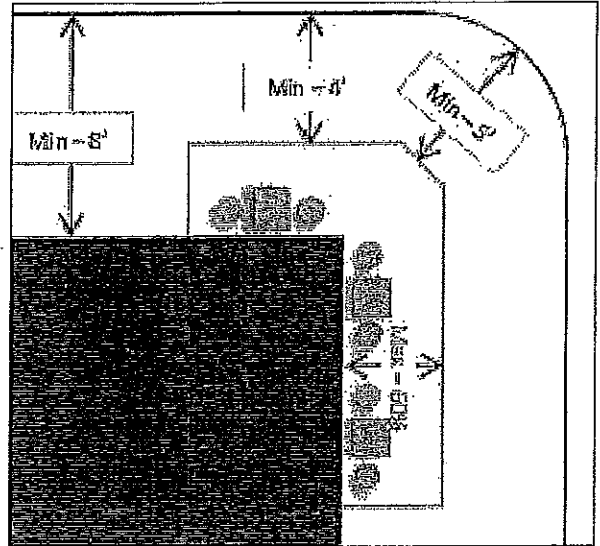
Corporate Name		Corporate Mailing Address	
Blue Lobster Urban Winery LLC		SAME AS ABOVE	
Contact Person:	CHRIS GAMBLE	Phone:	
Principal Officers	Title	Date of Birth	Residence Address
CHRIS GAMBLE	OWNER	3/5/67	10 WOODLAND RD CAREFREEZABAH, ME 04107
KAREN RASMUSSEN	OWNER	6/12/61	130 HILLSIDE RD SOUTH PORTLAND, ME 04106

About Your Establishment

Class of License:	Winery
Type of food served:	None
Please circle all that will be served:	Beer <u>Wine</u> Liquor
Hours & days of operation:	Fri 4-7, Saturday 12-7, Sun 2-7
Number of Tables	5 TABLES 12 CHAIRS
Number of Chairs	12 CHAIRS

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"



- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation

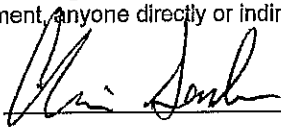


Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature



Title

Owner

Date

5/12/18

For Administrative Use Only

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

FD:

Health:

PD:

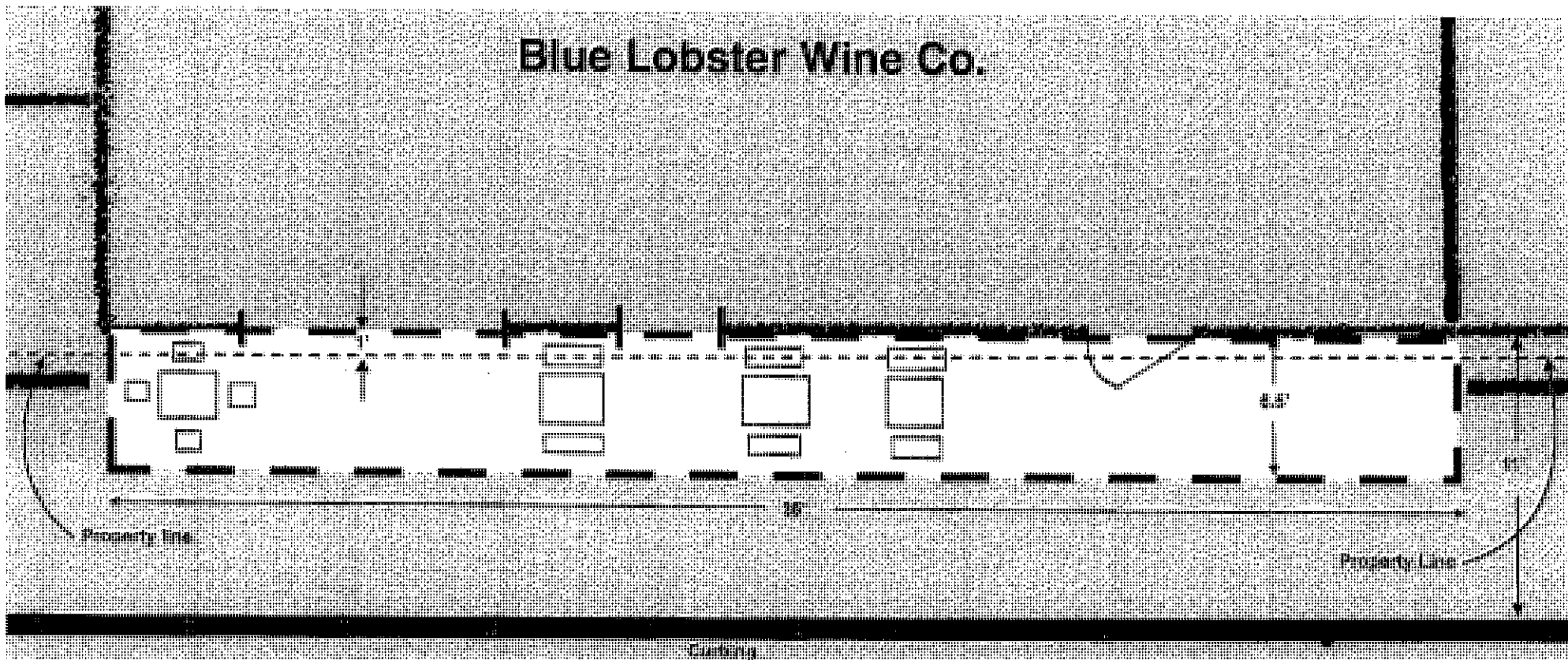
Treasury:

Zoning:

Request Date / Approval

Notes: _____

Blue Lobster Wine Co.

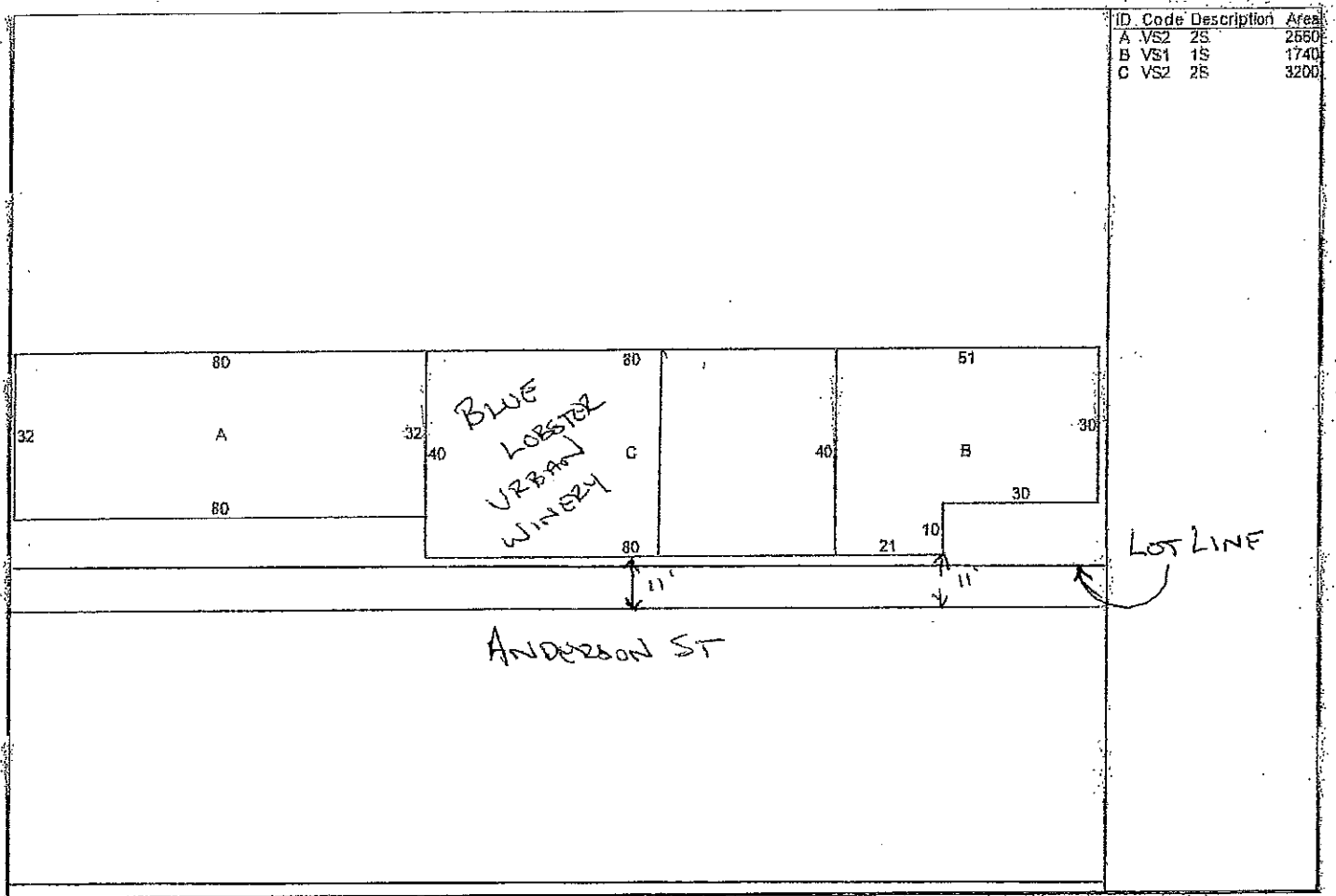


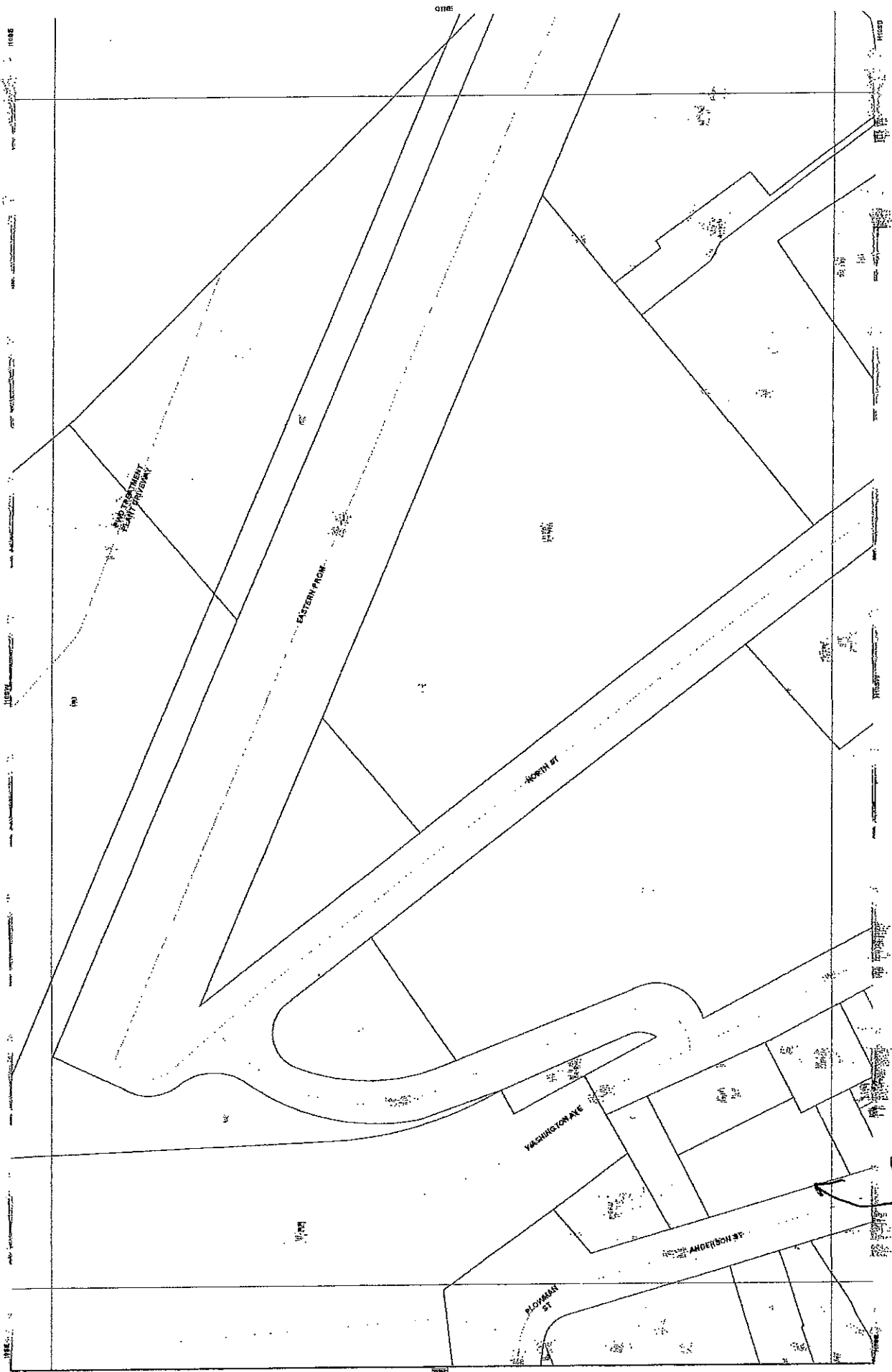
Barrier: To be removed and secured with portable posts

219 Anderson Street Suite #2

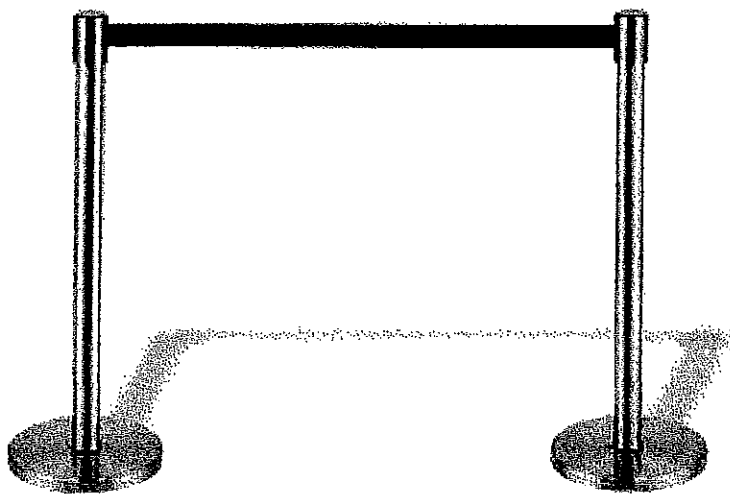
Not To Scale

Anderson Street





219
Anderson



5/15/2018

City of Portland Mail - Re: Blue Lobster

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Blue Lobster

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 14, 2018 at 5:43 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Plone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 14, 2018 at 3:05 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Blue Lobster to add Outdoor Dining on Public Property. This will be going before council on 6/4. The information has been added to Energov or you may email me. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Blue Lobster Urban Winery
219 Anderson Street Ste 2
Portland ME 04101

Re: Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for Outdoor Dining on Public Property at 219 Anderson Street

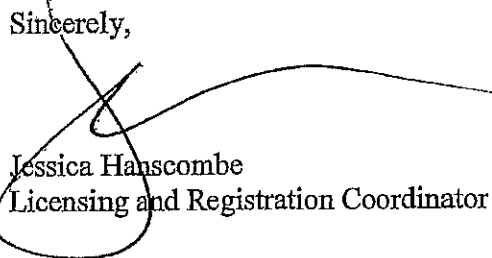
Dear Chris Gamble,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for Outdoor Dining on Public Property at 219 Anderson Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,


Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for Outdoor Dining on Public Property at 219 Anderson Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 241 -17/18
Tab 19 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street.

11 May 2018

To: Mr. Mayor, and members of the City Council
FROM: Steven Corman, co-owner of Vena's Fizz House

We have been in business for nearly five years, with 3+ years serving alcohol along with non-alcohol fizzes and mocktails. We have also paid for outdoor seating for three years, using 2 tables and 4 chairs. The growth of our business requires extra seating, as we've changed our bar area and seating in the front end of our retail section. We'd like to increase our outdoor seating, that will in fact have MORE room for foot traffic. We shall set up 8 inch shelving, in front of our first floor windows, with stools, for people to sit comfortably, with pedestrians walking with 5 feet of room on the sidewalks.

A handwritten signature in black ink, appearing to read 'Ste Corman', with a stylized, cursive script.

Steven Corman

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Public Property
 Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
 Valid April 1-November 15

- ☐ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$80.00 plus \$2.00 per Square foot \$2.00 X _____ SF = _____
- ☐ Outdoor Dining on Public Property in a City Park \$80.00 plus \$6.00 per Square foot \$6.00 X _____ SF = _____

Business Information	
Business Name (d/b/a):	VENA'S FIZZ HOUSE Phone: 207-747-1901
Location Address:	345 Fore St PORTLAND, ME Zip: 04101
Mailing Address:	same as above Zip:
Contact Person:	STEVEN CORMAN Phone: (C) 207-409-2936
Contact Person Email:	steve@venasfizzhouse.com
Manager of Establishment:	Steven Corman Date of Birth: 10-31-56 Phone: C 207-409-2936
Owner of Premises (Landlord):	JERRY KNECHT
Address of Premises Owner:	Zip:

Owner Information

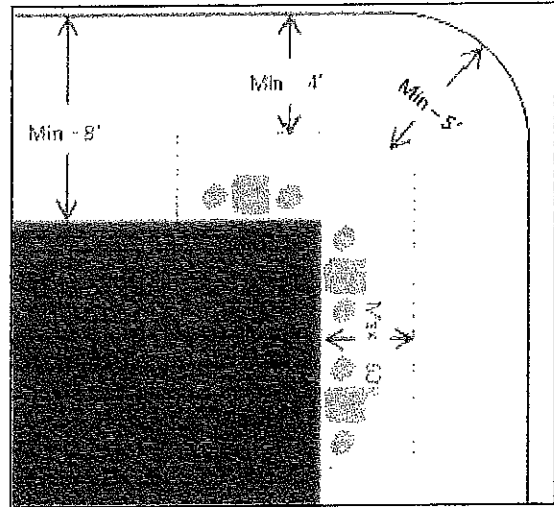
Corporate Name		Corporate Mailing Address	
FIZZ LLC		345 Fore St Portland, ME Zip: 04101	
Contact Person:	Steven Corman	Phone:	C 207-409-2936
Principal Officers	Title	Date of Birth	Residence Address
Johanna Corman	co-owner	11-16-62	Portland, ME
Steven Corman	co-owner	10-31-56	Portland, ME

About Your Establishment

Class of License:	CAC-2017-9738
Type of food served:	small plates
Please circle all that will be served:	☒ Beer ☐ Wine ☒ Liquor
Hours & days of operation:	Wed-Thurs 2-9pm Fri 2-11pm Sat 11-11 Sun 2-7pm
Number of Tables	3 (shelves)
Number of Chairs	12

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

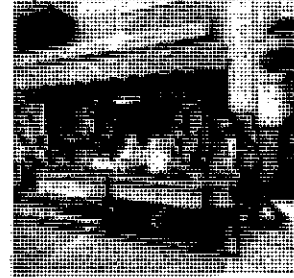
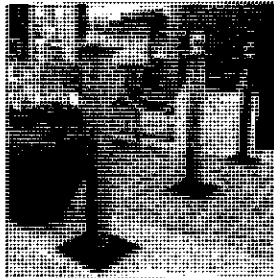


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



SILVER STREET

Ven's Fizz House
341 Fore St
Unit 10

hydrant

0-61'

96"

78'

103"

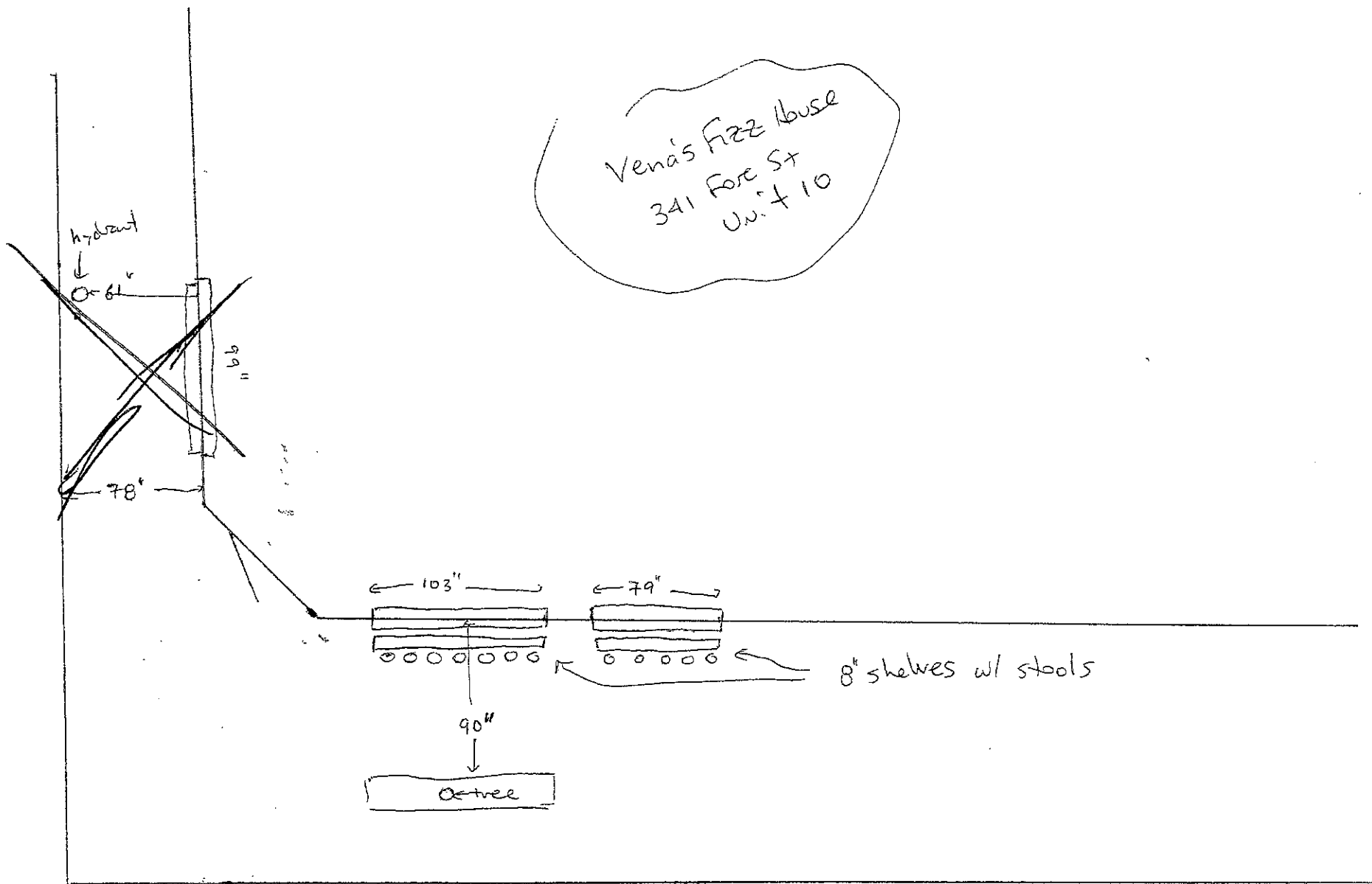
79"

8' shelves w/ stools

90"

Octree

Fore Street



5/15/2018

City of Portland Mail - Re: Vena's Fizz House

Portland
Maine

Yes, Google's good here.

Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Vena's Fizz House

Kevin Cashman <kevindc@portlandmaine.gov>

Mon, May 14, 2018 at 5:45 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Chris Pirone <cpp@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, James Sweatt

<jjs@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Mon, May 14, 2018 at 3:03 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached applications for Vena's Fizz House. This is just an expansion of Outdoor dining on the Fore Street side only. This will be going before Council on 6/4.

The information has been added to Energov or you may email me approvals. Thanks Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

May 14, 2018

Fizz LLC
345 Fore Street
Portland ME 04101

Re: Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street.

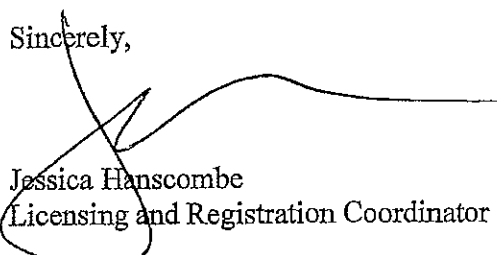
Dear Steven Corman,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 4, 2018 at 5:30 p.m.**, for the review of application for an expansion of Outdoor Dining on Public Property at 345 Fore Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,


Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 4th at 5:30 P.M., in City Council Chambers, 389 Congress St., Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Com 18-17/18
Tab 20 6-4-18

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English

FROM: Troy Moon, Sustainability Coordinator

DATE: May 21, 2018

SUBJECT: Communication: Results of the Municipal Green House Gas Inventory for 2016

SPONSOR: Councilor Thibodeau, Chair of Sustainability and Transportation Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action ☒ _____

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

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

I. ONE SENTENCE SUMMARY

This communication provides the City Council with the results of the municipal greenhouse gas inventory for 2016.

II. AGENDA DESCRIPTION

This spring, City staff worked with Competitive Energy Services to analyze the amount of greenhouse gases emitted by municipal operations in 2016. The evaluation encompassed all Scope 1 emissions (those resulting directly from heating buildings, operating vehicles, etc.) and Scope 2 emissions (those resulting indirectly from the use of electricity from the grid). The results showed that City operations emitted 17,229 tons of CO₂ in 2016. The City last conducted an audit of greenhouse gas emissions in 2005. Data from that report showed that the City emitted 26,201 tons of CO₂ that year. Comparing these results shows that greenhouse gas emissions from City operations fell 34% during that period.

The most significant drivers of this reduction were the conversion of City buildings to natural gas for heating buildings combined with an overall "greening" of the electrical grid. The impact of the cleaner grid is notable because Scope 2 emissions decreased despite an increase in electricity usage.

III. BACKGROUND

The City of Portland conducted greenhouse gas inventories of municipal operation in 2001, 2005, and now in 2016. Conducting regular inventories moving forward will be important to track progress towards the City Council's goals to use 100% clean energy by 2040 and to reduce emissions community wide 80% by 2050. The results of the inventory confirm that actions taken by the City such as converting to cleaner fuels and undertaking energy efficiency measures will help meet aggressive climate goals. The results also indicate the importance of promoting clean energy policies at the state and national level because 34% of City's emissions result from the use of electricity. Using electricity produced using renewable sources will further reduce emissions.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Tracking progress toward the Council's climate action goals.

V. FINANCIAL IMPACT

The audit was paid for by a grant from the National League of Cities.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

VII. RECOMMENDATION

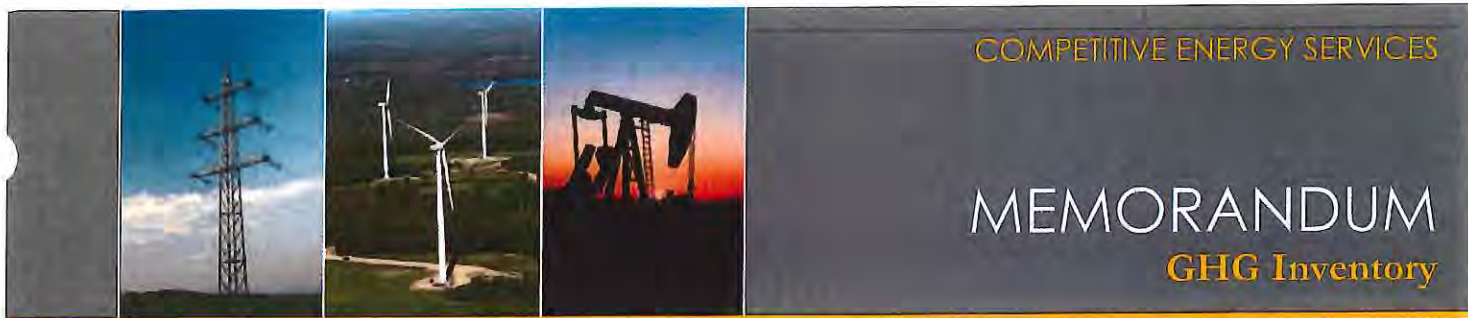
VIII. LIST ATTACHMENTS

Report from Competitive Energy Services.

Prepared by: Troy Moon, Sustainability Coordinator

Date: May 21, 2018

Bean/agendarequestmemo/rev 11/2015



TO: City of Portland
FROM: Competitive Energy Services
DATE: April 20, 2018
RE: 2016 Greenhouse Gas Inventory

City of Portland 2016 Greenhouse Gas Inventory

In late 2017, Competitive Energy Services (CES) was contracted by the City of Portland to create an inventory of Scope I and Scope II Greenhouse Gas emissions from municipal operations for the calendar year of 2016, as a benchmark to aid the City in understanding current emissions levels and planning future reductions goals.

Methodology

Scope I

For the purposes of this inventory, CES obtained relevant available data from the City and the City's energy providers. Scope 1 emissions categories included stationary onsite fuel combustion, city-owned vehicle fuel combustion, fugitive refrigerant emission, and fertilizer use on City property. Stationary onsite fuel combustion includes the usage of natural gas and heating oil. CES obtained natural gas usage for the City's 44 natural gas accounts through usage requests to Unitil, the local distribution company. CES obtained heating oil usage, including both #2 oil and kerosene, from Fieldings Oil, the past and current heating oil supplier to the city. EPA emissions factors for carbon dioxide, methane, and nitrous oxide were used for all heating fuels.

For the remainder of Scope 1 emissions, City staff provided CES with 2016 recorded usage. Fleet combustion of gasoline and diesel and refrigerant use by fleet vehicles were provided by the Fleet Manager, and fertilizer usages were provided by Riverside Golf Course and the Department of Parks and Recreation. EPA emission factors for carbon dioxide, nitrous oxide, and methane were used for fleet fuels diesel and gasoline. The IPCC global warming potential factor for HFC-134a refrigerant, and Clean Air Cool Planet Carbon Calculator nitrogen emissions factors were used for fertilizers.

Scope II

The only applicable Scope II emissions source for the City is purchased electricity. CES obtained 2016 electricity usage for 334 accounts from Central Maine Power. Recently released EPA eGrid 2016 Maine emissions factors for carbon dioxide, nitrous oxide, and methane were used to calculate emissions.

Results

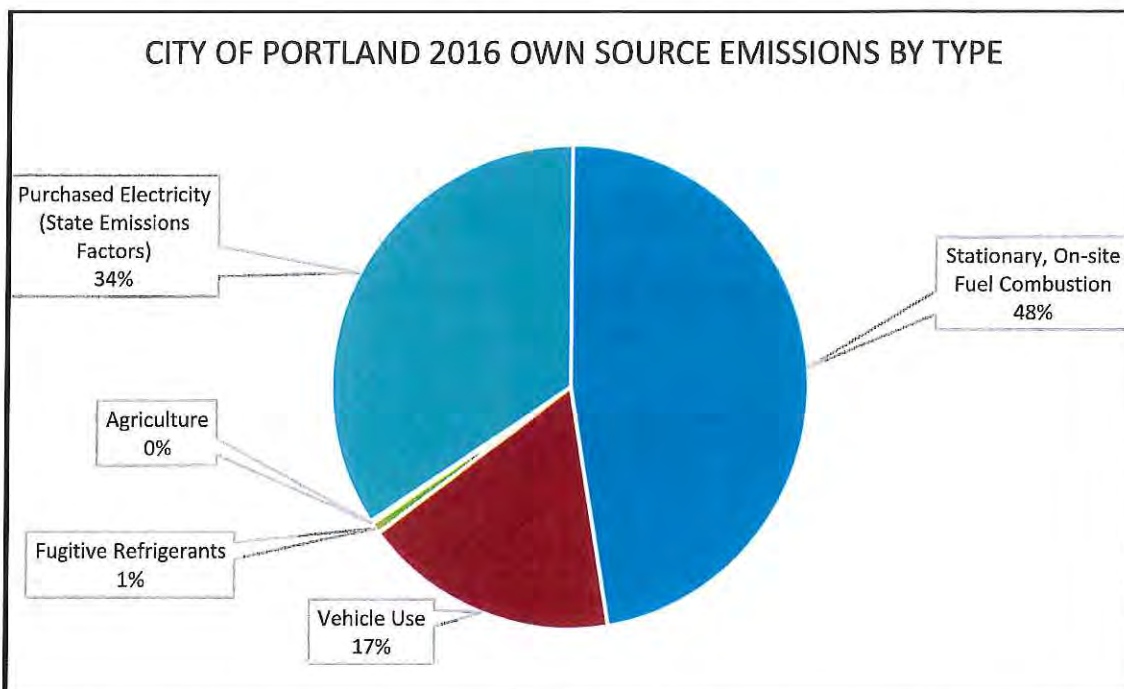
CES calculated total calendar 2016 emissions at 17,229 metric tons of carbon dioxide equivalent (MTCO_{2e}). 66%, or 11,305 MTCO_{2e}, came from Scope I sources. Of these Scope I sources, 8,168 MTCO_{2e} came from stationary onsite fuel combustion, 2,974 came from City vehicle use, 129 came from fugitive refrigerants, and

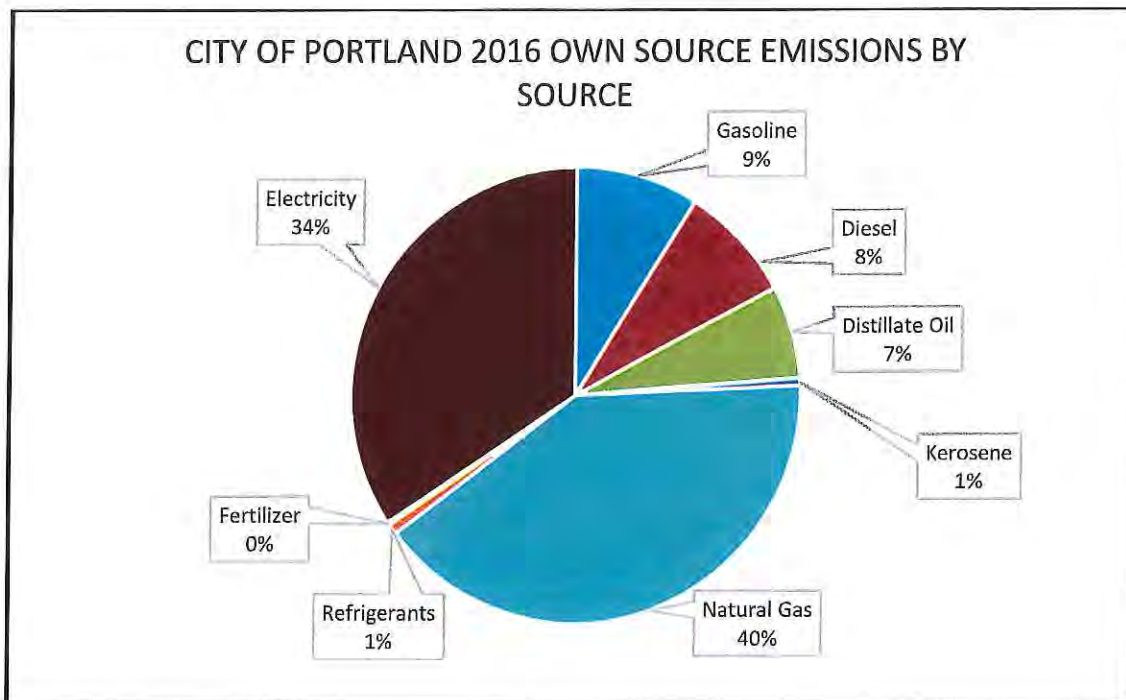
34 came from fertilizer usage. The remaining 5,925 MTCO₂e came from the Scope II source purchased electricity. The contributions of the different sources may be seen in detail in the tables and chart below.

SCOPE 1	CO ₂ e	CO ₂	N ₂ O	CH ₄	HFCs	UNIT
Stationary, On-site Fuel Combustion	8,168	8,157	0.0226	0.1799		metric tons
Vehicle Use	2,974	2,958	0.0314	0.2711		metric tons
Fugitive Refrigerants	129				0.08	metric tons
Agriculture (only N ₂ O applies)	34		0.1142			metric tons
SCOPE 1 TOTAL	11,305	11,115	0.17	0.45	0.08	metric tons

SCOPE 2	CO ₂ e	CO ₂	N ₂ O	CH ₄	HFCs	UNIT
Purchased Electricity (State Emissions Factors)	5,925	5,738	0.3917	2.7928		metric tons
SCOPE 2 TOTAL	5,925	5,738	0.39	2.79	0.00	metric tons
2016 OWN SOURCE EMISSIONS TOTAL	17,229	16,853	0.56	3.24	0.08	metric tons

SOURCE	USAGE UNIT	USAGE	mTons CO ₂ e
Gasoline	(gallons)	174,294	1,537
Diesel	(gallons)	139,805	1,436
Distillate Oil	(MMBtu)	15,300	1,136
Kerosene	(MMBtu)	1,174	89
Natural Gas	(MMBtu)	130,830	6,944
Refrigerants	(lbs)	180	129
Fertilizer	(lbs)	82,200	34
Electricity	(MWh)	37,543	5,925





Comparison to 2005

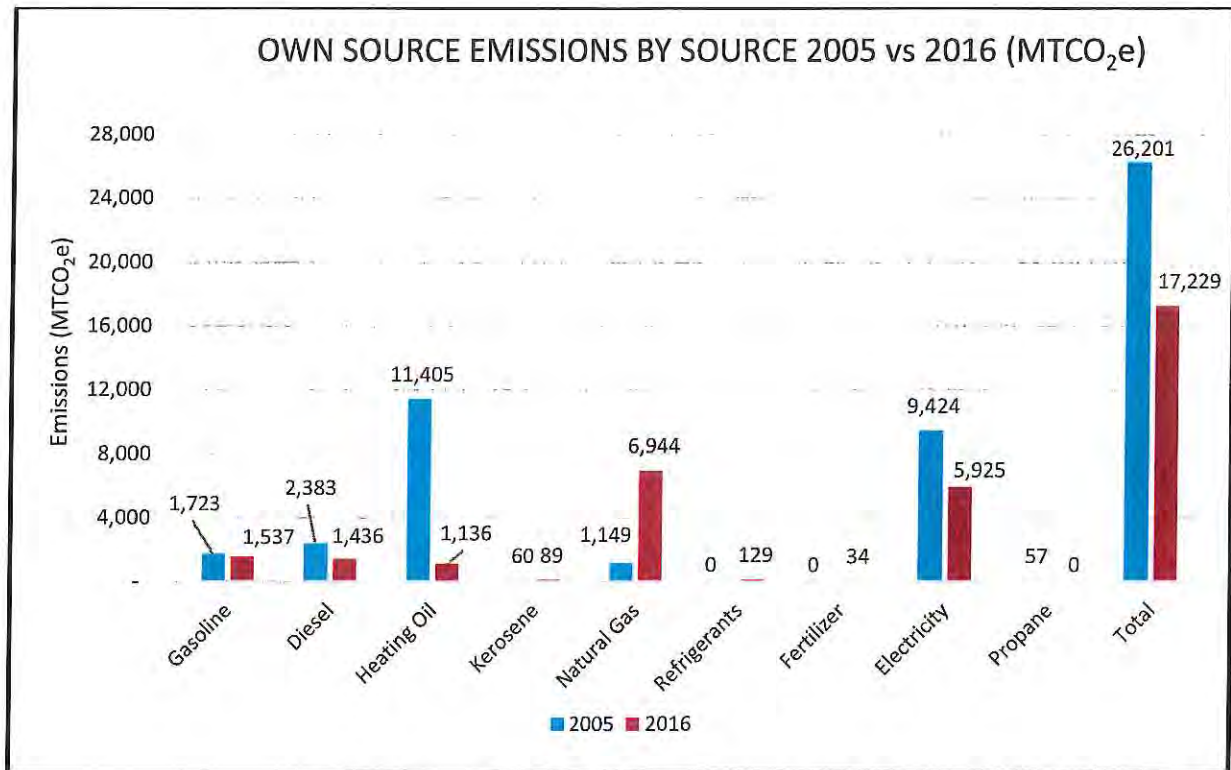
The City previously had community and municipal inventories prepared for 2005. The municipal inventory did differ in scope than this 2016 inventory, as the 2016 inventory only included Scope 1 and 2 own source emissions, while the 2005 inventory included emissions from waste and wastewater, both of which are Scope 3 indirect emissions. Additionally, there were some differences in the data collected between the two years. Refrigerants and fertilizers were collected in 2016 but not 2005. In 2005, liquid heating fuels included #6 and #4 residual oils, #2 distillate oil, kerosene, and propane. In 2016, liquid heating fuels included only #2 distillate oil and kerosene.

Excluding waste and wastewater, 2016 emissions were 34% lower than in 2005. The largest contributor to this reduction is the conversion from different types of heating oil to natural gas on many City properties, where emissions dropped 35%. Distillate and residual oils usage totaled 152,974 MMBtu and 11,405 MTCO_{2e} in 2005 compared to 15,300 MMBtu and 1,136 MTCO_{2e} in 2016, while natural gas totaled 21,647 MMBtu and 1,149 MTCO_{2e} in 2005 and 130,830 MMBtu and 6,944 MTCO_{2e} in 2016.

It should be noted that 2005 was colder than 2016, with 10% more heating degree days, which likely contributed in part to a 16% decrease in MMBtu of total heating fuel usage in 2016. Basic efficiency upgrades have likely played a role as well, though those measures have not quantified for this report.

Electricity usage was 27% lower in 2005 than 2016, but due to the increasing role of renewables and gas and the retirement of coal and oil in power generation in Maine, emissions due to electricity usage decreased 37% between 2005 and 2016.

Fleet usage decreased for both fuels, particularly diesel, which decreased in usage by 66% and emissions by 40%. Gasoline decreased by 12% in usage and 11% in emissions. Side by side comparison for all sources can be seen in the chart below.



Order 219-17/18
~~Tab 19-5-21-18~~
Tab 21 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 2
RE: TERM LIMIT REMOVED FOR BOARD OF HARBOR COMMISSIONERS**

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

1. That Chapter 2, Section 2-33 of the Portland City Code is hereby amended to read as follows:

Sec. 233. Applicability.

(a) The above limitation on terms shall apply to the following boards and commissions:

- (1) Board of appeals;
- (2) Board of assessment review;
- (3) ~~Board of harbor commissioners; Reserved.~~
- (4) Cable television committee (CATV);

...

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jen Thompson, Associate Corporation Counsel

DATE: April 27, 2018

SUBJECT: Amendment to Chapter 2 of the Portland City Code to remove the Board of Harbor Commissioners from the City Boards subject to limitations on number of terms that may be served on the board.

SPONSOR: City of Portland Legislative/Nominating Committee following a meeting and unanimous vote on April 23, 2018.

(If sponsored by a Council committee, include the date the committee met, the results of the vote, and the meeting minutes.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** _____

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

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

Legislative Committee, Chair

I. ONE SENTENCE SUMMARY

The Legislative Committee voted unanimously to recommend removing the Board of Harbor Commissioners from the list of City Committees subject to the term limits provision of the City Code.

II. AGENDA DESCRIPTION

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from a various private and special laws passed by the Maine Legislature. Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the

pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to ". . . three years (3) consecutive full terms or nine years whichever comes first."

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33. The ordinance amendment would be:

Sec. 2-33. Applicability.

(a) The above limitation on terms shall apply to the following boards and commissions:

- (1) Board of appeals;
- (2) Board of assessment review;
- ~~(3) Board of harbor commissioners;~~
- (4) Cable television committee (CATV);
- (5) Civil service commission employment subcommittee;
- (6) Civil service commission police citizen review subcommittee;
- (7) Community development block grant allocation committee;
- (8) Friends of the park;
- (9) Historic preservation committee;
- (10) Land bank commission;
- (11) Planning board; and
- (12) Portland public art committee;

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Amendment of Section 2-33 of the City Code to remove the Harbor Commission from the list of City Boards and Commissions subject to the limitation on the number of terms contained in Section 2-32.

V. FINANCIAL IMPACT

None

**VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE
AGENDA DESCRIPTION**

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Prepared by:

Date:

Bean/agendarequestmemo/rev 11/2015

Order 220-17/18
Tab 20 5-21-18
Tab 22 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTERS 2 and 15
RE: ENDING COLLECTION OF PAST DUE PERSONAL PROPERTY TAX FROM
SUBSEQUENT PROPERTY OWNERS**

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

1. That Section 2-203 is hereby amended to read as follows:

Sec. 2203. Applicability.

The provisions of this article shall not apply to the following:

- (a) Debts subject to the jurisdiction of the bankruptcy court;

...

- (f) Debts and/or Amounts owed, which the Director of City Manager or his or her designee, Finance in his or her sole discretion, determines are not owed by the applicant seeking an approval, license or permit from the City and/or which should may be the subject of a resolution by a court of law rather than through the mechanisms provided by this article Article.

2. That Section 15-8 is hereby amended to read as follows:

Sec. 158. 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:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;

...

- (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager of his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.

- (b) *Hearings.*

...



Executive Department
Jon P. Jennings, City Manager

MEMORANDUM

City Council Agenda Item

DISTRIBUTE TO: Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julianne Sullivan

FROM: Jon P. Jennings, City Manager

DATE: May 3, 2018

SUBJECT: Proposed Amendments to Portland City Code Chapters 2 and 15 Re:
Removing Responsibility of Property Owners for City Debts
Associated with Property

SPONSOR: Economic Development Committee/Councilor Costa, Chair;
Meeting Held on May 1, 2018, Vote was Unanimous (3-0)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: May 21, 2018 Final Action: June 4, 2018

Can action be taken at a later date: Yes

PRESENTATION: Jon Jennings/5 Minutes

I. ONE SENTENCE SUMMARY

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

II. AGENDA DESCRIPTION

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair. The City Manager and his staff agree that requiring such payments is not in

the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

III. BACKGROUND

See above.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This will make the process of applying for permits and licenses in the City easier, and thereby addresses the City's goal to be more customer-friendly.

V. FINANCIAL IMPACT

According to the Finance Director, a small amount of revenue will be lost through these amendments, but collection efforts can and will be made by other means.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The City Manager has received complaints from local businesses/property owners about delays in the issuing of building permits that were the result of unpaid personal property taxes of prior tenants. As such, he worked with the Finance Director, Permitting and Inspections Director, and Corporation Counsel to draft these amendments to rectify the situation.

VII. RECOMMENDATION

The City Manager and his staff recommend approval of this change.

Corporation Counsel approves the amendment as to form.

The EDC voted unanimously (3-0) at its May 1, 2018, meeting to forward this to the City Council with a recommendation for approval.

VIII. LIST ATTACHMENTS

- Amendment to Portland City Code Chapters 2 and 15 Re: Removing Responsibility of New Property Owners for City Debts associated with Property
- Memo from Christopher Huff, City Assessor
- Email from Denine Leeman, Chief Operating Officer, East Brown Cow Management, Inc.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THEODORE (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTERS 2 and 15
RE: ENDING COLLECTION OF PAST DUE PERSONAL PROPERTY TAX FROM
SUBSEQUENT PROPERTY OWNERS**

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

1. *That Section 2-203 is hereby amended to read as follows:*

Sec. 2-203. Applicability.

The provisions of this article shall not apply to the following:

- (a) Debts subject to the jurisdiction of the bankruptcy court;

...

- (f) Debts and/or Amounts owed, which the Director of City Manager or his or her designee, Finance in his or her sole discretion, determines are not owed by the applicant seeking an approval, license or permit from the City and/or which should may be the subject of a resolution by a court of law rather than through the mechanisms provided by this articleArticle.

2. *That Section 15-8 is hereby amended to read as follows:*

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:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;

...

- (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager of his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.

- (b) *Hearings.*

...

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Portland, Maine



Yes. Life's good here.

Assessor's Department
Christopher A. Huff, CMA
Tax Assessor

MEMO

TO: Jon Jennings

FROM: Chris Huff

DATE: 11/1/2017

RE: Ordinance Review

Jon,

Within the last few weeks, an issue has come forward several times that I would like to ask you to review for a potential change in the City ordinances.

Issue

Property owners have tried to pull a building permit only to have the permit denied because a former tenant in the building had an outstanding unpaid personal property tax bill due. In one case, the tenant closed their business and vacated the building 3 years ago. They left their FY15 personal property tax bill unpaid. The property owner attempted to take a permit for electrical work and discovered they had to pay the personal property bill of the former tenant from 3 years ago.

In another case, a tenant was evicted for not paying rent and utilities to the property owner. The tenant also did not pay their personal property tax bill for multiple years. Once evicted, the tenant set-up their business in another location. The property owner attempted to pull a permit to fit-out the space for a new tenant only to discover that to do so, they would have to pay the personal property bill of the former tenant. This tenant stiffed them for months of rent and utilities, was evicted and relocated their business. They are open and operating today and still not paying their personal property taxes at their new location. Yet the property owner has to pay their outstanding personal property tax bill, including lien fees, penalties and interest, in order to fit-out the space to attract a new tenant.

Ordinances

Chapter 2, Article VI, Section 2-201 states "The purpose of this article is to ensure the payment of funds due the city by requiring that persons who owe money to the city pay their just debts before undertaking any new activity involving the city. (Ord. No. 274-90, 3-19-90)"

Chapter 15, Section 15-8, Paragraph 7 states "The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application."

While Section 2-201 states specifically that it is "the persons who owe money to the city" and Section 15-8 states "the applicant's or licensee's real or personal property taxes," it is the following language that is making property owners responsible for these taxes that are not in their name: "or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued..." (emphasis mine).

Resolution

It is reasonable and understandable why any unpaid *real estate* taxes would prevent a property owner from pulling a permit or being approved for a license or other service from the City. However, *personal property* taxes are the responsibility of the business and/or business owner. Making the property owner responsible to have to pay the personal property debts of their tenants does not seem fair and this unintended consequence could be construed as a disincentive to economic development to an owner wishing to improve their property to attract a new tenant.

Perhaps a review of this ordinance and a clean-up of the language or consolidation of these two sections of the City Code would be beneficial. Other suggestions to consider would be placing language on permit applications or on the permit website advising that unpaid debts will prevent a permit from being issued. The City could also start to be more aggressive with collecting personal property taxes, including filing UCC-1's and even seizing property. It's also important to note that the City has no formal notification process to alert a property owner that a tenant within has a debt owed to the City.

Thank you, Jon, for taking the time to review this and deciding whether it should be advanced to a Council Committee.

Chris

On Tue, Mar 27, 2018 at 2:44 PM, Denine Leeman <dleeman@eastbrowncow.com> wrote:
TO: Jon Jennings, Mike Russell

CC: Mayor Strimling, City Councilors, Jason Grant

RE: City Withholding Building Permits Due to Tenant Personal Properties Past Due

I am writing to all of you regarding the attached email correspondence a sprinkler contractor received pertaining to sprinkler work to be completed at 100 Commercial Street in Portland. Soley Wharf LLC applied for permits to install a new sprinkler system in part of the building while there is a vacancy, as it has been completing like work over the last couple of years to improve life safety in the building, even though not required to do so due to the historic nature of the building. We have been working with the City of Portland fire department to upgrade services in stages over a period of years.

The email seems benign. However, there are no unpaid Property (Real Estate) Taxes currently due. The City of Portland is now actively holding back the issuing of building permits due to past due **PERSONAL** property taxes of **TENANT's** equipment for their private businesses. Additionally, this practice just began and is being exercised pertaining to personal property taxes incurred as much as 8 years ago, owed by now defunct businesses, but never successfully collected by the City. I believe that Casey Gilbert may have made you aware of this concern.

I certainly would understand the need for this type of enforcement action if we were discussing Real Estate Taxes of buildings. East Brown Cow takes great pains to always handle payments timely on its buildings, regardless if the Tenants are contractually obligated to reimburse the Landlord. But I do not understand why it is happening for personal property taxes of Tenant's businesses.

My staff reached out to ask if this was a mistake, speaking to both City Treasurer Melissa Norton and staff at the City Clerk's office. Both discussions led to the explanation that the City Council voted last fall to begin enforcing Section 15-8 of the City's Code of Ordinances for Standards for denial, suspension, or revocation of Licenses and Permits treating the concept of "applicant's or licensee's real or personal property taxes" to be interpreted to mean an *entire address or building to be denied permits or licenses* when pertaining to past due *business personal property taxes of tenants*. I can only imagine that this decision was either not clearly discussed and oversights were made, *or* it was a deliberate attempt at "collective punishment" causing building owners or other businesses who were at critical junctions in their normal course of business, or relocating their business, to pay past due personal property taxes owed by others. **I cannot find any committee meeting notes or votes made by Councilors, but I am copying them to this email as some have heard our concerns and should know that the response to discontent is being answered as a directive of enforcement in this manner from the City Council.**

I brought this issue up at a Portland Downtown (of which I am a Board Member) meeting almost two months ago where I asked other Building Owners if they had experienced the same issue recently. I heard two other large building owners in the City had similar issues, one losing a

potential long term tenant and incurring late delivery penalties for being unable to get a permit for tenant improvements. East Brown Cow Tenants elsewhere in the City were unable to open for business because they were not able to get required inspections or permits due to a past due personal property tax of \$1.06 for a tenant that left in the middle of the night 7 years ago, and a current tenant who apparently simply owed interest for a late personal property tax payment made late. We are concerned that we will not be able to continue to do business not knowing if we will be able to get permits to complete work on tenant improvements or Building upgrades due to outstanding debts that are not ours and not in our control.

And please note, if the City is trying to collect personal property taxes from businesses that went dark years ago and have not paid personal property taxes, it is almost inevitable that the Landlords of these tenants have endured a much greater write-off of uncollectible rents.

For all the time and work the City has invested in new software, and additional staff to improve the permitting times for the City at the peak of a construction boom in Portland, I can't see how this approach for collecting past due PERSONAL property taxes of defunct companies can help the process. I would expect that the City would have some standard of internal processes which either writes off uncollectable accounts, or pursues those who owe the debts to the greatest extent of the law, rather than trying to disrupt the businesses of those who have done nothing wrong.

I am happy to meet with you to discuss this issue further or answer any questions you may have on the experiences I have had concerning this issue.

Regards,

Denine Leeman

Denine Leeman
East Brown Cow Management, Inc.
Chief Operating Officer
100 Commercial Street, Suite 306
Portland, Maine 04101
dleeman@eastbrowncow.com
207-775-2252 (o)
207-773-7422 (f)

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Tab 21 5-21-18
Tab 23 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ADDING A NEW SECTION 14-140.5 (MUNJOY HILL CONSERVATION
OVERLAY DISTRICT) REPLACING THE EXISTING SECTION 14-140.5
(MUNJOY HILL INTERIM PLANNING OVERLAY DISTRICT)**

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

*That Chapter 14, Section 14-140.5 is hereby enacted to read
as follows:*

**Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay
District.**

The residential neighborhoods on Munjoy Hill are experiencing
specific development pressures related to its location and the
nature of the existing building stock, further documented in
work by the City's Planning & Urban Development Department in
the winter of 2018. In order to address the negative impacts of
these pressures and create a positive framework for investment
in the area, there shall be a Munjoy Hill Neighborhood
Conservation Overlay District (the "District").

(a) Area of Effect.

This District will apply in the highlighted area depicted
on the map below and includes all properties in the R-6 zoning
district in an area east of Washington Avenue and Mountfort
Street, north of Fore Street, and west of the Eastern Promenade.

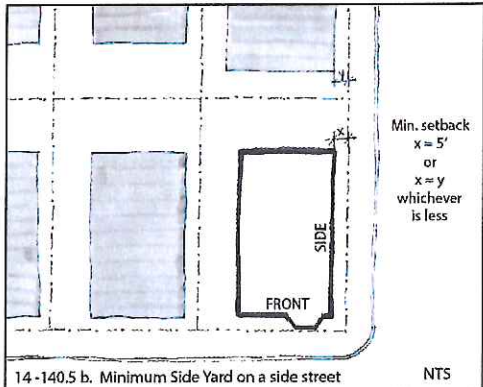
Map of the R-6 Munjoy Hill neighborhood in Portland, Maine. The map shows a grid of streets with names such as Eastern Promenade, Ploverman, Gould, Corvax, and others. A scale bar at the bottom indicates distances from 0 to 2,000 feet. A legend at the bottom right shows an orange square representing the R-6 Munjoy Hill area.

In addition to the standards

(c) Dimensional Standards.

Within the District, the fo

10

<u>Maximum Height</u>	<u>35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale", defined elsewhere in this ordinance, on lots over 2000 sf. This unit shall meet those definitions and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.</u> <u>Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5' above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5' from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.</u>
<u>Minimum Side Yard Setback</u>	<u>Buildings of height up to 35': As per the underlying zoning</u> <u>Buildings more than 35': 10' for all side yards, except that a side yard no less than 5' is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.</u>
<u>Stepbacks</u>	<u>None</u>
<u>Minimum Side Yard Setback on a side street</u>	<u>5'; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0' when</u>  <u>demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.</u>

<u>Minimum Rear Yard Setback</u>	<u>Buildings of height up to 35': 10'</u> <u>Buildings more than 35': 15'</u>
	<u>As measured from rear decks, porches, or similar unenclosed space: 7.5'</u> <u>As measured from accessory structures with a ground coverage of 144 square feet or less: 5'</u>

(d) Design Standards.

1. In addition, the
following design
standards shall
supersede any
conflicting standards:

a. All
buildings shall
use simple,
traditional roof
forms as
illustrated in
Diagrams 14-
140.5.c-f. This
requirement may
be modified
through 4(b)
below. Dormers
and cross gables
are allowed but
where readily
visible from the
public right-of-
way shall be
clearly
subsidiary to the
primary roof form
(see Diagram 14-
140.5.g);

b. The first
floor shall
contain active
living space,
such as a living
room or bedroom,
with windows for

at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;

c. Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9'. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade (see Diagrams 14-140.5.i-j).

2. Within the District, developments are only eligible for the R-6 "Alternative Design Review" as outlined by the following process, which shall supersede the process in the City of Portland Design Manual in cases of conflict:

a. Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;

b. Alternative Design Review does not permit waivers of the additional design requirements in section 4(a) above except as explicitly stated; and

c. Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

(e) Demolition Review.

1. The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and

development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

2. Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

- a. It was constructed prior to 1930;
- b. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and
- c. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

3. Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark

or located within the boundaries of any designated historic district; (b) accessory structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

4. Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.

a. Determination of Preferably Preserved.

i. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.

ii. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.

iii. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that

the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.

iv. Right to Appeal Planning Authority Determination:

After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.

v. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.

vi. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning

Authority is not appealed, that determination shall be considered a final determination upon lapse of the appeal period in d., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

5. Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 18 months except as specified in b. below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

a. Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.

b. Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 18-month delay period. Examples of such proposals may include but are not limited to:

- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
- Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive

variation from that plan would be treated as a violation under 7. below; or

- Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.

6. Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.

7. Enforcement.

a. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

b. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, when the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and Munjoy Hill Interim Planning Overlay District expire.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 222-17/18
Tab 22 5-21-18
Tab 24 6-4-18*

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ADDITIONS TO EXISTING BUILDINGS**

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

That Chapter 14, Sections 14-381, 14-382, 14-431, and 14-436 are hereby amended to read as follows:

Sec. 14381. Continuation.

Any ~~lawful use of~~ buildings, structures, ~~lots, or use, premises or parts thereof, that were legally existing at the time of its creation existing on June 5, 1957,~~ and made nonconforming by the provisions of this ~~article ordinance~~ or any amendment thereto may be continued although such use does not conform with the provisions of this ~~article ordinance or amendment thereto.~~

Sec. 14382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

(a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

...

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection

shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

...

Sec. 14431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, ~~but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height.~~ In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.

...

Sec. 14436. Building extensions

(a) Existing ~~nonresidential and residential~~ principal structures ~~buildings~~ which are lawfully nonconforming as to dimensional requirements ~~any area and/or yard requirements~~ may be enlarged ~~within the existing footprint~~ subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.
2. No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.
3. Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4. below.

4. A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.

b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

~~(a) For principal structures lawfully nonconforming as to land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, when the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and Munjoy Hill Interim Planning Overlay District expire.

MEMORANDUM

TO: Jeff Levine, Director
Planning & Urban Development Department

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: May 31, 2018

RE: Questions regarding R-6 Overlay and interplay of site plan and design standards

I understand that, in connection with the proposed Munjoy Hill Neighborhood Conservation Overlay District (the “Overlay”), questions have arisen regarding the interplay of site plan review, zoning, and design standards. This memo will attempt to outline the general regulatory framework for land use development in the City and clarify the applicability of the City’s various standards.

In order to orient the discussion, I start with a bit of background: Land use and development are subject to review by the City only as expressly required by our Code. Typically, review takes three major forms: subdivision, zoning and site plan. The questions that are circulating regarding the Overlay relate exclusively to zoning and site plan review, so I'll focus on those.

Under Chapter 14, there are 3 levels of site plan review that are required, depending on the size and scope of the proposed development. Level I site plan review is for relatively small projects, typically involving site alterations or 1 or 2 additional residential dwelling units on a site. The review for Level I projects is done administratively by staff who apply the guidelines set by the Council. Level II is for somewhat larger projects and is also typically reviewed administratively, though can be referred to the Planning Board as appropriate. Level III site plans are required for larger-scale projects and are approved exclusively by the Planning Board, also using standards articulated by the Council. The differing levels of review are outlined in Section 14-523 of the Code.

Currently, the "Design Standards" commonly referred to in your Munjoy Hill work consist of both the "Zoning Related Design Standards" (largely dimensional in nature) outlined in Section 14-526(a)(9) of the site plan review ordinance and the guidelines outlined in the City's "Design Manual" which is incorporated in Section (a)(9) of the site plan ordinance by reference. Both sets of design standards are expressly articulated as standards that apply to all levels of site plan review. The specific design standards that are applicable to a development depend on the zone in which it sits but for projects in, for example, the R-6, all residential developments are subject to the City's design standards if they are also subject to site plan review.

With respect to applications for site plan review and the extent to which conformance with design standards is required, the answer is, “yes.” As noted above, meeting the design standards outlined in the design manual is its own requirement and applies to all residential development in the R-6 (see Section 14-526(a)(9)(a)(vi)(d)). Therefore, where a development meets dimensional

standards but does not meet other requirements in the design manual, a site plan application can be denied. So long as a residential development in the R-6 is subject to site plan review, it must meet both the dimensional requirements and the design standards.

Another question has arisen regarding the extent to which design standards are applicable to projects that are not subject to site plan review. Under the Code as it currently exists, the City's design standards are not generally applicable unless a project is subject to site plan review. As noted above, land uses and development only come under the City's review when the Council has expressly required it. That is, we can only apply our development standards, including design standards, when a development is required to be approved by the City. If something is not subject to site plan review (which is the context in which design standards are currently applied) then there is no basis or grounds for the City to require conformance with those standards. However, there are some cases where design standards are written directly into the zoning code, in the form of dimensional standards. In those cases, those standards would apply regardless, and be implemented as part of the regular review of a project for a building permit.



MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Christine Grimando, Senior Planner

DATE: May 10, 2018

SUBJECT: Munjoy Hill Neighborhood Conservation Overlay District and Related Land Use Amendments

SPONSOR: Sean Dundon, Planning Board Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading May 21, 2018 **Final Action** June 4, 2018

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

A 180-day R-6 Moratorium, and related Interim Planning Overlay District, expire on June 5, 2018. The proposed amendments replace the interim standards for Munjoy Hill.

PRESENTATION: (List the presenter(s), type and length of presentation)
Staff will be available to answer questions.

I. ONE SENTENCE SUMMARY

Zoning map and text amendments comprising the Munjoy Hill Neighborhood Conservation Overlay District and amendments regarding nonconforming building extensions are proposed to regulate development in the R-6 on Munjoy Hill (amendments pertaining to nonconforming building extensions would apply to all zoning districts) and to replace the Interim Planning Overlay District.

II. AGENDA DESCRIPTION

Zoning map and text amendments comprising the Munjoy Hill Neighborhood Conservation Overlay District and amendments regarding nonconforming building extensions are proposed to regulate development in the R-6 on Munjoy Hill. The amendments to non-conforming building extensions, applicable city-wide, are meant to simplify the standards for making limited changes to existing buildings that don't meet all current dimensional requirements. Other text amendments, applicable to the R-6 zone on Munjoy Hill, include dimensional and design standards to improve the compatibility of new construction with existing neighborhood patterns and standards for review of proposed demolitions.

The amendments are proposed to replace the Interim Planning Overlay District (IPOD) for Munjoy Hill the expiration of the IPOD and the moratorium on demolitions that will expire on June 5, 2018.

III. BACKGROUND

In December 2017 the Council passed a 180-day moratorium on demolitions, with a moratorium on both demolitions and new construction within the first 65 days of the 180-day period, for the R-6 zone on Munjoy Hill. This action was taken in response to a recent concentration of demolitions of existing structures in the area, and accompanying concerns about the appropriateness of the design and scale of some of the new construction taking place. The moratorium paused new development activity and demolitions while interim and long-term changes could be prepared for the R-6 zone to mitigate impacts to Munjoy Hill. The moratorium required that interim development standards be put in place by the end of 65 days, to remain in place for the remaining 115 days. In response to this requirement, interim standards (IPOD) were put in place to govern until the end of the moratorium, on June 5th. The proposed amendments, developed through extensive public input and staff analysis, are to replace the IPOD for long term regulation of new development and demolitions in the R-6 zone on Munjoy Hill.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The intended result is to implement permanent standards that foster scale and character of new development compatible with the existing urban fabric of Munjoy Hill, as well as introduce tools to discourage demolitions.

V. FINANCIAL IMPACT

Adoption of new, permanent review standards to replace the moratorium and the IPOD will allow property owners to confidently plan for future investments involving new construction and/or renovation on Munjoy Hill.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

A report on the proposed amendments is attached for supporting analysis.

VII. STAFF RECOMMENDATION

Planning Staff supports the adoption of the Munjoy Hill Neighborhood Conservation Overlay District and text amendments to nonconforming building extensions.

VIII. PLANNING BOARD RECOMMENDATION

On May 8, 2018, the Planning Board voted unanimously to recommend approval of the Munjoy Hill Neighborhood Conservation Overlay District and the text amendments to nonconforming building extensions (7-0).

IX. LIST ATTACHMENTS

- A. Council Report
- B. MHNCOA Amendments
- C. Non-Conforming Building Extensions Zoning Amendments
- D. Adopted City of Portland Design Manual Amendments

Prepared by: Christine Grimando

Date: May 10, 2018

D. City of Portland Design Manual Amendments

Prepared by: Christine Grimando
Date: May 10, 2018



PLANNING BOARD REPORT
TO
CITY COUNCIL
PORTLAND, MAINE

Munjoy Hill Neighborhood Conservation Overlay
District and Related Land Use Amendments

Submitted to: Portland City Council First Reading: May 21, 2018 Second Reading: June 4, 2018	Prepared by: Christine Grimando, Senior Planner, Date: May 11, 2018
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I. INTRODUCTION

Since December 18, 2017, there has been a 180-day moratorium on demolitions in the R-6 zone on Munjoy Hill in place, effective as of December 4, 2017. The text of the moratorium included a requirement for the implementation of interim zoning within 65 days of December 4th to govern development applications for the remaining 115 days of moratorium. Applications submitted prior to December 4th, prior approvals, and safety hazards were exempted. In response to this requirement the Council approved an Munjoy Hill Interim Planning Overlay District (IPOD). The enclosed amendments are intended to replace the interim standards upon the IPOD expiration.

On May 8th the Planning Board held a Public Hearing on tools to address the compatibility of new construction and reviews of demolition on Munjoy Hill. The package of amendments, including zoning map and text amendments that form the Munjoy Hill Conservation Overlay District; text amendments, applicable city-wide, to two divisions of the Zoning Ordinance relating to modifications of non-conforming buildings: Division 23, Nonconforming Use and Nonconforming Buildings, and Division 25, Space and Bulk Regulations and Exceptions. They also adopted supporting changes to the City of Portland Design Manual, Appendix 7, R-6 Infill Development Design Principles. Together, these amendments address scale and contextuality of new development as well as the introduction of additional review for proposed demolitions.

An overview of the proposed amendments as recommended by the Planning Board follows.

II. MORATORIUM & IPOD OVERVIEW

The City Council approved a moratorium on demolitions and new construction on a December 18th Public Hearing. The impetus for adoption was concern from some Munjoy Hill residents that the current residential development interest was resulting in an undue number of demolitions to existing structures, and infill development that was often out of scale and character with existing neighborhood fabric. The moratorium was enacted to provide a temporary hiatus in development activity while the Department of Planning & Urban Development developed any necessary additional land use and design regulations to address both of these issues in the R-6 for Munjoy Hill. At the time of the moratorium, Planning staff was conducting an audit of development trends in all areas of the R-6 in

order to track trends and evaluate if any modifications to the Zoning were in order since a round of 2015 zoning amendments to the R-6 zone (Table 1 includes a summary comparison of dimensional changes). Upon the initiation of the moratorium, the R-6-wide evaluation was paused to focus on Munjoy Hill, which warranted a prioritized initiative and faster timeline.

Table 1

	Pre-2015	Base R-6	Proposed
Lot Size Min.	4,500 sf	2,000 sf	2,000 sf
Lot area/dwelling unit Min.	1,000-2,000 sf	725 sf	725 sf
Height Max.	45'	45'	35'; 45' for developments of 3 units or more on lots over 2000 sf, or for developments that include at least one workforce housing unit on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed max. heights except HVAC equipment is permitted up to 5' above max. if out of view of public ROW, set back, screened, and integrated into design. Alternative energy equipment is permitted as regulated in Chap. 14.
Side Yard Setback Min.	10-15'	5', except a side yard may be reduced to 0, provided the cumulative side setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 10' for all side yards, except that a side yard no less than 5' is permitted when consistent with built pattern, in which case a proportional increase in another side yard is required.
Side Yard Setback on a Side Street Min.	10'	None	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less. 0' if demonstrated that reduced setbacks are needed to facilitate the provision of underground parking
Rear Yard Seback Min.	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	Buildings of height up to 35': 10' Buildings more than 35': 15' As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'
Front Yard Setback Min.	10' (or average of abutting)	5' (or average of abutting)	5' (or average of abutting)
Structure Stepbacks	None	Portions of a structure above 35': no closer than 10' from the side property line and no closer than 15' from the rear property line when the line abuts a residential zone.	None
Street Frontage Min.	40'	20'	20'
Lot Width Min.	50'	20'	20'
Lot Coverage Max.	40-50%	60%	60%

The moratorium has two components: a 180-day period beginning on December 4, 2017 during which no demolition permit applications may be accepted (demolition of 50% or more of the exterior surface and or/front façade of a structure); and an interim period beginning on December 4, 2017 and lasting for 65 days, during which no development applications, including Level I, Level II, or Level III site plans, shall be accepted, reviewed, or approved. The moratorium further states that in the interim period the Department of Planning and Urban Development shall develop an interim ordinance to govern development in the R-6 on Munjoy Hill for the remaining 115 days of the moratorium.

Exempted from the moratorium are: demolition permit applications that were included as part of previous site plan approvals; demolition due to the Building Authority determining a structure is dangerous to life or property (due to a condition that pre-dates the effective date of this Moratorium or is the result of fire, accidental catastrophic damage, or a natural disaster); New site plan applications that were submitted prior to December 4th.

The resulting interim ordinance (IPOP), adopted in February, contains a number of dimensional and design departures from the underlying R-6 zoning (applied to the area shown on the inset map, including all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.), including changes to maximum height, setbacks, stepbacks, and treatment of appurtenances.

The IPOP also includes design standards, such as requirements for roof forms common to Munjoy Hill, and standards regarding parking placement and front façade design. Modified requirements are provided to give small lots additional flexibility in meeting the intent of these standards. Alternative Design Review, an option for review in the City's Design Manual, is not permitted for the duration of the IPOP. The full texts of the IPOP and the moratorium can be found on this project webpage: <http://www.portlandmaine.gov/1111/Long-Range-Planning-Projects>

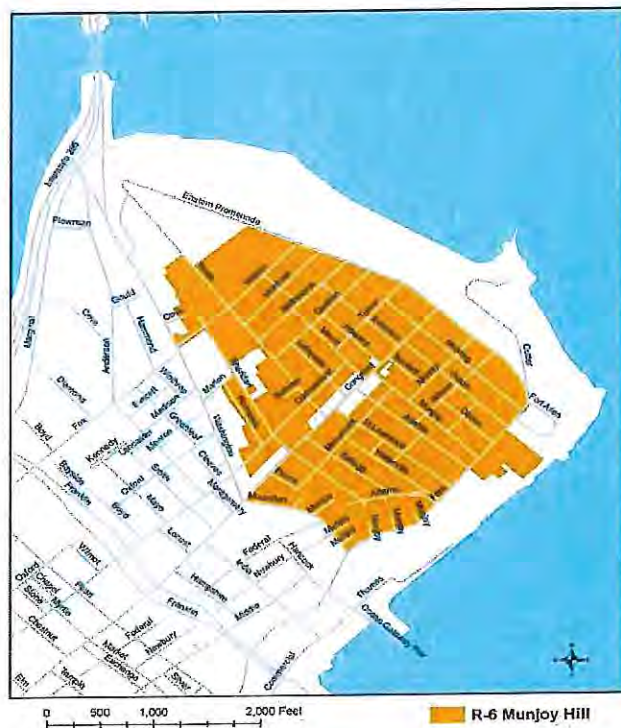


Figure 1, IPOP & Munjoy Hill Neighborhood Conservation District Boundaries

I. PROPOSED AMENDMENTS

Since implementation of the moratorium, Planning staff has continued to gather data, receive input, draw on national best practices, and assess conditions on Munjoy Hill. This includes reviewing potential applications under the IPOP, collecting data on common development patterns and architectural styles, and assessing the historic architectural fabric. Based on this activity, Staff is recommending a multi-pronged approach to replace the IPOP standards.

1. Munjoy Hill Neighborhood Conservation Overlay District

The Munjoy Hill Neighborhood Conservation Overlay District (the District) is proposed for the R-6 zone on

Munjoy Hill, containing dimensional, design and demolition standards. The full text of this zoning map and text amendments is included as Attachment 1.

Building on the structure of the IPOD, it contains some significant changes and additions. Table 1 includes base zone R-6 dimensional requirements, superseding IPOD dimensional requirements, and the newly proposed. The proposed changes to the District dimensional standards intend to further two goals.

1. The form and scale of new development and additions should reflect and be compatible with the established built pattern.
2. The scale of three or four-story buildings is mitigated and appropriately contextual.

Three and four-story buildings are not out of place in the Munjoy Hill neighborhood, and observation and data collection show there is variation in building height and form from lot to lot and that three and four-story multi-family buildings already exist as part of the traditional fabric on Munjoy Hill. Traditionally, these taller buildings are multi-family buildings, such as a triple-decker with a flat roof – to create a similar built pattern in new construction, staff propose building heights above 35' and flat roofs should only be associated with multi-family buildings. The key to mitigating the scale impact of these taller buildings is in their form and the amount of open space buffer around the mass. In order to accomplish these goals, staff propose setbacks that increase in proportion with the increase in building height. Roof forms are another key component to a building's scale impact. Contextually, one and two-family buildings have gable, mansard, or hipped roofs while multi-family buildings often have flat roofs. For this reason, the District dimensional standards include regulation of roof form to more explicitly regulate building scale and form to correspond to type as found in the Munjoy Hill context. Staff feels that dimensional standards – a combination of height, setback, and roof form – are the most effective tool for creating new construction that meets these goals of contextual form and compatible scale.

Staff did consider reducing the allowed number of units on a parcel, as well as revisiting the minimum lot size. Prior to 2015, the lot area required per dwelling unit was higher, and the minimum lot size was significantly higher. While there was a “small lot” exception, its utility was very limited and required extensive review. In the end, staff is not recommending any changes to the base densities allowed or to the minimum lot area. The current numbers match the existing built environment and provide for additional housing production. The primary need is for a more contextual set of design requirements to ensure that the concept of “density by design” is met.

Key dimensional standards of the District include:

- Maximum building height of 35' except that buildings with a maximum of 45' on lots over 2000 sf are permitted for developments of 3 dwelling units or more, and for those that include a minimum of one workforce housing unit for rent or for sale. The revised height standards, which in the base R-6 zone is 45' for all structures, is to more closely align with traditional patterns that included three and four-story buildings for multi-family building types, and to provide greater flexibility for the provision of needed affordable housing. Where taller buildings are allowed, increased setbacks are proposed to mitigate the scale impact.
- Rooftop appurtenances other than chimneys cannot exceed permitted heights, except that HVAC equipment is permitted up to 5' above permitted heights if adequately screened, set back from the building edge, integrated into building design, and not visible from a public right-of-way. Alternative energy equipment, such as that used for wind and solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. This introduces more flexibility for appurtenances than the IPOD allows for, while limiting their scale and visual impact on the public realm.

- Parking placement and active first floor front façade standards remain in place, with additional language encouraging tandem parking spaces as an efficient and contextually appropriate use of lot area. Active living space is required for at least 50% of the front façade, and cannot include space dedicated exclusively to circulation, such as stairways, or to storage areas. Staff found that demand for parking is a significant factor in the scale, form, and ground floor design of contemporary buildings and in response proposed zoning regulation for parking that better reflects the established built pattern in the District by placing parking to the side and rear of the lot. Limits on garage openings and requirements for active living space are related standards. These amendments have implications on the scale and height of buildings as well as their street-facing character and activity. Additional flexibility is given for lots under 2,000 sf.

The amendments also include relaxed side yard setback requirement when underground parking is provided. This change will accommodate underground parking – which has public benefits as compared to surface parking – by providing the ability to provide one foundation wall if needed for both the underground parking and the building.

- The District includes requirements for simple, traditional roof forms, as shown in Figure 2, for buildings up to 35' in height. Flat roofs are permitted for buildings above 35' in height, consistent with

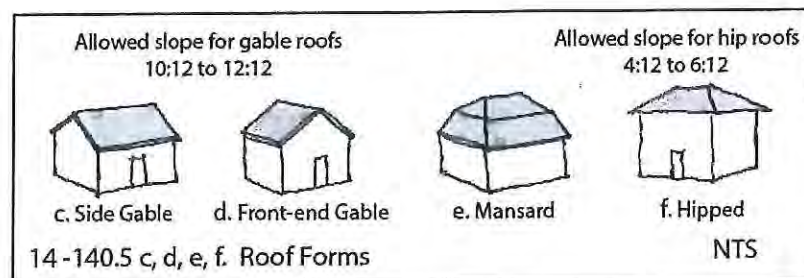


Figure 2

building types in the neighborhood.

Additional language and an accompanying illustration regarding dormers has been added (Figure 3), to further define contextually appropriate roof forms for the District.

- Alternative Design Review is reintroduced as a review option in the District, but with the introduction of procedural and substantive

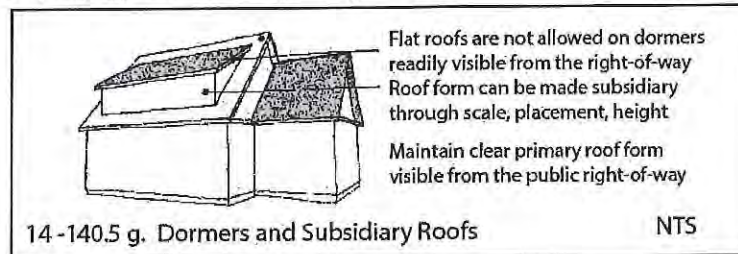


Figure 3

changes. Alternative Design Review, which allows for flexibility when a property owner desires a more contemporary design, is subject to discretionary review by the Historic Preservation Board in the District, conducted in a public meeting. This increases the accountability of the project to respectfully and contextually introduce contemporary design into the traditional neighborhood. The District also includes additional provisions for exemplary and compatible design, as well as consideration of affordable housing and green technologies. Re-introduction of Alternative Design Review is proposed in response to concerns heard since implementation of the IPOD that it offers needed flexibility in the design process. Reintroducing it in this way retains this design flexibility while increasing the responsibility of property owners and design professionals to meet the overall intent of design review for this area. Alternative Design Review for the District is framed as a privilege an applicant can seek for

this design flexibility; applicants not seeking Alternative Design Review or not approved under it, must meet all of the Design Manual's design principles and standards for development in the R-6.

Table 2, Summary Dimensional Table

	Base R-6	IPOD	Proposed
Height Maximum	45'	35'; 45' for developments of 3 units or more on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.	35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed max. heights except HVAC equipment is permitted up to 5' above max. If out of view of public ROW, set back, screened, and integrated into design. Alternative energy equipment is permitted as regulated in Chap. 14.
Side Yard Setback Minimum	5', except a side yard may be reduced to 0, provided the cumulative side setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 10' except one side may be reduced to 5' if the other sides in sum are increased by the same amount.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 10' for all side yards, except that a side yard no less than 5' is permitted when consistent with built pattern, in which case a proportional increase in another side yard is required.
Structure Stepbacks	Portions of a structure above 35': no closer than 10' from the side property line and no closer than 15' from the rear property line when the line abuts a residential zone.	Stepback requirements in the underlying zoning shall not apply to side yards.	None
Side Yard Setback on a Side Street Minimum	None	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less.	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less. 0' if demonstrated that reduced setbacks are needed to facilitate the provision of underground parking
Rear Yard Setback Minimum	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	As measured from a building: 20% of the maximum depth of a lot but no less than 10'. As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'	Buildings of height up to 35': 10' Buildings more than 35': 15' As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'

2. Demolition Review

In addition to the proposed dimensional and design standards for new construction, the District includes demolition review standards for existing residences. Demolition bylaws which require a delay for proposed demolitions in order to allow time for local government and property owners to explore alternatives are a

commonly employed land use tool in the United States. The proposed demolition requirements draw on national best practices, tailored for Portland's particular needs. Concord, NH, Exeter, NH, Manchester, VT, Augusta, ME, and Lewiston, ME are just a few of the communities in Northern New England currently employing similar demolition reviews, and they are common tools in Massachusetts, Connecticut, California, and beyond.

Under the proposed demolition review, applications to demolish existing residences within the overlay would be subject to a delay of up to 18-months in order to consider alternatives to demolition. Before a building can be subject to a demolition delay, it would need to qualify as Preferably Preserved, determined to be in the public interest to be preserved if it meets several conditions: it was constructed prior to 1930, it is representative of a building type or architectural style of Munjoy Hill and it retains sufficient integrity of design, materials, condition and craftsmanship to make adaptive reuse a viable option.

The 18-month stay is a maximum delay; the amendment includes provisions for arriving at mutually agreed upon conclusions inside of the 18-month window. Demolition applications subject to a delay could move through the process in less than 18-months if the building were to qualify for an exclusion, including:

- a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district;
- b) accessory structures with a ground coverage of 144 square feet or less;
- c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and
- d) buildings that have received a previous determination that they are not Preferably Preserved.

Demolition delay may also be removed from a building sooner if the Historic Preservation Board approves the design for a site. Determinations of Preferably Preserved may be appealed to the Historic Preservation Board. The ordinance also makes allowances for natural disaster or safety hazards. At the end of the delay period, if no other alternative to demolition has been agreed to, the applicant may demolish the building.

Applicable to buildings not in historic districts or otherwise designated, review of demolitions in the District is not intended to be a prohibition on demolition, but rather a pause to allow for consideration of alternatives, to encourage rehabilitation and renovation where possible, and to encourage excellence in replacement designs when demolition does occur.

3. Non-Conforming Building Extensions

Included is an amendment to 14-436, governing non-conforming building extensions (Attachment 2). As part of the public process for this project, this section, applicable to how lawfully non-conforming (they were conforming when constructed, and subsequently made nonconforming through a change in regulations) expansions may occur, was pointed out in public comments as one that could provide a disincentive to rehabilitation and alteration of existing buildings. Staff has drafted language that is clearer, more consistent, and more useful to property owners. Specifically, the revisions proposed would allow a one-time, one-story addition to a portion of a building that violates an existing setback. That change is far more likely to allow for appropriate additions to existing buildings than the current language, which limits extensions more significantly and in a way that is unlikely to be cost-effective for a home owner. These changes are proposed City-wide, as staff (a) feels they would be useful and appropriate everywhere in

Portland where there are older buildings with nonconforming setbacks and (b) staff did not want to make the code more complex than it already is on this issue. The likelihood is that many of the homes that will take advantage of this clause are in the R-6 zone, especially on Munjoy Hill. Included are amendments to Division 23 (14-381, 14-382, and Division 25 (14-431), also concerning non-conformities, included for consistency. These amendments would apply city-wide, but are timely for Munjoy Hill and substantively overlap with the District-specific amendments

Currently, under 14-436, nonconforming structures nonconforming as to density (land area per dwelling unit) may expand but *the floor area of the expansion shall be limited to no more than 50 percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.*

For structures nonconforming as to minimum yard setbacks, the structure may expand but *the floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.*

In the former case, of expansions for buildings with lawfully nonconforming density, the expansion provisions have no direct physical correlation to the nonconformity. For example, a standard that was directly related to nonconforming density would not allow an increase in density, but it would not prohibit a building that meets all other dimensional standards on the lot from adding an addition entirely conforming in regard to lot coverage, setback, height and other applicable regulations. The blanket requirement for dormers, turrets or similar in both cases also has no correlation to the nonconformity or even to the design of the building be expanded. The requirement for the raising of the existing roof configuration is another element of the standard that strives to control design outside of the context of the design review standards. There is no discernable basis for the 50% v 80% limits between the two. In short, it's a disassociated from the aspects of non-conformity it's controlling for.

The amendments propose to replace these standards with four subsections applicable to dimensionally non-conforming buildings:

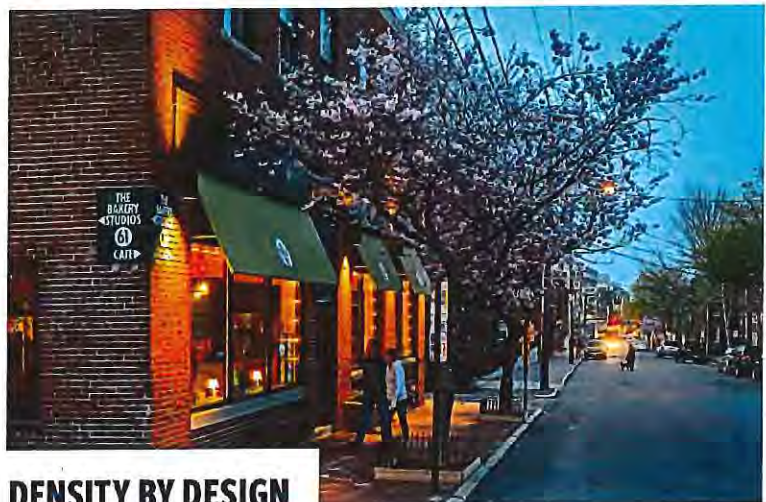
- 1) *No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.*
- 2) *No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.*
- 3) *Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.*
- 4) *A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:*
 - a. *No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.*
 - b. *Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.*

Under the revised regulations, a lot with a building that had a 1-foot front yard setback, instead of the required five, but had a clear 20-foot rear yard setback, would be free to construct a rear addition, provided no non-conformity was increased or created. The one aspect of expansion that may occur in the area of an existing non-conformity is addressed in 14-436.4, which allows a one-time, one-story vertical increase above the footprint of a portion of a building that does not meet current setbacks. No horizontal expansion beyond the setback incursion or worsening of the setback nonconformity, may occur. Any additions or renovations under these standards would be subject to any and all regulations a conforming structure would be. Under the proposed revisions to 14-436, expansions of dimensionally non-conforming buildings are still circumscribed, but unlike the existing language, limits and allowances for expansions are directly linked to the aspect of their non-conformity.

III. COMPREHENSIVE PLAN POLICIES

There are numerous goals and strategies in *Portland's Plan 2030* with implications for the current planning initiatives on Munjoy Hill.

- The Plan outlines a principle of “Density By Design.” This principle explains that good design can address many of the concerns regarding new housing development, and that having strong and thoughtful design standards is a good way to allow for more infill housing development
- The Historic Resources Policy Guide supports investment in existing buildings, as well as compatible infill construction: *Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.*
- The Housing Policy Guide supports a diverse and increased housing stock, recognizing this will necessarily involve new construction as well as investment in existing buildings: *Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.*



DENSITY BY DESIGN

Density is a numerical measure of the number of people or buildings per acre of land. Because it is so often used to illustrate levels of crowding, density has often acquired a negative connotation. However, this connotation fails to take into account the positive contribution that well-designed, dense developments can make to quality of life. High density areas can provide numerous advantages over low density alternatives — they can be more environmentally friendly, they can promote transit use, and they can benefit the health of a community by providing customers for local businesses and opportunities for social interaction.

Portland has a number of neighborhoods that offer traditional urban densities — Munjoy Hill, the West End, Parkside, Deering Center, for example — and these neighborhoods are largely successful. Residents can access stores, schools, dining, and entertainment within walking distance of their homes. By foot or bike, they can easily reach transit, trails, and recreational opportunities. These characteristics are largely possible because of their density. Well-designed density is integral to healthy, walkable city neighborhoods.

- The Housing Policy Guide also encourages quality, sustainable design: *Encourage quality, sustainable design in new housing development.*
- The Environment Policy Guide has much to say about building to high energy standards and encouraging alternative technologies for both new construction and rehabilitation of existing structures: *Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.*
- The plan also recognizes the environmental, health, economic, and civic importance of dense, walkable neighborhoods like those on Munjoy Hill in multiple sections, including Future Land Use, Environment, Housing (including the *Density by Design* callout, pg 49) and Vision. For instance, the Environment Policy Chapter states: *Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.*
- The Historic Resources Policy Guide includes a callout (p.28) that summarizes recent research on the potential environmental benefits of existing buildings.

Portland's Plan recognizes that a healthy, authentic city includes walkable, complete neighborhoods, and that these will include some combination of new construction, renovation of existing buildings, and in some areas, preservation. The proposed amendments seek to find a balance of these approaches for Munjoy Hill so that it may retain its key characteristics while it grows and changes.

IV. PUBLIC PROCESS

The proposals outlined below are the product of both detailed analysis that began in the summer of 2017 and continued into this month, as well as significant input since November. Two key events focused on the IPOD and what might follow it, were held this winter: the City has sponsored two community listening sessions, on Monday, February 26th and Saturday, March 24th, both at the East End Community School, to hear from residents and the interested public what their concerns and ideas for the neighborhood are. The sessions also provided an opportunity for Planning staff, in conjunction with Councilor Belinda Ray, to provide information on the IPOD, on Planning staff findings-to-date, and on potential planning tools.

Planning staff has also met with individual residents, small groups, and organizations such as Greater Portland Landmarks, on a continuous and frequent basis since this project began.

To supplement the valuable input received in person, and in writing, from concerned individuals and stakeholder groups, the Planning Division has analyzed quantitative and qualitative construction trends in the R-6 zone over the last several years. And, to further refine our quantitative data on the built environment on Munjoy Hill, a Planning Division intern was brought on this winter to do an in-person survey of all R-6 parcels on Munjoy Hill to assess building stories, setbacks, roof types, and in addition to other key data.

In addition to the City's public process, there have been numerous other meetings initiated by neighborhood groups, concerned property owners, Munjoy Hill Neighborhood Organization, and Greater Portland Landmarks, which Planning staff has been present at, as meeting attendees, whenever possible.

Planning staff has heard a wide range of feedback since the moratorium and the IPOD have been presented, and while they've developed these long-term tools. This includes concerns about the scale and mass of new construction, rate of demolitions, the role of design review, in addition to corresponding concerns about retaining flexibility in new construction, parking placement restrictions, and retaining sufficient dimensional standards to

maintain development viability for small lots. Concerns about affordability, and allowances for designs that include alternative energy and innovative stormwater measures have been recurrent themes throughout the process.

There has been public input requesting action on Historic Districts concurrent with the zoning amendment process. Since consideration of a historic district or districts is distinct from the proposed map and text amendments, drawing on different data and research, it will be the subject a distinct process that requires and deserves its own schedule. Staff is committed to initiating a process related possible designations on Munjoy Hill as soon as the zoning and moratorium process is concluded.

Below is a full list of meetings on the moratorium, the IPOD and the District:

- Planning Board Communication re: R-6 audit and moratorium 11/6/17
- Meeting with neighborhood group 11/21/17
- Meeting with Greater Portland Landmarks 12/12/17
- Planning Board Public Hearing on IPOD. 1/8/2018
- Meeting with developers group 2/9/18
- Presentation to Preservation Board 2/21/18
- City Listening Session #1 2/21/18
- Meeting with Greater Portland Landmarks 3/7/18
- City Listening Session #2 3/24/18
- Planning Board Workshop 4/10/18
- Meeting with Munjoy Hill Conservation Coll. 4/18/18
- Meeting with Other MHCC members 4/27/18
- Historic Preservation District Overview 5/7/18
- Attendance at several meetings sponsored by neighborhood organizations, developers, and Greater Portland Landmarks.
- Many meetings with interested individuals

X. BOARD DELIBERATION AND RECOMMENDATION

Over the course of the Planning Board workshop's and Public Hearing's deliberations, the Planning Board gave particular emphasis to the subjects of the demolition review, as well as the subject of design review.

Board members expressed some concern about the duration of 18-months for the delay of demolition applications, though they ultimately, through workshop and public hearing deliberations, supported the timeframe. The 18-months is a maximum, and that there are several alternatives within the process that would result in a much shorter process, influenced this decision. Staff did not recommend significantly reducing the timeframe if the provision is to remain an effective tool for exploring alternatives to demolition.

A number of public comments, in addition to supporting the 18-month delay period, requesting public noticing for all demolitions and a public process for review of demolition requests. The Board ultimately agreed that the initial determination remain at a staff level, as an appropriate balance for buildings outside of historic districts or individual designations. In the proposed text amendment, notices and opportunity for public comment on demolition permits will be available in the event an applicant appeals a determination of Preferably Preserved Building to the Historic Preservation Board or Historic Preservation Board review of alternative designs (Sec. 140.5.5.d. & g).

In regard to design review, the Board suggested the possibility of other, long term changes to the Design Manual,

not exclusive to the District, and staff agreed that a more far-reaching project was appropriate and intended, but not necessary to implement effective changes on Munjoy Hill. Long term changes to the Design Manual, exploration of Historic Districts on Munjoy Hill, and resumption of the evaluation of the R-6 city-wide, are three prongs of additional planning work that will follow the adoption of amendments to replace the moratorium and IPD. There was also discussion, and questions, regarding adoption of standards from the Design Manual into the Zoning Ordinance, and the relationship between the two documents. In addition to the design, mass, and scale implications of the revised dimensional standards, a number of design standards have been incorporated into the Zoning Ordinance for the District to ensure greater compatibility of new construction. There are several aspects of the proposed amendments that strengthen the role of the design standards in development review, such as the higher standards for Alternative Design Review approval and the incorporation of the Historic Preservation Board in the process. The District also includes graphic requirements in regard to roof forms, subsidiary roof lines, parking placement, and front facades, significantly increasing design requirements in addition to the still required use of the design standards for the R-6. In addition, an amendment to the Design Manual was made by the Planning Board at the Public Hearing, to further strengthen consideration of neighborhood context in the course of design review. The Planning Board was satisfied the extent of the inclusion of design standards within the Zoning Ordinance was a reasonable and practical proposal.

On May 8, 2018, the Planning Board voted (7-0) that the proposed Zoning map and text amendments to the that comprise the Munjoy Hill Neighborhood Conservation Overlay District is in conformance with the City of Portland Comprehensive Plan and therefore recommends approval of the proposed zoning amendments to the City Council.

On May 8, 2018, the Planning Board voted (7-0) that the proposed Zoning text amendments to Division 23 (14-381, 14-382, and Division 25 (14-431, 14-436) regarding nonconforming building extensions is in conformance with the City of Portland Comprehensive Plan and therefore recommends approval of the proposed zoning amendments to the City Council.

V. Attachments

1. MHNCOD Amendments
 2. Non-Conforming Building Extensions Zoning Amendments
 3. Adopted by Planning Board City of Portland Design Manual Amendments
- PC1 – PC104 Public Comments

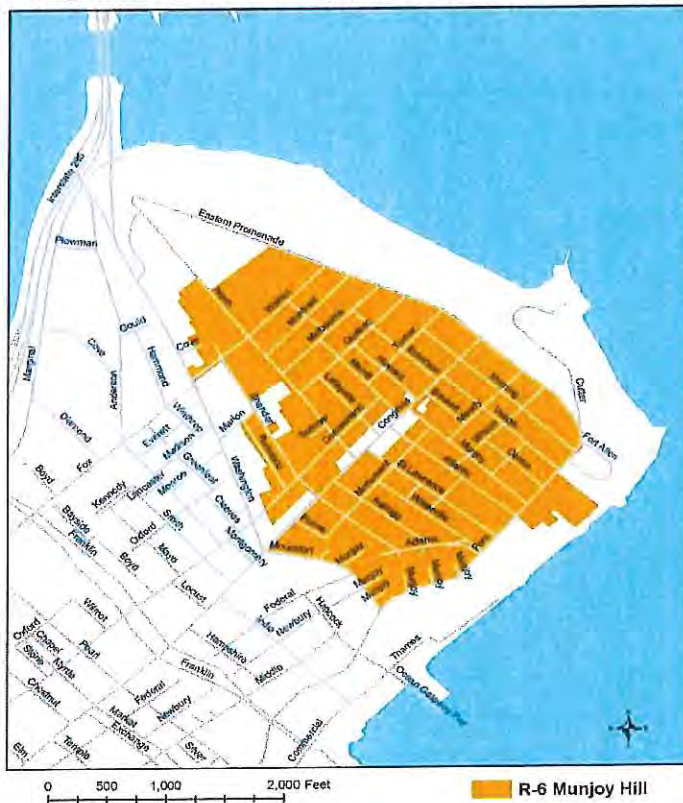
Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay District

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

1. Area of Effect

This District will apply in the highlighted area depicted on the map below and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

Diagram 14-140.5.a.: Munjoy Hill Neighborhood Conservation District Boundaries



2. Effect of the District

In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6 zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section and other sections of Chapter 14, or the *City of Portland Design Manual* and *City of Portland Technical Manual*, the standards in this Section shall control.

3. Dimensional Standards

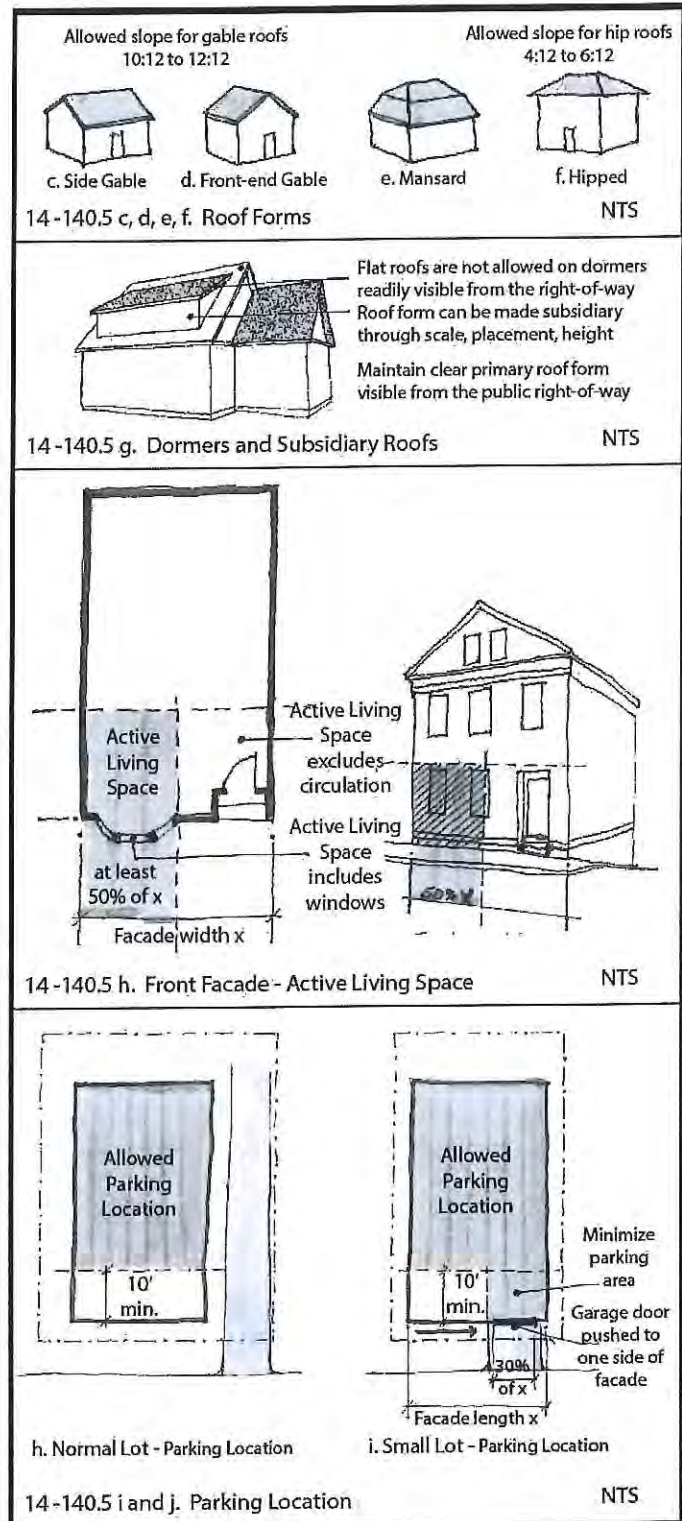
Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

Maximum Height	35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale", defined elsewhere in this ordinance, on lots over 2000 sf. This unit shall meet those definitions and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law. Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5' above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5' from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.
Minimum Side Yard Setback	Buildings of height up to 35': As per the underlying zoning Buildings more than 35': 10' for all side yards, except that a side yard no less than 5' is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
Stepbacks	None
Minimum Side Yard Setback on a side street	5'; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0' when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.
Minimum Rear Yard Setback	Buildings of height up to 35': 10' Buildings more than 35': 15' As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'

4. Design Standards

(a) In addition, the following design standards shall supersede any conflicting standards:

- 1) All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f. This requirement may be modified through 4(b) below. Dormers and cross gables are allowed but where readily visible from the public right-of-way shall be clearly subsidiary to the primary roof form (see Diagram 14-140.5.g);
- 2) The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;
- 3) Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9'. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade (see Diagrams 14-140.5.i-j).



- (b) Within the District, developments are only eligible for the R-6 "Alternative Design Review" as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:
- 1) Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;
 - 2) Alternative Design Review does not permit waivers of the additional design requirements in section 4(a) above except as explicitly stated; and
 - 3) Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

5. Demolition Review

- (a) The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

- (b) Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

1. It was constructed prior to 1930;
2. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and
3. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

- (c) Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district; (b) accessory

structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

- (d) Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.
1. Determination of Preferably Preserved.
 - a. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.
 - b. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.
 - c. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.
 - d. Right to Appeal Planning Authority Determination: After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.
 - e. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.
 - f. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning Authority is not appealed, that determination shall be considered a final determination

upon lapse of the appeal period in d., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

- (e) Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 18 months except as specified in (g) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.
- (f) Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.
- (g) Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 18-month delay period. Examples of such proposals may include but are not limited to:
 - Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
 - Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (i) below; or
 - Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.
- (h) Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.
- (i) Enforcement:
 1. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

2. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

Sec. 14-381. Continuation.

Any ~~lawful use of~~ buildings, structures, lots, or use, premises or parts thereof, that were legally existing at the time of its creation existing on June 5, 1957, and made nonconforming by the provisions of this ~~article ordinance~~ or any amendment thereto may be continued although such use does not conform with the provisions of this ~~article ordinance or amendment thereto.~~

Sec. 14-382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

- (a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

...

- (d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, ~~—~~and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTION

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard. ~~, but in no case shall any higher part~~

~~of the building be closer to the property line than width or depth of yard required for that height.. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.~~

Sec. 14-436. Building extensions

Existing ~~non-residential and residential~~ principal ~~structures~~ buildings which are lawfully nonconforming as to dimensional requirements ~~any area and/or yard requirements~~ may be enlarged ~~within the existing footprint~~ subject to the following provisions:

- 1) No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.
- 2) No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.
- 3) Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.
- 4) A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:
 - a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.
 - b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

~~(a) For principal structures lawfully nonconforming as to~~

~~land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

Enacted 04-13-04
Revisions Approved 02-23-7
Revisions Approved 05-08-18

Design Certification Program
R-6 Infill Development
Design Principles & Standards

I. PURPOSE

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to add to and enhance the neighborhoods in which their projects are built.

New residential construction within Portland's compact R-6 zones should relate to the predominant character defining features of the neighborhood. The design of new development is critical, particularly elements such as the orientation and placement of a building on a site; relationship to the street; and mass, form and materials.

The *Design Certification Program* aims to insure that infill housing development makes a positive contribution to the City's neighborhoods. The intent is to ensure that infill housing is compatible with the neighborhood and meets a high standard of building design, while allowing for diversity of design.

Projects will be reviewed for consistency with *R-6 Infill Development Design Principles and Standards*. These principles and standards are interdependent and should be considered holistically. The applicant must demonstrate that a proposal is consistent with the Design Principles. The standards are time-honored ways of achieving the Principles. The City's Design Manual contains examples of buildings that are consistent with the aims of the Design Certification Program.

Unless otherwise indicated, the R-6 Design Principles and Standards shall apply to the front façade and those portions of the building that are readily visible from the public way.

Unless otherwise indicated, the R-6 Design Principles and Standards shall define "Neighborhood" as the buildings within a two block radius of the site. Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then buildings on the adjoining block shall also be considered. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site.

II. SUBMITTAL REQUIREMENTS

The applicant shall submit a site plan and building elevations in accordance with final application requirements of the Site Plan Ordinance (Sec. 14-525). In order to illustrate neighborhood context for a proposal, the applicant shall submit photographs or other visual tools to depict the buildings within a two block radius of the site in order to determine the building elements that contribute to and are compatible with the predominant character defining architectural features of the neighborhood.

Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required.

The Planning Authority may request that consideration be made of buildings in the neighborhood that are comparable in size, scale and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. The Planning Authority may determine the neighborhood to be greater than a two block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

Samples of the proposed exterior materials may be requested by the Planning Authority.

II. DESIGN PRINCIPLES AND STANDARDS

PRINCIPLE A Overall Context

A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

Explanatory Note: The central idea behind good design in an established neighborhood is to reinforce positive features of the surrounding area, which provide its unique identity. To a large degree, the scale, mass, orientation, and articulation of an infill building should be compatible with that of the buildings that surround it.

Compatibility refers to the recognition of patterns and characteristics which exist in a given setting and the responsiveness of a new design with respect to these established patterns and characteristics. While there is no one specific solution for a given setting, there are a number of building characteristics which can be used to gauge visual compatibility of new residential construction in an existing neighborhood. These characteristics include design elements such as:

1. Scale and Form: height, massing, proportion of principal facades, roof shapes and scale of the architectural features of the structure.

2. **Composition of Principal Facades:** proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.
3. **Relationship to the Street:** walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood should serve as a basis for a design solution, which can reinforce the positive characteristics of the surrounding development patterns. On corner properties, where the architecture has a greater visual impact upon adjacent public spaces, both public facades will be evaluated with equal care.

STANDARD A-1 Scale and Form Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD A-2 Composition of Principal Facades Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.

STANDARD A-3 Relationship to the Street Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.

PRINCIPLE B Massing

The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

Explanatory Note: Massing is a significant factor that contributes to the character of a building. The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. The massing of a building can be defined as the overall geometry (length, width, and height) of its perceived form. The overall height of the form (actual and perceived) as well as the geometry of its roof is of particular importance in defining the massing of a building.

STANDARD B-1 Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. Special attention shall be given to the existing building massing on both sides of the street within the block of the proposed site.

STANDARD B -2 Roof Forms Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.

STANDARD B -3 Main Roofs and Subsidiary Roofs The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. Where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) there shall not be more that two roof pitches or outlines overall.

STANDARD B-4 Roof Pitch Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.

STANDARD B-5 Facade Articulation Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way.

1. Gables or dormers.
2. Balconies.
3. Recessed entries.
4. Covered porches, covered entries or stoops.
5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.

STANDARD B-6 Garages Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.

PRINCIPLE C *Orientation to the Street*

The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

Explanatory Note: An important component of the neighborhood's character is the relation of dwellings to the sidewalk and the street. Design of dwellings can enhance the pedestrian friendliness and sociability of the streetscape while protecting the privacy of the residents' internal home life.

STANDARD C-1 Entrances Emphasize and orient the main entrance to the street. The main entrance of the structure shall either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building, at the primary street frontage.

STANDARD C-2 Visual Privacy Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; incorporating porches along the front side of the building façade design; or other measures.

STANDARD C-3 Transition Spaces Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.

PRINCIPLE D *Proportion and Scale*

Building proportions must be harmonious and individual building elements shall be human scaled.

Explanatory Note: Throughout the history of architecture certain proportions have become known as classical proportions which have endured as aesthetically pleasing regardless of the style of architecture or the culture of origin. Scale has to do with the size of the architectural components in relation to the overall building size, and also in relation to the predominant character defining architectural features of the neighborhood.

STANDARD D-1 Windows The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.

STANDARD D-2 Fenestration Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total

façade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.

STANDARD D-3 Porches When porches are attached to the front façade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front façade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to 5 feet provided that the square footage is increased to 60 square feet.

1. For porches and balconies that are required as open space amenities under Section 14-139(f), a porch or deck may have entries to two or more units provided that the required dimensions and square footage allocations are met.

PRINCIPLE E Balance

The building's façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

Explanatory Note: Balance refers to the composition of façade elements. Symmetry refers to the balanced distribution of equivalent forms and spaces about a common line (axis) or point (center). Overall symmetry refers to arrangements around an axis line that bisects the building façade equally. Local symmetry refers to arrangements around an axis line that focuses on a particular building element (e.g., a porch or bay window). A balanced façade composition generally employs overall or local symmetry.

Alignment refers to the position of building elements with each other and with the building form as determined by scale, mass, roofline, slopes, etc.

STANDARD E-1 Window and Door Height The majority of window's and door's head heights shall align along a common horizontal datum line.

STANDARD E-2: Window and Door Alignment The majority of windows shall stack so that centerlines of windows are in vertical alignment.

STANDARD E-3: Symmetricality Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building façade's centerline (overall symmetry) or around another discernable vertical axis line.

PRINCIPLE F Articulation

The design of the building is articulated to create a visually interesting and well composed residential façade.

Explanatory Note: Articulation refers to the manner in which the shapes, volumes, architectural elements and materials of a building's surface are differentiated yet work together. A well-composed building articulation adds visual interest and individual identity to a home while maintaining an overall composition.

STANDARD F-1 Articulation Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently on the facades visible from the public right of way.

STANDARD F-2 Window Types Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms..

STANDARD F-3 Visual Cohesion Excessive variations in siding material shall not be allowed if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.

STANDARD F-4 Delineation between Floors Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.

STANDARD F-5: Porches, etc. Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details. Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.

STANDARD F-6: Main Entries Main entries shall be emphasized and shall be integrated architecturally into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a combination of such features, so that the entry is oriented to the street.

STANDARD F-8: Articulation Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street.

1. Eaves and rakes shall have a minimum projection of 6 inches.

2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors.
3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches.
4. Pronounced and decorative cornices.

PRINCIPLE G Materials

Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 Materials Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD G-2 Material and Façade Design The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.

STANDARD G-3 Chimneys Chimneys shall be of brick, finished metal, stone or boxed-in and clad with materials to match the building.

STANDARD G-4 Window Types A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.

STANDARD G-5 Patios and Plazas Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.

IV. ALTERNATIVE DESIGN REVIEW (revised 5.8.18)

The Standards listed above are time-honored ways of achieving the Design Principles. With exceptional care, though, it is possible to apply a design approach that meets the Principles through alternatives that vary from the Standards, while maintaining and relating to the predominant character-defining architectural elements of the neighborhood, such as the building location on the site, its relationship to the street, and its mass, form, and materials. The guiding principle for nNew construction under the aAlternative dDesign rReview is to should result in exemplary design and be compatible with the surrounding buildings in a two-block radius, in size, scale, materials and siting, but with consideration to building type, as well as the general character of the established neighborhood. The review authority may determine the

neighborhood to differ from a two-block radius, due to unique characteristics of a given site or proposal. In such case, the review authority shall determine the scope of the neighborhood.

In review, Sspecial attention shall be given to the existing buildings forms-on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required. The reviewPlanning Aauthority should may request that consideration be made of consider buildings in the neighborhood that are comparable in size, scale, type, and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The Planning-review Aauthority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. In addition, when evaluating a proposed project, the review authority may grant design flexibility when social and environmental public benefits are proposed as part of the project. Examples include designs that accommodate sustainable design best practices, alternative energy sources, green roofs, or affordable housing units that may require a design character that varies from the predominant built patterns. The applicant shall provide documentation of the contextual characteristics as guidance for review.

The Planning Authority may determine the neighborhood to be greater than a two-block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

An applicant may propose an alternative design approach and request an Alternative Design Review Design Certificate. The Planning Authority under an Alternative Design Review may grant a Design Certificate to approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met. In the case of an Alternative Design Review within the Munjoy Hill Neighborhood Conservation Overlay District, the Historic Preservation Board shall be the review authority and may grant a Design Certificate provided all of the conditions listed below are met. The Planning Authority or applicant may seek an advisory opinion from the Historic Preservation Board, prior to the Planning Authority issuing a Design Certificate. The final decision whether to issue an Alternative Design Review Design Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board.

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Strong concerns on East end R6 development plans

Jeff Levine <jlevine@portlandmaine.gov>

Thu, Feb 22, 2018 at 9:13 AM

To: Christine Grimando <cdg@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

Are we keeping track of these comments? If not we should start a file of them.

Jeff Levine, AICP
 Director
 Planning & Urban Development Department
 389 Congress Street 4th Floor
 Portland, Maine 04101
 Phone (207)874-8720
 Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
 @portlandplan

----- Forwarded message -----

From: Todd Grove <Todd.Grove@accolade.com>

Date: Tue, Feb 20, 2018 at 1:32 PM

Subject: Strong concerns on East end R6 development plans

To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "Hilary Bassett, Executive Director of Greater Portland Landmarks" <hbassett@portlandlandmarks.org>

Good afternoon,

My home is located at 27 Lafayette St. As a property owner on Munjoy Hill, I am very concerned that the city will take restrictive and punitive measures against responsible development in the East End.

I was also a business/ property owner in the West End for more than a decade. I had first hand experience with the incredibly frustrating and restrictive procedures set up inside a "Historic District". That would be disastrous for the East End – and ultimately the city of Portland.

We need affordable housing – and we need the growth and development that will help pay for the subsidization as well. We have a real opportunity to act – not react. You as our representatives need to create responsible and flexible guidelines that allow for the development of this neighborhood – without driving out the influx of new residents, investment and beautification that are critical to the evolution of our great city.

Please respond with links/ information that I can review prior to the next scheduled public session on IPOD and R6. Thank you.

Regards,

2/22/2018

City of Portland Mail - Fwd: Strong concerns on East end R6 development plans

Todd Grove |

207-831-3453 |

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Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Feb 26, 2018 at 4:40 PM

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Karen Snyder <karsny@yahoo.com>
Date: Sun, Feb 25, 2018 at 4:22 PM
Subject: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018
To: Belinda Ray <bsr@portlandmaine.gov>
Cc: Jeff Levine <jlevine@portlandmaine.gov>

Dear Belinda,

It concerns (or frustrates) me that so many people that are NOT Munjoy Hill residents want their say as to how Munjoy Hill proceeds after the moratorium ends June 5, 2018. Whatever is approved after the Munjoy Hill moratorium, directly impacts our quality of life and sustainability to continue to live on Munjoy Hill.

Some examples of these developer/real estate people that are heavily promoting their opposition agenda are the following:

- At the Feb 7, 2018 MEREDA (Maine Real Estate/Development Assoc) forum regarding the Munjoy Hill moratorium, where approx. 62 of 70 participants were NOT residents of Munjoy Hill.
- Estimate that only 4 of PSA (Portland Society of Architects), are actual residents of Munjoy Hill.
- Benchmark Developer Tom Landry's oppositional emails who is not even a Munjoy Hill resident but a real estate developer is sending out misleading emails as shown below in a portion of his original email sent this past Friday 2/23/2018.

Note: It is somewhat ironic that Tom Landry says he is a "preservationist" at heart but yet he is tearing down capes and carriage houses to put up incompatible/scale architecture amidst protest of surrounding property owners.

My responses to Tom Landry's bullet points in email below are in blue.

"How Are You Impacted?"

If you live on Munjoy Hill:

- Your property value will decrease. (Tom Landry)
 - Decrease in an over-inflated market? This is not the NY Stock market future trading floor. How are property owners wanting to age in their homes suppose to with these recently accelerated property prices which will cause increased property taxes which in turn forces us to raise rents?
For example:
 - My property value alone increased by 30% just in the last 3 years.
 - * My neighbor was just offered 500K for his small house which is an increase of 338% of his original house cost. Note: He refused this offer. He wants to live in the neighborhood as he ages.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing. (Tom Landry)
 - In the last 3 years in this Munjoy Hill development frenzy, there was only 1 property built that was "affordable" housing on Munjoy Hill and it was still out of reach for most Portlanders. (65 Munjoy)
 - In the last 3 years on Munjoy Hill, 27 housing units were removed due to tear-downs and replaced with 72 condos /8 single families in which all this new housing is out of reach for most Portlanders.
 - In reality, Short Term Rental like Airbnb has taken at least 6 times more rental units off the rental market than development.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking. (Tom Landry)
 - On Street parking has become more of a problem because people moving from suburbs into these Munjoy Hill luxury condos want to keep their 2 cars in a walkable city.
 - Curb cuts are not going to be restricted and will continue.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property. (Tom Landry)
 - Property owners will continue to have to go through permitting and license application for remodel, renovate, and expansion no matter the condition of the property like they always have. The desire is to ensure what to be built after tear-downs reflect compatible and scale appropriate architecture. Isn't that what a neighborhood and its neighbors are suppose to strive for?

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City of Portland Mail - Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

In conclusion, Tom Landry's email appears to be nothing but scare tactics. We hope as your voting constituents, we have a priority voice than these real estate individuals that are not even Munjoy Hill residents and whom are only profiting off of the Munjoy Hill development because they have been allowed to. These developers given an inch will take a mile without consideration as to how it affects Munjoy Hill history, community, quality of life, and the sustainability to continue to live in our neighborhood.

Regards,

Karen Snyder
Munjoy Hill Resident

On Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:

[View this email in your browser](#)



Current Proposals Could Limit Munjoy Hill Property Owner Rights

Make Your Voice Heard Before Decisions Are Made

February 26th, 7-9pm
East End Community School

Dear Fellow Realtors,

Through my relationships working on the East End in Portland, I learned of efforts to reform R6 Zoning on the hill, and later to enact a historic

2/27/2018

City of Portland Mail - Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

preservation district. Through my research and outreach, it became clear that those effected the most, the long-time area residents, had no idea this movement was well under way and the dramatic impact it would have on their lives. It was on behalf of this less vocal significant majority that I got involved and now I ask you to as well.

I am a preservationist at heart and truly appreciate the varied architecture of the East End. And like many of you, I'm also a long-time supporter of [Greater Portland Landmarks](#).

All this said, I believe dramatic changes to R6 zoning and designating the East End as a historic district are the wrong solutions to address the concerns that sparked these efforts. If you have clients buying or selling on the East End, you should care.

See below for more information and please share with your clients! We are looked to as experts on this stuff, and I encourage you to make this your own and share widely. I will keep you informed as things further develop.

Thank you for your time!
Tom

What's Going On?

Responding to concerns from a group of Munjoy Hill residents, the City Council temporarily halted any tear-downs and placed restrictions on building on the Hill this past year. Since then, [Greater Portland Landmarks](#) has also proposed making the majority of the area a historic district. Permanent changes to R6 zoning laws will be voted on by the City Council on June 4th, and NOW is the time to best influence this process.

Why it's Important

If proposed changes are put in place, they would dramatically limit new developments and additional housing, and significantly restrict renovations to existing properties.

Preserving Portland's historic architecture is very important, but these

proposals go too far .

If passed they could lead to a lowering of Munjoy Hill property values , and prevent property owners from making many renovations needed to support contemporary living or even address safety concerns.

These changes, and namely the creation of a historic district, would negatively impact many of the long-term residents of Munjoy Hill. The families who remember the old Munjoy Hill, and have welcomed the revitalization, could see their property values slide. In contrast, many of the proponents moved in more recently, or are non-residents simply with a professional or general interest in preservation.

This process deserves better awareness and a mix of voices at the table.

How Are You Impacted?

If you live on Munjoy Hill:

- Your property value will decrease.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property.

If you DON'T live on Munjoy Hill:

- This process has had very limited public awareness, received little comment or input, and been driven by a very small group of people.
- This type of effort could spread and impact zoning rules across the city.

How to Get Involved

First and foremost, **attend and speak out at the Listening Session this coming Monday** , February 26th from 7-9PM at East End Community School. This meeting is critical and is when city planning staff will take

2/27/2018

City of Portland Mail - Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

input before drafting edits.

Other ways to get involved:

- Attend the second session on Saturday, March 24th 11-1PM at East End Community School where final proposed changes will be presented by City Planning staff.
- Send your thoughts to:
 - Jeff Levine, City of Portland Director of Planning & UD
jlevine@portlandmaine.gov
 - Belinda Ray, City Councilor District 1 (Munjoy Hill)
bsr@portlandmaine.gov
 - The Mayor and all other City Councilors:
estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov,
bbatson@portlandmaine.gov, jcosta@portlandmaine.gov,
kcook@portlandmaine.gov, pali@portlandmaine.gov,
nmm@portlandmaine.gov, jduson@portlandmaine.gov
 - Hilary Bassett, Executive Director of Greater Portland Landmarks
hbassett@portlandlandmarks.org

There is a group forming and a website will be created in the very near future to include more.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Feb 26, 2018 at 4:41 PM

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Blue Pine <bluepinepropertiesllc@gmail.com>
Date: Fri, Feb 23, 2018 at 4:12 PM
Subject: Current Proposals May Limit Munjoy Hill Property Owner Rights
To: Tom Landry <tomlandry@benchmarkmaine.com>
Cc: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov,
nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov,
estrimling@portlandmaine.gov, jlevine@portlandmaine.gov

Hi Tom,

I have all ready been impacted by out of control development and over inflated property values on Munjoy Hill.

As a Munjoy Hill long term resident, property owner, and landlord, it is essential that local residents should have a say in efforts to reform R-6 Zoning, create new demolition standards, and, yes, even possibly a Historic preservation district to preserve Munjoy Hill history before it is erased.

Regards,
Janet Parks
Blue Pine Properties, LLC

On Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:tomlandry@benchmarkmaine.com[View this email in your browser](#)



Current Proposals Could Limit Munjoy Hill Property Owner Rights

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2/27/2018

City of Portland Mail - Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

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Thank you for your time!

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jlevine@portlandmaine.gov
 - Belinda Ray, City Councilor District 1 (Munjoy Hill)
bsr@portlandmaine.gov
 - The Mayor and all other City Councilors:
estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov,
bbatson@portlandmaine.gov, jcosta@portlandmaine.gov,
kcook@portlandmaine.gov, pali@portlandmaine.gov,

2/27/2018

City of Portland Mail - Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

nmm@portlandmaine.gov, jduson@portlandmaine.gov

- o Hilary Bassett, Executive Director of Greater Portland Landmarks
hbassett@portlandlandmarks.org

**There is a group forming and a website will be created in
the very near future to include more.**

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Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill - Moratorium and After

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Feb 26, 2018 at 4:45 PM

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Wayne Valzania <Wayne@redhookdesignalliance.com>
Date: Mon, Feb 26, 2018 at 7:46 AM
Subject: Munjoy Hill - Moratorium and After
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov, jay.norris@munjoyhill.org
Cc: Karen Snyder <Karsny@yahoo.com>, Wayne Valzania <Wayne@redhookdesignalliance.com>, Carolyn Swartz <CarolynSwartz@gmail.com>

Hello,

Please find the attached letter, expressing our opinion and concerns on the Munjoy Hill moratorium issue. As residents of "The Hill", our concerns are heartfelt, and community based. In many ways, what we are seeing as smaller, appropriately scaled dwellings are removed, and large proportionately incorrect condo stacks are being built by developers whose interests are dollar based, is a form of strip mining. The analogy that I see is that the impact of what is left behind is for the residents on Munjoy Hill to look at and live with after the profit has been taken and the developers have moved on.

As I have said in the past, I understand the need for higher density housing throughout greater Portland, but it should not be at the expense of losing the fabric of our neighborhoods.

Thank you for your service to the Portland community,

Wayne Valzania MS CPM
Red Hook Design LLC
27 Merrill Street

2/27/2018

City of Portland Mail - Fwd: Munjoy Hill - Moratorium and After

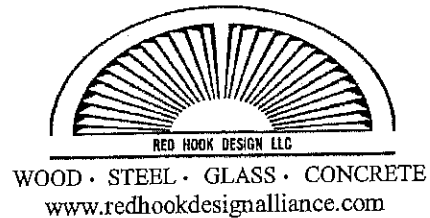
Portland, ME 04101

207.274.4918 - 860.248.5670

RedHookDesignAlliance.com



Munjoy Hill Moratorium and Development Issues.pdf
159K



5 February 2018

Re: Munjoy Hill Moratorium R6 Design Principles & Standards Demolition

From: Wayne Valzania, 27 Merrill Street, Portland 04101

To Members of the City Council and Interested Parties:

As an owner and resident of Munjoy Hill, I am writing to express my personal and professional concerns about disturbing trends in new builds on the Hill – particularly in structures that exhibit no regard for the scale or visual integrity that give this neighborhood its character and human appeal.

My wife, Carolyn Swartz, and I have chosen to commit to the time and expense of reclaiming old wooden house. At the same time, we recognize that some structures are beyond repair. Still, the decision of which structures to tear down and what rebuilds should look like cannot rest solely in the hands of developers.

While we admire some of the modern houses on The Hill, more recent – actual and proposed – structures appear to be in most flagrant violation to the character of the neighborhood. It happens that we are looking out at a cold, faceless multi-unit lacking even the humanizing features (front stairs, real front door, earth tone exterior) represented in the architectural drawings and renderings we were shown before construction began. The building also lacks many, if not all, of the architectural details promised during the workshops and hearings upon which variances, concessions, and approvals were based. We and our neighbors consider this unsightly building to be the developers' willful broken promise to the community.

As a professional builder, Munjoy Hill resident, and ardent supporter of the current moratorium, I would like to propose:

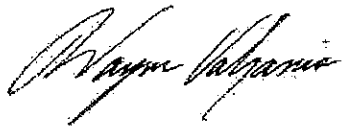
- Mass and scale in the permitting and approval of proposed new construction on Munjoy Hill must be guided, if not controlled, by the Planning Board – not left to the whim of developers driven primarily by return on investment. Original R-6 guidelines offered realistic principles around the development of multi-family dwellings. These could form the basis of an updated R-6, to include Planning Department improvements, such as roof appurtenances, based on IPOD recommendations.
- Elimination of the Alternate Design Review option in the Design Certification Program (R-6 Infill Development Design Principles & Standards) for the Munjoy Hill R-6 overlay.
- An end to easy acceptance of variances that depart from reasonable standards already in place.

- Design standards and demolition restrictions to be interpreted by a qualified board and enforceable through a designated Munjoy Hill Historic District Board or Association.
- Improvement of the substantive requirements and enforceability of the Design Certification Program, and the contained R-6 Design Principles and Standards, which apply to parts of Munjoy Hill that are neither Historic nor Neighborhood Conservation District. These standards should apply to lots both under *and over* 10,000 SF.

I hope that shared interests, intelligent foresight and collective wisdom will result in mindful guidelines for thoughtful development that will invigorate the neighborhood while preserving the value resulting from its ongoing character and appeal.

Thank you for your interest.

Concerned residents,



Wayne Valzania & Carolyn Swartz.
27 Merrill Street, Portland 207.274.4918



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

Mon, Feb 26, 2018 at 4:40 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Jean Russo <russo@maine.rr.com>
Date: Mon, Feb 26, 2018 at 3:35 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov

Jeff

I can't make the meeting tonight, but I am glad that something is being done about what is happening on Munjoy Hill. As a Realtor and a lifelong Portland resident (who grew up on India Street before it was fashionable), I am appalled at what is being done on India Street ("Little Italy" as we called it), and "the Hill". Many of the buildings being built have no architectural integrity at all - many look like shipping containers turned on their side. This might be the trend in New York, but it is not the New England architecture that we all love. These high rise condo buildings are ruining the neighborhood feel - and are displacing longtime Portland residents who can't afford the pricey homes and condos being built.

When the zone changes to the R-6 zone were implemented a few years ago, I voiced my objection to this to the City Council to no avail. How do you allow zero clearance? How does a homeowner even access the side of their building to do maintenance work without encroaching on the neighbor's land? The lot sizes are so small it forces the developer to build up to recoup the land cost. This has to stop. The zone restrictions need to be changed back to what they were a couple of years ago.

Thanks.

Jean Russo

2/27/2018

City of Portland Mail - Re: Public Comment for 255 Diamond Avenue



Jennifer Munson <jmy@portlandmaine.gov>

Re: Public Comment for 255 Diamond Avenue

1 message

Tue, Feb 27, 2018 at 10:42 AM

Laura Balladur <lauraballadur@gmail.com>

To: Jennifer Munson <jmy@portlandmaine.gov>

Would it be ok to resend that? I made a couple of edits. Nothing substantively different, but it just reads better. If ok, here it is:

February 26, 2018

I'm writing to voice my concern about recent developments seen on Munjoy Hill. There has been an enormous amount of development on the Hill relative to the rest of the city. Such development drives up property prices at the cost of affordable housing. I urge the city to support demolition guidelines, dimension changes addressing change of scale and mass, and design standards. Furthermore, I strongly encourage the city to be proactive and create a Historic Preservation District for Munjoy Hill in order to preserve and protect its architecture and its history. Moreover, I see this Historic Preservation District designation as an important step in reducing the rampant speculation that is driving up property prices and creating a lack of affordable housing.

I have been a resident at 89 Walnut Street since 2004, bought my house in 2006. At the time, my house looked run-down and some of its architectural elements were hidden behind aluminum siding. But I saw in the house a piece of valuable history. Indeed, I found out that at one time the house was home to a cobbler and later a sailor, common working class folk who lived on the hill.

I have been concerned with the recent developments that have been occurring on the hill. The first one is of course right around the corner from my house, Munjoy Heights. When I went to the neighborhood meeting where Jonathan Culley and his team described the project, it was clear from one of the slides in the presentation (an artistic rendering of the view from Walnut Street, with a New Englander adjacent to the project) that part of what they were selling was the idea of living in a quaint New Englander style neighborhood, admittedly without the issues that come when you live in 100+ year old homes with creaky floors and drafty windows. What was not clear from the presentation was an idea of the scope of the project. Correct me if I'm wrong, but I believe that Munjoy Heights can be seen from Alpha Centauri, no? At least from any point across the cove in Portland, look up to the hill and you can see this project that has forever marred and altered the topography of the hill. It is definitely way out of scope and dimension with its surrounding neighborhood. It has completely obliterated the scenic views of residents behind on North Street including the residents at the retirement community, and replaced their sweeping sunset vistas with views of industrial air conditioning units. Has anyone compensated those property owners for their homes' loss of value? Not to mention the fact that the luxury condos have gone up at the expense of the last forested batch of elm trees that lined the old Jack Path. I realize that elm trees don't pay taxes, but that is a shortsighted view; their value is worth so much more. As far as I know, there is one elm left in the neighborhood. One.

I am also concerned with the proposed development on Washington Avenue, at the old Casale's lot. While I commend the general idea for the project, I am again concerned that it is following a newer pattern on Washington Avenue that tries to maximize profits and building height at the expense of older homes on the

slopes of the hill that form the basis of its architectural history. Several years ago, a neighbor of mine spoke up at a city meeting about a previous project at that same location. His view – an important part of his home's value – was going to be completely obliterated by that previous project. At the meeting, his remarks were rebuked as being "romantic." Are they romantic? Fast forward to an exchange a few months ago about this newer project on that same lot. The project developer wants to go up to 4 stories high, while most older buildings on Washington Avenue are 3 floor New Englanders. When someone suggested that the developers consider building one of those floors underground, their response was, well... "romantic": they wanted to maximize the view. Aha! Clearly the view has an economic impact, but for whom? This part I find particularly troubling. The developers had considered the impact of their 4 story building on the neighbors, and they put up the slide demonstrating this. The slide showed a cross-cut of the slope from Washington Ave to North Street. The only buildings shown were their project and... Munjoy Heights. They had, in effect, re-written the history of that slope and disregarded any other building. Their baseline to consider their building's impact was a project that is way out of scope and dimension with the whole neighborhood and was built four years ago. The adjacent houses on the slope built over 100 years no longer mattered; in fact, they no longer existed. When does this end?

I urge the city to move quickly and protect valuable architectural history that forms the basis of this beautiful town.

Sincerely,

Laura Ballardur
89 Walnut Street

On Tue, Feb 27, 2018 at 8:35 AM, Jennifer Munson <jmy@portlandmaine.gov> wrote:
Good Morning,

Thank you for your e-mail. Your public comment will be included in the review and will become part of the public record.

If you have any further questions, please contact me.

Jennifer Munson, Office Manager
Planning and Urban Development Department
4th Floor, 389 Congress Street
Portland, ME 04101
Phone: (207)874-8719
Email: planningboard@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

2/27/2018

City of Portland Mail - Fwd: District 1 Listening Tour Comments



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: District 1 Listening Tour Comments

Tue, Feb 27, 2018 at 10:35 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
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@portlandplan

----- Forwarded message -----

From: Carle Henry <cdhenry3@yahoo.com>
Date: Mon, Feb 26, 2018 at 10:21 PM
Subject: District 1 Listening Tour Comments
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthiebodeau@portlandmaine.gov" <sthiebodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Good evening,

Tonight, at the East End School, I attended, with my wife, a listening session re the future of Munjoy Hill. Thank you for hosting the session.

While there was a lot of emotion from some folks tonight, I hope you agree that most people voiced, to applause, one common theme:

- don't affect us personally....from the first gentleman who spoke about his elderly relatives to the last woman who was new to the neighborhood, this moratorium is negatively affecting good and honest neighbors who are not activists (like MHNO) or 'outside developers'....they are citizens with hopes and dreams that are being negatively impacted due to an overreaction to a few of the repeat, loud neighborhood offenders (can you say 'soul of portland?') by the council

As Jay Norris freely admitted tonight,

1. this all stemmed from the "vortex"/efforts to stop the Portland Company development (by him and a few people); and
2. despite many words to the opposite from elected folks to citizens tonight, he boldly announced that the East End will become a historical designated area 'it's gonna happen'

I'm afraid some on the council are being duped by the MHNO yet again. Since their failed attempt to stop the Portland Company development, many ex Soul of Portland (then Portland for Responsible Development) took over the MHNO. Under the veil of representing the hill, they audaciously and incorrectly speak on the behalf of the hill to the press, to the council and to anyone who will listen but they actually only carry the agenda of a few loud, emotional citizens. Please do not be fooled any longer.

Most of us have lived here a long time or moved here because of the diversity. Don't mess with it. As the first gentleman said tonight, we are getting squeezed from both ends. Taxes go up and now we are inhibited from selling in a free market.

2/27/2018

City of Portland Mail - Fwd: District 1 Listening Tour Comments

If MHNO has its way, we will be under a historical designation soon. Which, as reported across the country and in the New York Times and other award winning papers, causes prices to go up, taxes to hike, long term locals to be priced out, diversity to decline, affordable housing to fall and a new class of upper level white folks to take over. Don't take it from me. Do the research - it's been reported and documented by city-after-city across the country. While the audience pushing for the Historical labelling purport to support diversity, affordable housing, etc., they are either too ignorant to know they are causing the opposite effect or they know exactly what they are doing. Either way, do not allow this any longer.

Finally, and as I wrote prior to the moratorium being put into place, we have enough restrictions and process today. As the last speaker highlighted tonight, 9 pages of requirements exist today. The city is doing its job just fine.

As for those who are upset by a building that they do not find attractive or their resentment for people making \$, they (and by default) you cannot define and dictate taste.

Truly, the City Council cannot take up a cause by a group of 10 people in any one neighborhood. We need you to focus on greater matters that affect the entire population and city (e.g., crime, education, homeless, business, etc.) Poor MHNO and friends don't like some of the new architecture - boo hoo. Do we live in a city or not? Our community is just fine. Please don't waste another tax \$ chasing phantom issues by activist bullies and people with too much time on their hands.

Thank you and see you at the next event.

Carle Henry
Saint Lawrence Street

2/27/2018

City of Portland Mail - Fwd: Demoliton



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demoliton

Tue, Feb 27, 2018 at 10:35 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 10:23 AM
Subject: Demoliton
To: JLEVINE@portlandmaine.gov

Hi Jeff. Really well organized presentation last night. Thanks. It's a lot of info for people to process, but Munjoy Hill residents are pretty motivated when it comes to defending their turf. I would love to have a few minutes to talk with you about tools to reduce demolition. I really think the code has incentivized it, and reducing those incentives would solve a lot of problems up here. Finally, I talked with Paul Stevens about the work the PSA is doing and I think that they will contribute an important piece, if they get it done in time. I am not personally convinced an HP District is workable on the Hill, but there are sections of the neighborhood where I think it would be accepted and respected. The idea of a local Conservation Commission gives me the willies and I think it is unsustainable. Several of us noted the significant number of out of neighborhood realtors and developers that Tom Landry turned out for the meeting, who applauded loudly when people spoke against the HPD. I hope that you will take the results of the preference survey with that in mind. Perhaps at the next meeting people who are not neighborhood residents could be identified.

If you have time to talk, let me know.

Nini McManamy

Sent from my iPad

Fwd: Munjoy Mortorium Listening Session Feedback

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Feb 27, 2018 at 3:53 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Karen Snyder <karsny@yahoo.com>
Date: Tue, Feb 27, 2018 at 3:18 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback
To: Jeff Levine <jlevine@portlandmaine.gov>

I forgot to mention that this guy below owns 2 multi units on Munjoy Hill.

Karen

From: Karen Snyder <karsny@yahoo.com>
To: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Tuesday, February 27, 2018 2:59 PM
Subject: Fw: Munjoy Mortorium Listening Session Feedback

fyi...

I am getting feedback that residents were intimidated last night.....

This is a below example email...

Karen

----- Forwarded Message -----

From: e w <eenebw@hotmail.com>
To: Karen Snyder <karsny@yahoo.com>
Sent: Tuesday, February 27, 2018 2:50 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback

I will send a follow up email with my comment question.. I am not comfortable standing up with a mic in front of that many people. I only recognized 3 people ..

Get [Outlook for Android](#)

From: Karen Snyder <karsny@yahoo.com>

Sent: Tuesday, February 27, 2018 2:34:21 PM

To: Jeff Levine

Cc: Belinda Ray; Pious Ali; Nicholas Mavodones; Justin Costa; Jill Duson; Caitlin Cameron; Ethan Strimling

Subject: Munjoy Mortorium Listening Session Feedback

Hi Jeff,

Thank you for holding the listening session last night. Your presentation, as always, was well done and very informative.

What are your thoughts on identifying in next Listening Session how many attending are Munjoy Hill residents?

I thought it was very clever of you to ask at the MEREDA forum participants this past 2/7/2018, who lived on Munjoy Hill in which it was identified that approx. 62 of 70 participants did not live on Munjoy Hill.

Even though the voting survey was fun and a unique approach, I wonder how the voting results are to be used when:

- 1) Not all residents were given clickers.
- 2) It wasn't identified how many people were residents versus non-residents which could misrepresent results.
- 3) The buildings shown were not from Munjoy Hill so can it be translated to Munjoy Hill development issues?
- 4) The buildings shown were not shown with other surrounding buildings in order to give scale and mass within context.

Additionally, I believe many Munjoy Hill residents were intimidated by the large crowd of non-residents to speak up.

Is there another method to obtain feedback and comments from Munjoy Hill residents so that they do not feel intimidated being surrounded by developers and real estate people?

Finally, the residents that did speak up appeared to provide consistent comment concerns that have been indicated in the past meetings: to stop the financial incentives for tear downs, inappropriate scale and massing, and ensure compatible design.

Below are the comments from people that I recorded last night.

Thanks for listening.

Regards,
Karen Snyder
Munjoy Hill Resident

#	Name	Street	Concern
1	Steve	East Prom	Something needs to be done on the potential of combining lots to build even bigger buildings. Was there any modeling done on R6?
2	Patrick & Kelly	Turner St	Have elderly aunts with alzheimers. Had to sell their houses to pay for care. Worried about house prices decreasing.
3	Older guy	Lafayette St	City needs to apply renovation and bulk standards to construction against teardown.
4	Ann Manganello	84 Quebec St	Wants to lift her house to put off a garage for her car.
5	Charlton Smith	Stroudwater	Against GPL and HPD. Lives in Stroudwater but restores houses in West and East end.
6	Nini McManamy	Willits	Suggestion to apply the renovation footprint standard to the demolition footprint in current R6 Design
7	Albert Clooney?	Congress	What is the process for an HPD. Do we have a vote?
8	Stacy Mitchell	Atlantic	Financial incentive on tear downs so they can build bigger buildings.
9	Jay Norris	East Prom	Can we take this opportunity for small businesses?
10	Evan	East Bay Side-Everet	An architect and he is against an HPD
11	Lisa Keegan	PSA	An architect, proposing a design review board.
12	Will Kessler	76 Melbourne	Loves the open/green spaces and against 118 Congress scale and massing
13	Paul	37 Fessen Avenue	An architect who wants to see a design review board.
14	Elizabeth Miller	Waterville	Likes the diversity of buildings. Doesn't want to see a bell jar over the neighborhood
15	Berry Manter	Vesper	Some of the new architecture is "cheesy" and profit motivated. Developers need to build better buildings design context.
16	Sandy	??- Worked for Portland Press Herald?	Need to respect the surrounding buildings. Soviet style architecture with these big boxes. Talked about Architecture charity
17	Martica	28 St. Lawrence	Worried about the scale and massing of 24 St. Lawrence. Concern of retaining walls from Waterville St.
18	Woman with glass	Emerson	Concerned about diversity, affordable housing, change the inclusionary zoning. Apply to 5 buildings with no opt out and restrict Airbnb to owner occupied.
19	Hilary Bass	Morning	Explain GPL
20	Karen Snyder	Waterville	Valued the community. Neighbor was offered 500K to tear down with no structural issue. Not a NY stock exchange trading place. How can we age in place. Issue is 3 D's demolition, dimension (r-6) and Design.
21	New Woman Own	47 Monument	There are 9 pages in the design standards. There are a lot of restrictions.

Fwd: Listening Session - inquiry on comment

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Feb 27, 2018 at 3:55 PM

For Munjoy Hill.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

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From: Jean McManamy <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 3:19 PM
Subject: Re: Listening Session - Inquiry on comment
To: Caitlin Cameron <ccameron@portlandmaine.gov>
Cc: "Levine, Jeff" <jlevine@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>

Thanks for following up. I was referring to the sections in the neighborhood of 14-436 which restrict bulk and spell out provisions for decks and setback waivers. I am convinced that Ch 14 incentivizes tear downs. It effectively makes the profits available from tear downs much greater than the profits from renovations. All of this hastens the conversion from rentals to condos, accelerates real estate price growth, and prices middle class home buyers who are not investors—we still have fixer upper buyers up here—out of the market. And by the way, real estate price growth is not particularly to our benefit—if we sold, we would need to buy a place to live, and the looming prospect of revaluation has everyone up here concerned about carrying costs increasing due to the runaway real estate market. Just another reason to shift development incentives away from the peninsula.

On Feb 27, 2018, at 11:57 AM, Caitlin Cameron <ccameron@portlandmaine.gov> wrote:

Ms. McManamy,

last night at the Listening Session you mentioned "renovation standards" and we weren't quite sure which standards you meant. Could you clarify or send me a copy of what you were referring to that is different from the zoning or the design standards? Feel free to call me to discuss if that is easier.

Thanks for the clarification,

Caitlin

—

Caitlin Cameron, AICP, Associate AIA, LEED AP
Urban Designer
Planning & Urban Development Department
389 Congress Street
Portland, ME 04101
phone: (207) 874-8901
email: ccameron@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Fwd: Munjoy Hill Listening Session 2/26

Tue, Feb 27, 2018 at 4:04 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Peter Murray <pmurray@zwi.net>
Date: Tue, Feb 27, 2018 at 3:03 PM
Subject: Munjoy Hill Listening Session 2/26
To: Levine Jeff <jlevine@portlandmaine.gov>
Cc: "Murray Peter L." <pmurray@zwi.net>

Dear Jeff -

It was good to see you last night at the listening session on the Munjoy Hill zoning.

I was not able to stay for the comment session, but provided my comments to Belinda in writing beforehand.

Here they are for your consideration.

Dear Belinda -

Thanks for the heads-up on Monday's listening session.

Although I may be there at the beginning to listen to as much of the background presentation as possible, my comments on what we think are the issues follow in writing. Please feel free to give these as much currency as you think they deserve.

Original Residential Development on Munjoy Hill

Most residential development on Munjoy Hill followed the Great Fire of 1866 and continued into the early 20th century. Most houses from this era are one and two family frame dwellings built on small lots, generally under 10,000 square feet. In the early 20th century a number of "3-deckers" were added. Outside of schools, there were relatively few larger buildings. During and right after WWII some row-house developments were added on the East Hill. The 1960s and 70s saw the building of the Portland House and "Promenade East", large 10+ story apartment blocks and "Munjoy South" a subsidized housing project on the South Hill. All of these were more or less at odds with the traditional architecture of the Hill.

Although the Hill was a vibrant middle-class residential area up through the mid '40s, following WWII, the area deteriorated. Many single family and two family houses were converted into multiple apartments. Rents and maintenance sagged. Families who could afford it moved out. Drugs and crime moved in. By the 1970s the Hill was considered a substandard residential area with low rents, deteriorated properties and high crime.

Starting in the late 1990s and accelerating since then, the Hill has "come back" as a residential area, not so much for families, but for young professionals and for older "empty nesters". Many of the older properties have been rehabilitated and restored, single family houses have been built on empty lots, and a modest development of multi-family structures

has occurred. Property values have sharply risen, restaurants and shops have opened in the business areas, and the Hill has become one of Portland's premier residential areas. There have been a few subsidized "affordable housing" projects, the largest of which is on North Street at Walnut. There has not been any construction of unsubsidized "affordable" housing on the Hill (or, for that matter elsewhere in Portland) for a number of years because construction costs are too high to make such development economically viable.

The attractions of the Hill to its current residents are not only its proximity to Portland's downtown and its views both to the east and the west, but also its amenity as a residential area, including the integrity of its 19th and early 20th century architectural fabric and feeling of neighborhood.

Up until 2015, land use and development on the Hill was mainly regulated by the R6 zoning ordinance. That ordinance included modest setback requirements for side and rear yards, height limitations to 45 feet, a requirement to provide off street parking, and reasonable lot coverage, square footage per unit, and minimum lot size. A special program permitted development on undersized lots subject to design criteria and some design oversight by the planning staff.

The 2015 Changes to the R-6

In 2015 the Portland Planning Board and City Council adopted amendments in the R6 zoning ordinance aimed at "increased density" in Portland's already most dense residential area. It appears that this was based on the hope that some of the small vacant lots remaining on the Hill could be improved with affordable housing. Everything was loosened up. Side yards were reduced effectively to near zero, lot coverage was increased, lot area per unit was decreased, minimum lot size was decreased, and parking was no longer necessary for the first three units per lot.

The result of this was not any affordable housing. Construction costs continue to preclude construction of affordable housing without public subsidy. However certain developers were able to take advantage of the strong desire of retirees to live on the hill. They have built and are proposing to build higher end condo projects that take full advantage of the liberalized regulation and cram ungainly and oversized blocks on small Munjoy Hill lots. In many cases these projects are lucrative enough to justify purchasing existing affordable rental properties and tearing them down for the new condos. Lots that had originally been improved with one or two family houses (perhaps since subdivided into 3 or 4 apartments) are now crammed with 7 or even more condo units without adequate on site parking. Examples include [30 Merrill Street](#), the building on the corner of Waterville and Fore, [5 Cumberland Avenue](#) (under construction), 7 Merrill (under construction), 24 St. Lawrence (proposal), 24 Monument (proposal), corner Willis and Montreal (proposal). In order to include as many units as possible, these structures typically push the envelope of the new R6, extending out to the sidewalk and going four stories up, sometimes with dead parking floors on the bottom, numb blocks that have nothing to do with the neighborhood into which they are shoehorned. Residents and property owners are dismayed by the possibility that the very amenity that attracted them to the Hill will be destroyed by heedless development of this kind of condo.

This state of affairs brought about the Moratorium. We will always be grateful to you for your work on this vital measure.

Where Do We Go from Here?

Here are my recommendations going forward:

- 1) Nothing we do will get any affordable housing built on the Hill (or anywhere else) as long as construction costs are what they are. The only affordable housing that will continue to exist on the Hill will be the existing aging housing stock that can still be rented at affordable rents. Some of this has been lost to demolitions by developers seeking to build high end condos under the liberalized R6.
- 2) The old R6 turns out to have been well suited to conditions on the Hill. It permitted reasonable development of the only kind of building that makes sense on these small lots - single and two family houses of the kind that are there now, with an occasional larger condo project on larger lots. Condo projects under the old R6 are less intrusive, have parking and a scale that suits the neighborhood.
- 3) The closer we can go back to the old R6 on the setbacks, lot coverage, lot size per unit, minimum lot size, parking, the better.
- 4) The quality of many Hill buildings and streetscapes justify a Historic District - precise contours to be determined. Here Landmarks can take a helpful leadership role.
- 5) The parts of the Hill not included in a historic district should have some design protection. One possibility is a conservation district, with less emphasis on historic authenticity, but a sensitivity to maintain scale, size, light and streetscape. The looser the R6 standards, the more important such a district would be. The district could have both special design requirements in the ordinance as well as a review board. Or it could be administered by the planning staff as was the case with the old R6 small lot program.

6) Demolitions of existing Hill structures, particularly those providing rental housing, should be regulated to some degree. Some possibilities include: a) requiring any replacement structure to include affordable units equal to those destroyed; b) limiting replacement structures to footprint of the structure demolished; c) providing a period of repose to permit others to come up with development alternatives to demolition, d) requiring a significant payment for each unit of affordable housing demolished.

The goal should be to facilitate development of the kind and scale that presently exists, including larger structures where the circumstances permit, but to discourage and prevent destructive over-development of the kind mentioned above.

Thanks for reading this. Please feel free to pass it on to whomever you think should have it. Debby and I are eager to be of what help we can in facilitating a transition from the current moratoria to regulation that will serve the neighborhood well for the present and future.

All best wishes,

PLM

Thanks!

PLM

Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net

Fwd: Last night's munjoy hill meeting

Wed, Feb 28, 2018 at 8:44 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: e w <eenebw@hotmail.com>
Date: Tue, Feb 27, 2018 at 5:24 PM
Subject: Last night's munjoy hill meeting
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

I appreciate the city holding a listening session last night to Discuss Munjoy Hill. As a long term Munjoy Hill resident of 28 years, and Landlord of two 3 units, I was in attendance. However, I will be the first to comment I don't like to speak to a crowd that large so am hoping you will read my comments below. I should have taken the stage but couldn't LOL...

After learning about Becoming a Historic District, I truly hope that is the path for Munjoy Hill. My main concern about the area is we are losing the historic aspects of the hill each year by an alarming rate. One individual in particular spoke last night that to me represented what is wrong with the permissiveness of demolition and lack of respect for our New England architecture and heritage. Paraphrasing, this person proudly stated they loved the area and bought 47 Monument Street. Yet the property is not up to their standards so they want to do the right thing after they tear down this historic house by building something the neighbor will like. Well in my mind this IS the problem. The first issue is this is one of the older houses on Munjoy hill and for 150 years people have happily lived in it. Sure it needs renovation but the mind set for those from away is to get a greedy real estate agent, have them tell them just get rid of the junk and build something that is up to your standards. The second is this type of attitude is both destructive to the neighborhood morale and architecture. It is kind of a veiled insult in that these people are too good to live in what many of us do currently. So with that being said, is that what the city wants for the hill? With this trend there will probably be an accelerated demolition of 20 homes a year. Soon there would no longer be any historic buildings left and with that goes the 'charm' that drew people here in the first place. I imagine in the case of 47 Monument street, the speaker will never find the caring neighborhood they are looking for and will leave after a few years. And oh by the way, yet another 1870 house was demolished vs. Rennovated.

A question I might ask is can the city find ways to focus more on the benefits of renovating and preserving Munjoy hill vs. destroying it? As stated, no one is advocating putting a glass in time over the hill. Even if that was something everyone wanted to do it is way too late for that. My opinion is we need to preserve what we can realizing some new thoughtful development is imminent. However, mass destruction because someone wants a mansion like 'back home' that is far superior to what the local people of munjoy hill live in seems to be the trend. When the hot market of Munjoy hill is over, real estate agents and developers will survive and will move on to the next market leaving behind junk 'new' ugly buildings where once stood a neighborhood of historic charm. This IS the reality of what is happening and why I hope Munjoy hill is considered as a historic district.

Control Destruction and Thoughtful Design would be a goal I would hope we as a city would strive for.

Enoch Wenstrom

88 Beckett St #1

Portland

D.D.D.

Fwd: Munjoy Hill growth and change feedback

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Feb 28, 2018 at 8:53 AM

Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: JoAnn Dowe <joythroughhealing@gmail.com>
Date: Tue, Feb 27, 2018 at 10:45 PM
Subject: Munjoy Hill growth and change feedback
To: jlevine@portlandmaine.gov
Cc: JoAnn Dowe <joythroughhealing@gmail.com>

Hello Jeff,

My name is JoAnn Dowe and I live at [28 Waterville St.](#) I moved to Munjoy Hill in 2009 with my husband, Jim. The move was for both of us, a first experience living in a city neighborhood. When we first moved in, it felt very much like a quaint old time neighborhood with lots of interesting residents covering a wide demographic, interesting old historic homes and funky houses too, lively and vibrant, lots of secret gardens, outbuildings, additions... so many chain link fences too, reminiscent of the past and what it was like on the hill. After four years in this house together, Jim died after a late cancer diagnosis, a very deep and life-changing loss for me. ; (

I have to say that since I have been here, right from our beginning in 2009, I witnessed drastic changes to the landscape, with development speeding along at a crazy clip, propelled by the popularity of the hill as the trendy cool "place to be". In the neighborhood, I have seen many lovely old buildings knocked down, mostly replaced by "box style" condo complexes with first floor garages, 3 floors above, and big price tags. I have also watched a lot of the sweet younger people who were my neighbors move away, as properties change owners, undergo renovations and rents then hike up to unaffordable amounts for young people just starting out.

On my own street, I have lived through (not pleasant) a significant construction of a 4 story condo across the street from me, 29 Waterville. I have witnessed and experienced the impact of: the renovation of a large building at the top of the street into high end apartments, a major renovation of a formerly vacant building, a condo-izing of an apartment building on Monument Street at the top of Waterville, significant renovations of 3 of the 6 single families on Waterville Street, and the sad demolition of a really well kept, attractive, multifamily building at the bottom on Fore street to make a new "box style" condo complex. Another neighbor across from me down the hill a bit just sold his single family, after spending years renovating it top to bottom. I am so worried that the wrecking ball will be showing up soon. 24 St. Lawrence, hoping to demolish, lines up with my house, just one street over, and I would be witness to that sad destruction of another perfectly intact older building to make way for more building units. Some of my other neighborhood friends have made comments about the fact that if and when they sell, their house is going to get knocked down too. Its so sad.

Besides the detriment of constant construction with its noise, dust, blowing litter, and contractor vehicles parked everywhere, many times blocking the road, there is the end result of the building boom, which is more people, more cars, less street parking, and less character in the new buildings, not to mention the demise of some of the oldest most majestic trees in the neighborhood.

I feel that this quaint funky cool neighborhood, with all of its history and ethnic diversity, that we were discovering in 2009

is changing so rapidly. Urban in-fill is filling it to the brim. The line of sight down my neighboring streets is so constricted now with each new box building at four stories high and extending right out to the sidewalk. It is feeling more and more claustrophobic and congested all the time to me. 58 Fore Street project is going to create a tunnel like feeling along Fore street if they build it out as proposed. I know as a planner that it is your job to create and plan development, but I think the growth rate and type of growth is drastically changing Munjoy Hill, and not for the better.

I also agree with comments from last night that many if not most of these new housing units, are extremely pricey, and not at all affordable to the average Maine resident, and are attracting wealthy baby-boomers from out of state that may not even be living here most of the time. I guess that will at least make for less cars on the street at least some of the time.

I would love to see some condo conversions that would work with the existing building footprint and style, and retain their character and history. I would like to see more trees saved, and more affordable units built. I would like to see more affordable rental units for people. I would like to see more greenscape too. It seems so many of these new projects have no garden space, only hardscape and pavement. I think the moratorium was a good move. I just hope that modifications to existing codes can be made that will save some of these lovely old buildings, consider the character of the hill and how to preserve it, and slow the rate of construction down.

Thanks,

JoAnn Dowe

Fwd: Munjoy Hill concerns about proposed changes

Wed, Feb 28, 2018 at 9:25 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: elizabeth <elizabethmiller1953@hotmail.com>
Date: Wed, Feb 28, 2018 at 9:24 AM
Subject: Munjoy Hill concerns about proposed changes
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "Jay.Norris@MunjoyHill.org" <Jay.Norris@munjoyhill.org>, "munjoyhillconsvcoll@gmail.com" <munjoyhillconsvcoll@gmail.com>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>

We attended the February 26 "listening session." We very much appreciated the City's efforts to gather ideas about the Hill's future and how the City could/should guide this future. After much consideration, we offer the following advice:

Why we support a design review ordinance but not the creation of a historic district?

In addition to its proximity to the water, its breadth of architecture - pre-Civil War to 21st century - makes it a great place to live. The blossoming of contemporary architecture in the last ten years is a positive sign of the neighborhood's vibrancy and creativity. Given the decades of neglect, however, many structures have exceeded their useful life. We think it is unrealistic - and undesirable - to save everything. Not all old buildings should be considered sacrosanct. Just as there are mediocre examples of contemporary architecture popping up on the Hill, there are mediocre examples of earlier periods. We believe it is important that the City support residential growth for all income levels. Encouraging contemporary design, whether in rehab or new construction, is essential. We hope that the Planning Department develops an approach that acknowledges that Munjoy Hill is a dynamic environment.

Perhaps this includes developing design requirements that ensure compatibility with its overall historic fabric. If so, these requirements should focus on mass and materials. Encourage creativity and innovation, but don't micromanage. We believe a zoning policy should encourage greater density, especially along the Congress Street spine and Washington Avenue. For example, height limits should be increased to at least five stories. With increased population, an added benefit could be (we hope) increased patronage of public transportation as well as attracting other essential services, such as a grocery store or bank branches.

We endorse the suggestion made at the February 26 "listening session" of lowering threshold for number of units at which developer must set aside for "affordable" or contribute to the City's affordable housing fund. We also support requiring all new development or substantial renovations (such as condo conversion) to provide one off-street parking space for each residential

unit. While it's desirable to have a garage entrance to the side, it should not be essential in light of many lots' narrowness. We recommend that the set back between buildings be a minimum of ten feet, but not necessarily in the front.

Historic district status requires that substantial repairs or alterations to the exterior must first receive the approval the City Preservation Board or staff. We believe this impinges on our property rights. We are apprehensive that historic district status would increase ongoing maintenance and renovation costs even as many owners of multi-family rentals struggle to keep rents affordable. Finally we see constrictions on future demolition as impinging on property owner's rights to maximize profit. For many people, property ownership is their single largest asset and an essential piece for long-term care planning.

The maxim, "first, do no harm" applies to the situation facing the City vis-a-vis Munjoy Hill. We hope that the City proceeds conservatively and cautiously in restricting new residential development on Munjoy Hill. There's another maxim: be careful what you wish for.

Sincerely,

Elizabeth Miller and David Body

46 Waterville Street #3

Portland, ME 04101

878-8604

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored "listening sessions" at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it's a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole "Maine" life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70's. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and new homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrence St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

Why I love living in the East End 3/1/18

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the "human bus" leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland's Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@ghi.net

207 653-5143 Cell

Fwd: Munjoy Hill - Historic Preservation flexibility question

Mon, Mar 5, 2018 at 10:27 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Sadhbh Neilan <sneilan@maine.rr.com>
Date: Fri, Mar 2, 2018 at 3:07 PM
Subject: Munjoy Hill - Historic Preservation flexibility question
To: jlevine@portlandmaine.gov

Is there a preservation plan that could identify individual properties, or streets, or parts of Munjoy Hill, versus an entire district being identified for preservation?

Thank you for taking the time to field this one!

Sive Neilan

--
Sadhbh ("Sive") Neilan
29 Emerson St, Apt. #3
Portland, ME 04101
Tel (207) 774-4219
(207) 838-7719 cell
sneilan@maine.rr.com

Fwd: Listening Session 2/26

Mon, Mar 5, 2018 at 12:18 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

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From: Pa Ag <pagopian1@yahoo.com>
Date: Sun, Mar 4, 2018 at 3:23 PM
Subject: Listening Session 2/26
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>, Nicholas Mavadonas <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Jay Norris <jay.norris@munjoyhill.org>

- > Good afternoon, just wanted to touch base regarding the 1st Listening Session. It was a successful turnout due to everyone pitching in and getting the word out! I hope the next one is as well attended.
- > Thank you for hosting and I look forward to the next one.
- > The exercise was a great interactive tool, however I am not sure it hit the mark and was a TRUE reflection of the neighborhood's opinion. Many in the room were NOT residents. If you plan on using that technique at the next session to gather feedback I would strongly suggest that as an intro you ask the residents to identify themselves and use that opportunity to hand out the clickers first. That way the feedback would be a TRUE representation of Munjoy Hill.
- > If you want a TRUE representation,
- > which I think was the goal, residents should be given first consideration. Wouldn't you agree?
- > I did not get a chance to speak (but was prepared) due to a few long dissertations presented by non residents at the very beginning of the public comments. Perhaps a two minute rule would be in order and appropriate. That would give more folks a chance to share their thoughts.
- > I hope to speak at the next session but feel that I missed a golden opportunity.
- > As all of you know many residents are alarmed and disturbed, to say the least by the number of demolitions that have transpired recently, and the type of buildings that have or potentially will replace them. So FIRST and foremost and eminently important but ignored in the IPOD is the need for:
 - > 1) DEMOLITION guidelines/standards to be implemented. This is imperative! The guidelines could mirror those already in place in the HP Ordinance. They are already in place and proven to work. Why reinvent the wheel?
 - > Also a need for:
 - > 2) DIMENSIONAL guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.
 - > 3) DESIGN & BUILDING standards and guidelines that eliminate the alternate design option and insure that the R-6 infill standards apply to lots over 10,000 SF. Standards that address quality construction. Let's build them to last. Consider offering incentives for energy conserving and environmentally sensitive "green buildings"
 - > Lastly but not least, whatever decisions that are made at the Council level which affect Munjoy Hill should be driven by the wishes of the RESIDENTS!
 - > See you on 3/24 🙄
 - > Sincerely,
 - > Paula (for Portland) Guillemette Agopian 🙌
 - >

>
> Sent from my iPhone

Fwd: preliminary review

1 message

Mon, Mar 19, 2018 at 8:28 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

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From: Lauren Reiter <laurenjreiter@yahoo.com>
Date: Fri, Mar 16, 2018 at 3:57 PM
Subject: Re: preliminary review
To: Christine Grimando <cdg@portlandmaine.gov>
Cc: Mark Burns <mark.burns@onsemi.com>, Alison Leavitt <aleavitt@wssa.com>, Ann Machado <amachado@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, Shukria Wiar <shukriaw@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Thank you for replying, Christine. I am following this review process quite closely -- as are my clients, who bought their property on Sheridan Street early in 2017 with the intention of demolishing the very derelict house on the property and building a new house that would conform to the zoning stipulations in place at that time. The current/temporary code in place for the IPOD is so limiting in terms of design, that they are very concerned that they will be forced into a building which would not reflect their intentions when they bought the property.

To share some of my opinions on what is now being considered for Munjoy Hill, I'd note the following:

The east end of Portland has its own special character, unique from other parts of downtown and the west end of Portland. Houses were built on much smaller lots in the East End, with a much more "cheek by jowl" approach to both construction and to building form. This is the true nature of Munjoy Hill: diversity.

All of us who have worked in this part of Portland have found buildings which were built using random and often under-sized framing systems and waste materials- to the point where one wonders how these buildings are still standing. These buildings are often beyond repair, and importantly often cannot be brought up to current energy or safety codes— never mind being high performance. Some buildings are truly not worth saving.

If Portland wants to revise its code, then surely a false historicism (e.g. steeply pitched roofs or pseudo-historic building entrances !!) should be of less concern than high performance matrices such as energy performance and storm water management. Let Munjoy Hill be a leader in the use of vegetated roofs- not mansart roofs !!

Furthermore, cars are an integral part of this urban landscape - for better or for worse— and to insist that cars be tucked behind buildings is not only inconsistent with existing patterns, but will only serve to increase the amount of paved area and decrease areas that could be used for yards and vegetation. This would be a disaster for stormwater management.

.....and one more thing... FLA T roofs have been a mainstay of the Portland architectural vocabulary FOREVER.

thank you for considering the above-noted opinions,
Lauren

Reiter Architecture & Design Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

On Thursday, March 15, 2018, 10:40:25 AM EDT, Christine Grimando <cdg@portlandmaine.gov> wrote:

Hi Lauren,

Applying now only makes sense if you plan on meeting the IPOD (interim) standards, as we would have to review an application submitted between now and June 4th under them. Since we don't know what the final standards will be, we can't review it against future regulations, either. We're aware the IPOD has added uncertainty for some projects, and we'll make every effort to review the project - and any other projects that have waited out this interim period - as quickly as we can.

I don't yet know which of the interim standards will be made permanent, but feel free to check-in between now and June. The City Council implements all zoning and land use code changes, but Planning staff will be making recommendations in the coming months.

Hope that helps.

Best,

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608
Portland's Plan 2030

On Thu, Mar 15, 2018 at 8:34 AM, Ann Machado <amachado@portlandmaine.gov> wrote:

Lauren -

Once again, sorry for my delay in responding. When the interim overlay zone expires in June, a revised R-6 zone will go into effect. I don't think that it will have the same requirements as the old R-6 zone. I would imagine that it would be similar to the interim requirements but I don't know. Christine Grimando in the Planning Division is overseeing the rewrite. I would reach out to her. Her email is cdg@portlandmaine.gov.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

On Wed, Feb 21, 2018 at 5:01 PM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

thanks Ann. My most pressing question at this point is: if a project is submitted that does not conform to the interim Munjoy Hill zoning regulations, will it automatically be thrown out? My concern is that waiting until June when the

permanent zoning
regs are to be enacted may mean that the project would not even get reviewed until late summer or fall at best. So I am wondering if, just to get a "place in line" if I should go ahead and submit our project which does not conform to the new temporary regs, but rather the previous regs, to get the process rolling.
I'm sure that you, at this point, would not dream of suggesting which of the new regs may actually become permanent (would you??). It's a nightmare for clients and architects: what to do, what to design.
thanks, Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

On Wednesday, February 21, 2018, 4:17:51 PM EST, Ann Machado <amachado@portlandmaine.gov> wrote:

Lauren -

I'm sorry that I didn't get back to you sooner. We are experiencing such a high demand for our services by the public that it can take awhile to get back to people. Because of the high demand our supervisor has told us to try to answer any questions by email or telephone. If the questions can't be resolved then the last resort is to schedule a face to face meeting. Unfortunately I cannot do a preliminary review of your project. You can email me specific questions about the interim ordinance which I will answer. To get your project reviewed you will need to submit the New one and two family building permit / Level I Minor Residential Site Plan application.

Thanks.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

On Fri, Feb 9, 2018 at 8:33 AM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

Ann, would you be willing to have a brief meeting with me to do a preliminary review of my project at 110 Sheridan St.? I just read the new Munjoy Hill section of R6 and have some specific questions, re the project that I am developing.

I'm hoping you might be available to meet either Tuesday or Wednesday Feb 20-21st.
thanks, Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

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government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting March 22

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Mar 19, 2018 at 8:29 AM

For the Munjoy Hill file

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Hilary Bassett <hbassett@portlandlandmarks.org>
Date: Fri, Mar 16, 2018 at 6:22 PM
Subject: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting March 22
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Deb Andrews <DGA@portlandmaine.gov>

Hi Jeff – We've attached comments for your consideration regarding the potential for historic districts and other elements related to the discussions of planning tools for Munjoy Hill. With the postponement of this week's meeting, we thought it would be best to get this information to you well in advance of the community listening session on Saturday, March 24th.

We also have confirmed with the Munjoy Hill Neighborhood Organization the new date of Thursday, March 22 from 6:30 – 8:30 pm at the East End School for the rescheduled program about the neighborhood history and the potential for historic districts on the Hill. Thanks so much for planning to attend this meeting, and have a good weekend!

Hilary

Hilary Bassett

Executive Director

Greater Portland Landmarks

207 774-5561 ext 101

hbassett@portlandlandmarks.org

www.portlandlandmarks.org

Dear Jeff,

Greater Portland Landmarks appreciates the time and effort you and the Planning Department staff are spending in addressing the R6 zoning challenges within the Munjoy Hill neighborhood. In anticipation that your recommendations to the Planning Board will address dimensional standards, design standards, and substantive review of demolition requests we offer the following comments:

- Landmarks supports Dimensional Standards that respond to the existing context, scale and character of residential properties. Dimensional Standards should reflect the patterns generally found on the Hill that have created the existing diversity of housing types that offer housing opportunities for diverse households.
- Landmarks believes that Portland's Historic Preservation ordinance is a proven tool that addresses contextually-appropriate new construction and the conservation of historic neighborhood character through demolition review and the review of alterations to existing buildings. Some scope of individual and/or historic district designation is a reasonable response to achieving the goals of conserving this diverse, pedestrian-friendly, historic neighborhood and managing necessary change.

Landmarks supports designation of two historic districts with boundaries focused on the Eastern Promenade and North Street as shown on the attached map. Each potential district contains resources that tell the story of the Munjoy Hill neighborhood's development over a broad period of time and retain significant levels of architectural integrity. In addition, we support a single multiple resource nomination for individual non-contiguous resources located outside the boundaries of these potential historic districts that would facilitate applications for individual designations by property owners.

- Landmarks believes that in the Munjoy Hill R6 zone, the existing design standards should be revised to be less prescriptive, with broadly overarching principles and no alternative design review. The revised design standards should be drafted and enforced in a manner to ensure that new construction on the Hill is compatible with the character and features that define the neighborhood and make the Hill a desirable place to live.
- Landmarks believes that in the Munjoy Hill R6 zone, a demolition review process with public notice, public comment and/or demolition delay would help to ensure that the demolition of a reusable building or resource with historic, architectural or community value does not occur.

We think these actions support the goals of Portland's Comprehensive Plan to identify, document, designate, and preserve Portland's historic resources and to stabilize and enhance historic areas by ensuring quality investment in existing structures and compatible infill development. Thank you for considering our views.

March 15, 2018

Fwd: R6 zoning issues

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Mar 19, 2018 at 8:31 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Bryce A vallone <bryce.avallone@gmail.com>
Date: Sun, Mar 18, 2018 at 3:45 PM
Subject: R6 zoning issues
To: jlevine@portlandmaine.gov

Hello,

I have owned the property at 33 Howard Street since 2001. It is a 4-unit rental property built in 1897. This building is approaching the end of its useful life. The apartments are very small, and have outdated floor plans with very small kitchens and no closet space. It has a hand-built foundation, which has settled causing some sloping floors. It no longer makes sense to invest money in upgrading this building. It is also flanked by two modern buildings, one built in 2009, and the other finishing construction this year.

In June of 2017, I employed Bild Architects, a local Portland design company, to help me design a new building for this site. We completed the block design, which used existing code to determine what could be built on the property, during the summer. We then continued with a design of the building, including elevations and floor plans. We are scheduled to have our preliminary meeting with the city during the first week of January 2018.

The moratorium on demolishing buildings, which was announced in December with no notice, caused the cancellation of my design meeting with the city. I am now in a situation where I have spent \$30,000 on design work in good faith based on the current building codes, and I cannot submit them to the city. I had a contractor lined up for the spring, and now I need to cancel my project until after the moratorium.

I understand concerns about losing older buildings. I own a building on Pleasant Avenue that has been designated historic. It has a history with a prominent Portland family, has architectural significance, and has many period details. My property on Howard Street has none of these; it is simply old.

Any changes you propose will have a direct impact on my current designs, which were ready for review. I believe that because this design project is essentially complete, and we began the process in the summer of 2017, that we should be allowed to proceed with acquiring building permits and move forward with a new building at this site. It will be a major

improvement over a small, outdated building with no historical value. It will also be more in line with the buildings that surround it.

Thank you,

Bryce Avallone

Gail Ringel

34 Lafayette Street
Portland, ME 04101
tel: 617 504-5422
email: ringelgail@gmail.com

March 6, 2018

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Levine,

I am writing in reference to the current moratorium on "tear-downs" in the Munjoy Hill neighborhood and efforts to create more constructive guidelines for future development in this area of Portland. Like many of my neighbors, I have been alarmed by the pace and appearance of new construction on Munjoy Hill since 2015. I applaud efforts to eliminate the use of "alternative design" standards in evaluating proposed new construction. I would also urge the City to adopt new design criteria and a review process that will keep construction design and massing more in keeping with existing homes on the Hill.

In addition to concerns about new or drastically altered buildings on Munjoy Hill, I would like to call your attention to a serious by-product of all the new construction – the destruction of many mature trees that have been an important part of the streetscape here for decades. In addition to creating a leafy, green backdrop for the life of Munjoy Hill, our trees provide several essential ecological services to this neighborhood and the entire city. Large trees in urban settings can effectively lower extreme summer temperatures by as much as 10 degrees. They soak up rainwater as it runs off of buildings, sidewalks and streets, preventing harmful chemicals from washing into our sewer system and eventually Casco Bay. Trees also improve urban air quality, soaking up CO2 and releasing oxygen – a single mature tree can release enough oxygen in one year to support two people. For every 10% increase in the tree canopy, ozone is reduced by 3 – 7%. Research has shown a 60% reduction in particulates from car exhaust fumes on streets lined with trees. In a 2015 report, the U.S. Forest Service noted that, "Small particles, ozone, and other pollutants worsen chronic respiratory diseases such as asthma, bronchitis, emphysema, and chronic pulmonary obstructive disease (COPD) and can bring on acute cardiac and pulmonary incidents, possibly leading to premature death. These problems affect about 1 in 7 Americans middle-aged or older according to a new study from the Centers for Disease Control and Prevention."

As developers receive permission to take down old buildings on Munjoy Hill, the City does not appear to have protected mature trees along the streets on City property. Even when developers replace trees removed during construction, they are planting small specimens with trunks about 4 inches in diameter in place of mature trees, sometimes 25 – 30 feet or taller, with trunk diameters of more than 12 inches and considerable canopies that provide the full range of ecological benefits. According to the City's own records, more than a dozen mature trees have been removed on Munjoy Hill in just the last couple of years and many more are threatened by pending construction. While developers are removing trees to create unimpeded access to building sites, the city is losing air quality, water quality, and the ability to moderate extreme summer

Gail Ringel

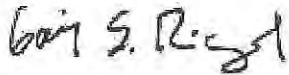
34 Lafayette Street
Portland, ME 04101
tel: 617 504-5422
email: ringelgail@gmail.com

temperatures. Pretending that these trees are at the end of their natural life span is disingenuous and not accurate; the Norway maples, oaks, and other shade trees typically have life spans of 150 - 250 years. Many of these trees are only about 50 years old. It is frustrating to watch the City stand by while a few ambitious developers enrich themselves at the cost of all of us.

Current mandated requirements for replacing trees amount to a small slap on the wrist to developers, a minor "cost of doing business". Our tree canopy is being destroyed, and it will be decades before any new plantings can make a meaningful contribution to the air quality and water quality of the City. I would urge you to review the extent of the damage already done and to strongly consider a complete and permanent moratorium on the killing of mature trees adjacent to construction projects on Munjoy Hill, regardless of new construction guidelines. Developers can work around existing trees – it just takes a bit of time and care to accomplish this. The City has a responsibility to all its citizens to protect the mature tree canopy and the biological environment, essential to our collective quality of life.

Thank you for considering this issue as you shape future zoning requirements for our City.

Sincerely,

A handwritten signature in black ink that reads "Gail S. Ringel". The signature is written in a cursive, slightly slanted style.

Gail Ringel

Fwd: R6 input

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Mar 7, 2018 at 1:22 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Markos Miller <markossmiller@hotmail.com>
Date: Wed, Mar 7, 2018 at 9:02 AM
Subject: R6 input
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Jeff, Belinda, and supporting staff,

Thanks for hosting the Munjoy Hill R6 listening session last week. I appreciate all the work you all are doing for the City.

I'd be curious about what conclusions you are able to reach from the visual survey. I think these can be helpful tools.

I'm opting to submit my input via email as I did not think the forum was a satisfactory way to share my ideas.

My Big Issue:

I must push back on Jeff's assertion that this is not an issue about affordability. I completely disagree. Planning can and must address affordability. Mixed income communities are clearly a goal of this City (Comp Plan), and the free market is not providing this. There are many carrots and sticks the City can be using. And should be using. Otherwise, what's the point?

1. The 45' height bonus must be connected to providing 1 unit of affordable/workforce housing. Let the penthouse view subsidize a similarly sized unit- and prioritize families for these units.
2. Raise the IZ in lieu fee. If everyone is paying it then it is too cheap.
3. Prioritize housing fund for use in neighborhoods where \$ is being generated.

Design

1. No more automobile entrances fronting the streets. These are creating dead streetscapes. The proposed 10' of "active space" is not enough- a dead hallway

while everyone zips up in the elevator from the garage. We need residences facing the streets.

2. That and limiting the 45' height are my big issues. I don't like some of the new buildings aesthetically, some of them I don't like because no one lives there- or Never see them. Weekenders, second homes, Air BnB... But other contemporary buildings are alright.
3. Historic District- I love the Hill and the texture of the neighborhood, but don't want to it to become some precious thing that we've trapped under glass. I see some defining architecture that maybe we should preserve, but I don't think this is a majority of the Hill. Any district should be very limited. Maybe designation of individual properties is a way to go. I don't see how an Historic district or conservation district would address my primary concern of preserving and strengthening a mixed-income income neighborhood. It probably does the opposite.
4. setbacks- necessary, but I'd like to see some flexibility and consideration of context of site.
5. tear downs- Portland could have a demolition fee. Demolition should not be away to avoid paying condo conversion fee.

Function

1. Housing for residence. We know we are gaining more units than residents. Fees for owners who are not using address as a primary residence.
2. Air BnB. I went on Craigslist to see how many long term rental 1 bedroom apts were listed for the Hill. Zero. I went on Air BnB and searched 1 bedroom's on Munjoy Hill. 150.

Process

1. Alternative Design Review- You mean if I don't want to meet all the standards I can take an alternative review track and show how I meet the standards I want to? ADR must be scrapped. Uniformity of process is important.

I fear the forum was just like most other debates- everyone defining their side, but a missed opportunity to find common ground and how to build upon that. I think the larger concern about "Character" is not just the massive boxes maxing out the R6 footprint, but rapidly (for Portland) changing demographics, and the transient nature of second homes/visitors/etc. So a design tool might get at the visual part of this, but not at the "people" stuff, and that's what I think is really valuable.

Finally, as a property owner I understand issues of property rights and nest eggs and such. But when someone gets up and complains that the value of the nest egg they have held onto for 10-20-30 years would be jeopardized by revisions to the R6 (I'm generally supportive of the current R6) they need to be called out. Those properties are going to be more valuable no matter what. The added value of the new R6 only came around 3 years ago, and no one bought on the Hill before that banking on R6 zoning changes that would further increase their value. So they might get their \$600k instead of \$750K. Zoning decisions should be about more than \$; they should be about communities. At least that's what our Comp Plan claims.

Bests,

Markos

17 Atlantic St
Portland, ME
04101
(207) 807-2681

Fwd: Munjoy Moratorium Listening Sessions

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 9, 2018 at 9:16 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Pamela Day <pday2304@gmail.com>
Date: Thu, Mar 8, 2018 at 7:04 PM
Subject: Munjoy Moratorium Listening Sessions
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "ccameron@portlandmaine.gov" <ccameron@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>

Thank you for hosting Listening Sessions on the Munjoy Hill Moratorium and R-6 code revision. It is so important that Munjoy residents have an opportunity to share our concerns and hopes for the revised code. Since we were not able to attend the first Listening Session, we would like to submit the following comments.

We ask that the Council and Staff enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should guide decision making regarding demolitions in the Munjoy Hill R-6 Overlay. Further, the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Create DIMENSION guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.

Create a Munjoy Hill R-6 Overlay and use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish DESIGN & BUILDING standards and guidelines that:

- eliminate the Alternate Design Review as an option and

- insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

Thank you for your attention to our comments. We look forward to participating in the next Listening Session.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

207-461-1461

Sent from [Mail](#) for Windows 10

Fwd: Munjoy Hill

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Mar 13, 2018 at 4:58 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Elizabeth Streeter <streeter.beth@gmail.com>

Date: Tue, Mar 13, 2018 at 3:59 PM

Subject: Munjoy Hill

To: jlevine@portlandmaine.gov, bre@portlandmaine.gov, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, kcook@portlandmaine.gov, Justin Costa <nmm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, jcosta@portlandmaine.com, Ethan Strimling <estrimling@portlandmaine.gov>, Munjoy Hill <info@munjoyhill.org>

I am a 12 year resident of Munjoy Hill and am very upset by what is happening here. I want very much for the City to consider this as a living neighborhood not a business deal to make. Of course people want to make money when they sell their houses, so they can afford to buy elsewhere. But to have so many people using this area as a commercial enterprise is causing it great harm. We are losing green space and trees, beautiful old houses, and, as the buildings go higher and higher, the sky and light. We are losing a neighborhood, as condos with part timers take so much of our community. I overheard one such person saying that they have another home in a lower tax state where they can live for 6 plus months, in order to avoid the taxes here - just use us!

I live in an area where there is some very attractive new construction, some OK but out of scale and character construction, and some good remodeling. And there have been some tear downs of good or reclaimable houses that have been replaced with very ugly buildings that have poor design and completely cover the lot and take down trees to do so. I certainly don't object to well designed modern construction, but these out of scale buildings are not for a friendly neighborhood. No welcoming front doors or landscape or gardens! Soon will there be any "hidden gardens" for our loved and anticipated tour?

Some building sites make terrible neighbors! How long should it take to build? Do we have to have demolition sites in our neighborhood for months and months? They make our sidewalks unpassable and our parking spaces unusable. Are they not an attractive nuisance for kids?

And, of course, the new building is expensive. And as a result of that the "desirability" of the neighborhood is increasing and rents are skyrocketing! Many people can no longer afford to live here! Only the more affluent can move into what was a diverse, vibrant, interesting neighborhood. Speak to the people running the shops, the working people, who have to move or can't find housing here. What kind of a neighborhood do we want?

I want to ask for some standards. Standards on what can be demolished and how, standards on how big and wide and high the new construction can be, standards for design, and standards for the quality of the construction.

Thank you for your consideration.

I admire the City Council and all the hard work you do. I am continually amazed, when I go to meetings, at the breadth and depth of your investigations. I greatly appreciate your service.

Sincerely
Elizabeth Streeter

Concerns about Munjoy Hill development

From Tom Bloom
95 Walnut St
Portland ME

March 12, 2018

Greetings.

I am a resident of Munjoy Hill, bought my house at 95 Walnut St in the summer of 2013.

In the little over 4 years since then I have watched as a great change has come over the Hill. I am writing to express my fears of what this wave of change will easily bring.

The unique character of Munjoy Hill was what prompted me to look for three full years before finally finding my dream house when it became available. This character grew from the Hill's history of newcomers to Portland, mostly tradespeople, who built frame houses with recognizable similarity, peaked roofs, dormer windows, welcoming entrances set back from the sidewalks, small lots with simple yards; all derivative of colonial style, but still with infinite variety. From a distance the Hill had a distinct rhythm and comfortable feeling of popular neighborhood, all parts communicating with each other in a pleasant way.

In these past 4 years I have been shocked by the change in that character, as developers have rapidly exploited the remaining space, as well as the lax nature of restrictions and guidelines governing their projects. Overpriced luxury condos have squeezed into even the most improbable lots, driving up local costs, dominating visual space with garish colors, materials and scale, and rapidly destroying the very charm which attracted the development. A glaring example: From Back Cove, a look at the hill used to reveal its charm of randomly repeating variations on the original local style. Now there is a vivid horizontal gash on the western side, where the monstrosity of Munjoy Heights on West Sheridan street grins at the world with unrelieved horizontal lines, offensive orange colors, and not even a nod to landscaping, having obliterated the only native wooded space left on the hill. Prisons in Romania have more charm.

My own experience in the face of this development deserves mention: At a meeting with the city on the proposed development on Washington Ave, (the old Casale lot), I was told that my objection to the loss of my precious view of Back Cove was "romantic", a view which was largely instrumental in my buying my house. Yet the promotion for the Munjoy Heights hill prominently advertised "The View". For whom is the aesthetic quality of a space "Romantic" and for whom "Profitable"?

The supremely ugly high-rises which stain the eastern Promenade and upper Walnut Street are older vivid examples of what unrestricted development has destroyed in the past.

I am writing to implore all authorities who have a vote in this expansion please to preserve what's left of the timeless historic character of the hill. To this end I encourage the establishing of Historic Preservation District status for Munjoy Hill. This would retard the exploiting of remaining space, restrict the tearing down of properties for pure profit, and dull the flagrant speculation which is massively driving up property values (NOT always a good thing!) and reducing the supply of affordable housing. It would create a forum for all residents to have a say in how our neighborhood progresses.

Right now Profit is the principal driving force in the Hill's development, and will stay that way unless responsible citizens take a stand together to preserve what is truly valuable in our neighborhood. The Historic Preservation District for Munjoy Hill is an important step in the right direction.

Thank you for your consideration.

Tom Bloom
95 Walnut St
Portland ME 04101
tombloom1@mac.com

Fwd: Munjoy Hill development discussion - please read.

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Mar 14, 2018 at 1:05 PM

For Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: EJ Koch <ejkoch@gmail.com>
Date: Wed, Mar 14, 2018 at 1:04 PM
Subject: Munjoy Hill development discussion - please read.
To: bsr@portlandmaine.gov, jlevine@portlandmaine.gov, jduson@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, estrimling@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, pali@portlandmaine.gov

Hello Belinda and others -

Attached is my letter with input on the current conversation about development on the Hill.

I hope you will act decisively to address my concerns which are shared by most Hill residents I speak with. I have written the City about Hill development in the past, and am writing again because I believe the time to address the issue is long overdue.

Thank you.

Erna Koch

79/81 Vesper St.
Portland



letter re MH development. Erna Koch.doc
8484K

ERNA KOCH

81 Vesper St., Portland, Maine 04101

Phone: 617-818-0882

E-Mail: EJKoch@gmail.com

March 14, 2018

Portland City Council members
Planning Staff
Mayor
389 Congress St.
Portland, Maine 04101

RE: The Future of Munjoy Hill

I'm the 30-year owner of a Munjoy Hill triple decker, and I'm writing to share my thoughts and wishes regarding the demolition and/or "redevelopment" of buildings and new construction on Munjoy hill. The thoughtless development on the Hill breaks my heart. With each new ugly building, I feel my neighborhood slips away to be replaced by new bland expensive condo developments. Why have we allowed that?

I am strongly in favor of creating an historic district that encompasses the Hill. By this I do not mean that in the hill must look like it looked in the 1800s, or even in the 1950s. However, the design and mass of most buildings built on lots on which a developer has demolished an existing structure, or "added" to existing buildings are of a mass and design that obviously does not fit with the neighborhood. If designating the Hill as an historic district is what it would take to address this, then I am fully on board with that. There is no reason I can think of that our traditionally working-class neighborhoods should be excluded from the designation of "historic."

Additionally, I believe it imperative that standards be developed and applied to determining what is candidate for demolition or "teardown." Many older buildings that could have feasibly been saved and renovated have been sacrificed for higher density condo housing. Ironically, once "redeveloped," much of this housing is then priced at the high end of the market, and many are bought by people who do not call Portland home for more than 4 months of the year. The developers do not live here, nor do most have any real connection with this community. In some, the quality of the work done to get a development up quickly is shoddy and will deteriorate more quickly over time.

Let's call this trend "predatory redevelopment." The kind of redevelopment I'm addressing has been supported by the planning board, and maybe indirectly by city Council, through the use of variances and other techniques, while cynically calling it "adding to housing stock." I would support regulation that ends "predatory redevelopment." Developers are not thinking about the feasibility of renovation or restoration of a building when they can tear it down and build bigger and more "new" units on a site, upon which he can make a larger profit. It is not our neighbors who are driving the teardown/new development wave. And likely, those individuals will never be our neighbors. Developer practices endorsed by the Planning Board have already changed the face of the hill, and if we do not take strong action now, predatory

redevelopment will continue to overtake this part of the city that we (and the many visitors to Portland) love. I want to live in a community I can still recognize.

From City of Portland October 2017 Annual Housing Report:

Outcome:

Since the zones were amended, approximately 65 units of new housing have been permitted or built in the B-1 and B-1 zones, 25 units of new housing in the B-2 zone, and 120 units of new housing in the R-6 zone.

120 units of “new” housing (!) on the Hill may obscure the fact that the vast majority of this is housing that will never be rental or “workforce” housing. Much of it was built without any regard for compatibility with existing structures, and has been sold to people who are not full time residents of Maine. Many of these “new units” stand vacant most months of the year.

Is it feasible to redevelop buildings that developers prefer to tear down? [YES] One of my vocations is rehabilitator of housing. I buy condemned/distressed buildings that need significant renovation, and I restore them as good quality rental housing. My last project was a 1200 square-foot single-family house that needed total replacement of electric and heating/plumbing systems, as well as structural, and significant cosmetic repair. The cost of that 2017 renovation was about \$85,000. While the cost may be somewhat higher here, such an expense is certainly within the range of restoration feasibility. This suggests that most (and likely NO) buildings need be torn down on Munjoy Hill because they cannot be saved. A developer may not see sufficient profit for their purposes by doing thoughtful redevelopment, but many resident owners feel differently. Here are a couple examples of residents renovating buildings with consideration to maintaining consistency with the neighborhood:



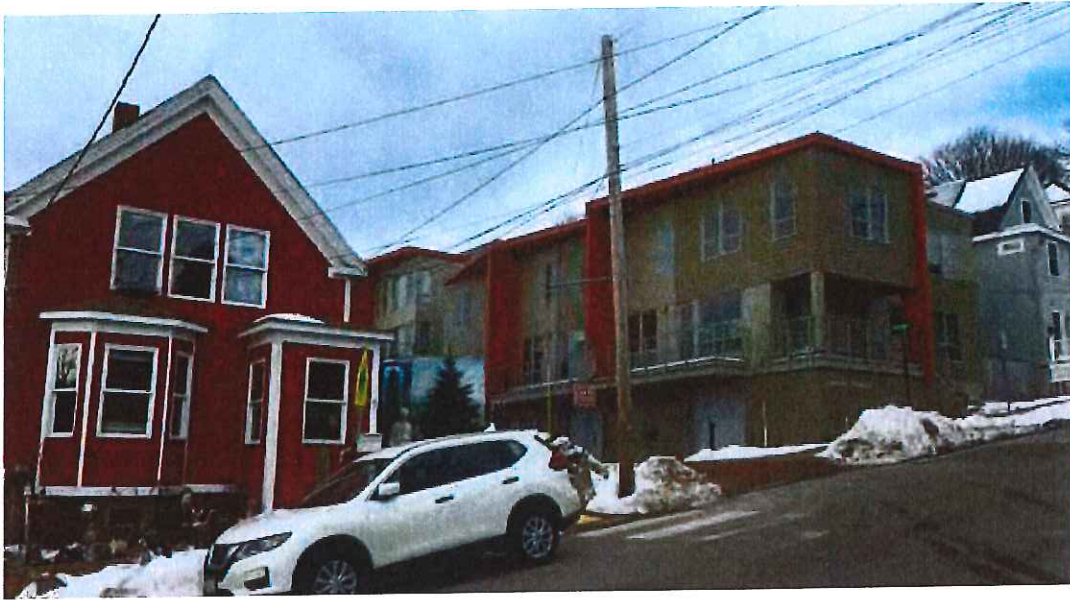
Below: “Gut” renovation of two family house underway by owner (next door to upper picture):



These two houses on North Street have been somewhat enlarged and back decks added, yet don't disrupt the look of the area.



Around the corner from these, on Walnut Street, is one of the earlier egregious examples of predatory development blight – An enormous condo development. Although not fully pictured, the outsize mass of it is visible from the highway and below. It entirely blocks its neighbors' light and view, and is nothing like anything in that neighborhood.





Another “early” example of massive for profit development, dwarfing the observatory on Congress St.



What is the standard for determining a building is a “teardown?” After the first listening meeting, I took a walk on Montreal Street, and through that neighborhood. I was looking for the two “tear downs” on Montreal St. a developer was talking about at the meeting. He was fearful that he would not be allowed to tear them down and build on those lots. I looked hard and could find no houses on that street that would meet my description of a teardown.

While walking to and from Montreal Street, I was shocked at the numbers of massive and uncomplimentary buildings that already exist and that are now under construction. I took pictures of a few.

This building has nothing in common with its neighbors, and has shut out the light that could have entered one of them.





This one, on a corner lot, towers over its neighbors.





And another in process. It too will dwarf its neighbors.:

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1,100 SQFT	1,750 SQFT	900 SQFT
	1 GARAGE PARKING SPOT	1 GARAGE PARKING SPOT
	MASTER BEDROOM SUITE	4TH FLOOR ROOF DECK
	3RD FLOOR ROOF DECK	WATER VIEWS
	WATER VIEWS	

CONTACT: • NICK ESTES • 207-671-7405 • nick@estescustombuilders.com

UNIT #1 UNIT #2 UNIT #3



The following are in my neighborhood.

A formerly normal sized house that has been turned into a behemoth:



Across the street from it – condos still for sale. While this is not as huge as most, unlike the first part of the Adams School redevelopment, there apparently was no requirement that this building fit with its neighbors.

Boxes like this are cheaper to build.



Condominiums. Since I moved to my hill neighborhood, I've seen three waves of gentrification. The most recent has been conversion to condominiums of the majority of the three family buildings on my block – and probably the majority on the street. These condos have then been sold at a premium, most of them to people who don't live here, but occupy them 3 to 4 months of the year. When I go out on a winter evening, 50% or more of what were formerly fully occupied apartments are dark. Initially (in the late 70s, when I moved to my street), these buildings were occupied by large families, and later used for mostly owner-occupied rental housing.

If we are really serious about the "housing shortage," we should not be facilitating redevelopment for developer profit, but supporting residents and prospective residents to maintain the character of their buildings, and provide incentives to maintain and even expand the precious little rental housing we have left. If we had an inclusionary zoning ordinance with more juice, at least some of the necessary resources would be at our disposal.

Historic District composition. I want to echo the comments of other residents you've heard from, both at the listening session, and through other communication channels regarding specific actions to be taken to protect the character of our Hill neighborhoods. Despite the fact that Munjoy Hill was never a rich area – it provided “workforce housing” for many working class families working in the factories, city government, and industry in Portland, its character should be considered as important to preserve as that of the always-wealthy West End.

I think we should seriously consider a designated Munjoy Hill historic district board or association. I prefer that the definition of "qualified member" for the Board should mean that the Board or panel would include local construction professionals who are not condo developers, at least two historical experts, current Hill residents - and if we can recruit them, at least one individual who grew up on the hill. This group of people is largely unhappy with the trend here, but most have moved out and feel powerless to do anything to address it. That being said, in my experience these folks are realistic about change.

Standards The [Historic or Permitting] Board should set standards *based on feasibility of repair/renovation* for determination of a permissible “teardown,” and reasonable design standards that balance the desires of the homeowner with the character of the neighborhood. Mass, appearance, and scale should be critical - far more important than they are now. Consideration of light, greenspace, and the burden on neighbors should be included (ensure that 10,000 sf lots and not smaller are eligible). The assumption should be that predatory development is not welcome on the Hill. We’ve already taken our fair share.

Yours Truly,

/ Erna /

Erna Koch

PS:

Another, related topic:

These are awful, particularly the side yard setbacks, parking, and tiny lot size permitted.

Potential R-6 Amendments to Dimensional Requirements		
Residential Dimensional Requirements	Existing	Proposed
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

Neighborhood livability is enhanced when there remain lots or spaces that are NOT occupied by housing - and that actually contribute to greenspace. To allow building on lots of 2500 sf as now appears to be allowed is not my idea of smart or wise development. Similarly, not requiring parking on these, on MUNJOY HILL (!?!?) for the "first 3 units" seems foolish and counterproductive, given the lack of adequate street parking on the Hill.

Fwd: Response To Residents" For Responsible R-6 Reform

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Mar 14, 2018 at 9:05 AM

Munjoy Hill file

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Wayne Valzania <Wayne@redhookdesignalliance.com>
Date: Wed, Mar 14, 2018 at 8:50 AM
Subject: Response To Residents" For Responsible R-6 Reform
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov,
nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov,
estrimling@portlandmaine.gov, jlevine@portlandmaine.gov
Cc: Wayne Valzania <Wayne@redhookdesignalliance.com>, jay.norris@munjoyhill.org, Karen Snyder
<Karsny@yahoo.com>

Portland City Councilors

In response to the recently published article by Residents For Responsible R-6 Reform (<https://www.responsible6.com/our-view/>) suggesting that densely packed high-rise condominiums are the housing solution for our Munjoy Hill neighborhoods, and for that matter, the peninsula.

As in all opinions, rationalization comes easiest to those drinking the cool-aid. As I read through "their view" the description of the homes ripe for tear-down describe almost every charming New England house that I have ever lived in, worked on, or restored, including a couple of beautiful historically significant houses in Portsmouth's Strawberry Banke. As one travels through and lives in the New England housing stock, it takes only appreciation of things real and hand wrought to counter most of their argument. The rest is typically a matter of simple math and accepted science and procedure. There are many methods and products used for encapsulation of lead paint, and the cost for asbestos remediation is pennies on the dollar compared to the cost and upheaval resulting from mass relocation of a general population of residents who are content to live where they do, in the houses they own. While owning and living in a one-hundred-year-old house that isn't dead plumb and level may seem primitive and contrary to the public good for some, I question the right of anyone or any organization to deem it in my best interest that they all be destroyed and replaced. It's interesting to note that the "Residents" For Responsible R-6 Reform" are typically developers who wouldn't reside on The Hill on a bet.

I'll close on the issue of setbacks. In the city (NYC), the solution "Residents For Responsible R-6 Reform" seek to set-back restriction is referred to as a party-wall, on the other side of which sits your neighbor. There are no windows, sunlight, fresh air, or breezes blowing across the bay in party-walls. Your view, if any, is of someone's Lego block condo stack. You have lost the sense of sunrise and sunsets, a space for oxygen regenerating vegetation, and the ability to walk to your back yard without your shoulder being on someone else's property. While a three-foot setback isn't quite a party-

wall it is a close approximation. With space being nicked away with every iteration and variance of a deteriorating R-6, green space will continue to be lost in our neighborhood, resulting in a dense packed cityscape rather than green and vibrant neighborhood. Not acceptable !!!!!

As a Merrill Street Resident, I sincerely believe that if one were in fact seeking Responsible R-6 Reform that the goal would be to enhance and nourish the charm of Munjoy Hill rather than exploit and destroy it.

Thank you for considering my concerns,

Wayne

Wayne Valzania MS CPM

Red Hook Design LLC

[27 Merrill Street](#)

[Portland, ME 04101](#)

[207.274.4918](#)

[RedHookDesignAlliance.com](#)

Fwd: MUNJOY HILL

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Mar 20, 2018 at 12:31 PM

For the Munjoy Hill file

----- Forwarded message -----

From: Gail Kuhlthau <truenorth9@msn.com>

Date: Tue, Mar 20, 2018 at 12:05 PM

Subject: MUNJOY HILL

To: jlevine@portlandmaine.gov <jlevine@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, jduson@portlandmaine.gov <jduson@portlandmaine.gov>, pali@portlandmaine.gov <pali@portlandmaine.gov>, nmm@portlandmaine.gov <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov <bbatson@portlandmaine.gov>, sthibodeau@portlandmaine.gov <sthibodeau@portlandmaine.gov>, estrimling@portlandmaine.gov <estrimling@portlandmaine.gov>

Dear City Council Members:

I have been so disappointed in the building changes that are being allowed in my neighborhood, Munjoy Hill. Disappointed in the City for allowing these changes to happen and to the greedy developers who take advantage of a beautiful village to knock down perfectly fine homes to put up these hideous buildings, to accommodate the wealthy without even trying to fit in. Taking down beautiful old trees to squeeze more building area in and ruining the what makes Munjoy Hill the pleasant, enjoyable and attractive area it has been and why people live and visit here. Its not fair to the residents!! Or the people who come by and have commented negatively on the "new additions."

Please dont allow this to continue to change so as to take the soul from this unique part of Portland. Every section has their own (look) and ours is the old, the historic, the pretty little gardens weaving in and out, the beautiful old trees, the decorative homes, the sweeping views of the waterways and ferries, of our unique space. Please do not let that be destroyed by all these new huge square boxes being built. There has to be a compromise between progress and preserve.

Keep Munjoy Hill as the place we all know and love!!

The meetings between the City and the Residents were helpful. As you can see there are many people concerned, not to mention the people who are concerned that could not attend. Please "listen" to what the people want for their neighborhood. Its the right thing to do.

Thank you,
Gail L. Kuhlthau

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

Fwd: Leave the Pre-December 2017 R-6 criteria in place

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Mar 19, 2018 at 8:51 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Mark Burns <Mark.Burns@onsemi.com>

Date: Mon, Mar 19, 2018 at 8:02 PM

Subject: Leave the Pre-December 2017 R-6 criteria in place

To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>

Cc: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov"

<estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>,

"bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov"

<jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov"

<pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov"

<jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Lauren Reiter

<laurenreiter@yahoo.com>, Alison Leavitt <aleavitt@wssa.com>

Dear Belinda Ray,

Alison and I purchased 110 Sheridan Street in September of 2017. Our plan was to remove the existing derelict single family eye-sore and replace it with a modern, attractive, two family home that uses the latest building techniques to achieve a near zero energy consuming building. Our proposed roof lines are designed to both capture the sun's energy and convert to electricity as well as provide an open area for gardening given that the property is too small for much ground level gardening. The demolition moratorium and subsequent temporary building guidelines for the East End have derailed these plans and left us wondering how to recoup the inevitable losses we will take if forced to sell the property. Restrictive design guidelines will limit the property's marketability and force us to search outside of Portland to realize our goals.

We are long time residents of Portland and the surrounding towns with Alison having been born in Cape Elizabeth. We love the walk-ability and multi-cultural feel of our city. Our current West End home is solid and stately and too large for our needs now that the children have been launched. We briefly considered renovating it but quickly learned that its location in the historic district severely limits the re-design - better to pass the big beauty along to a younger family who will love its current form. Like many residents seeking a more progressive neighborhood, we looked to the East End where there are so many properties falling in on themselves, needing repair or replacement. The more modern houses like 59 Lafayette St & 71 Quebec St & 98 Sheridan St inspired our search. These newer designs add an eclectic and forward looking feel that is unavailable elsewhere in the city. During the property search, we saw alternative design features like flat roofs with gardens and plantings that make up for the limited acreage as well as an abundance of solar panels and passive solar awnings that support a more responsible approach to living in the 21st

century. These sighings shaped the design of the beautiful home now idling in the form of blueprints for 110 Sheridan Street.

The East End rejuvenation is not only forward-looking and more aligned with 21st century thinking, it has been ongoing for decades! There is no reference design to guide future buildings given the incredible variety of roof lines, windows, parking solutions, and exterior siding options that exist in homes throughout the neighborhoods of Munjoy Hill. Therefore, we implore the city officials to leave the R-6 criteria that existed prior to December 2017 in place. Those rules preserve green space and control size without impeding progress in areas of design.

Thank you!

Mark Burns and Alison Leavitt
125 Chadwick Street hopefully moving to 110 Sheridan Street in 2019

Fwd: Munjoy Hill zoning

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>

Wed, Mar 21, 2018 at 10:07 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Lauren Reiter <laurenreiter@yahoo.com>
Date: Wed, Mar 21, 2018 at 9:39 AM
Subject: Munjoy Hill zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, Jill Duson <jlduson@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>

Dear Mr. Levine,

I attended the Munjoy Hill R6 Zoning meeting at East End Community School last night, at which you and other City officials were present.

My take-away from last night was quite different than what I expected. I did not hear the consistent anti-modernism that I thought was one of the drivers of the anti-development movement (even though there were a few of those comments). My sense is that flat roofs and modern facades are not the arch enemy of those opposing the new developments. I also don't think that taking down old, crummy buildings was really the chief concern either - but rather the size of what often replaces them.

What I heard was that overpowering building MASS was the real issue. And I have to say that I agree in a number of cases. There are a few new buildings that, to me, DO overpower their immediate neighborhoods. It seems that the zoning needs to be more nuanced in its mandate: that there are many side streets where the existing typology (regardless of style) is SMALL, and that it is not unreasonable to limit development on these streets to one-to-three family unit buildings. The larger, wider streets are more suitable for larger buildings, and I believe that there are numerous areas that would qualify, particularly edges and main thoroughfares.

The other concern that I think has merit is that entire ground floors of new buildings might be used only for parking; while, in my opinion, the pedestrian fabric has not been destroyed by the number of garage entries already built, one always has to think about zoning as "what if everyone did it?". So I think that proposing a ratio of occupied building to garage door - say 50% - is a practical solution that solves all of the issues, including the importance of having off-street parking in a city where snow is so frequent.

I hope that the Planning Dept. is willing to take a more nuanced view of all of these issues -- particularly the issue of historic designation and scale -- because I think that the diversity of the neighborhood really does demand something other than a one-shoe-fits-all kind of mandate.

Thank you for your attention to these opinions.

Sincerely,
Lauren Reiter

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

Fwd: R-6 zoning on Munjoy Hill

1 message

Wed, Mar 21, 2018 at 1:43 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Peter Macomber <pbm@macomber.com>
Date: Wed, Mar 21, 2018 at 1:30 PM
Subject: R-6 zoning on Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, jcosta@portlandmaine.gov, estrimling@portlandmaine.gov, info@munjoyhill.org

Dear Jeff, Planning Board members & City Councilors:

I was originally optimistic about the zoning changes introduced in 2015 because so many lots on Munjoy Hill were non-conforming, making it difficult for residents to make improvements to their property, and also so that smaller infill projects could be contemplated. The changes appeared to be a step in the right direction towards keeping the Hill a dynamic, growing community

But like many residents, I have become dismayed at the direction that development on the Hill seems to be taking since the new zoning was approved. While some projects have utilized the changes in a sensitive and thoughtful manner, other developments have aggressively maximized and exploited lot coverage, setback and other zoning changes, exploitations that seem to be driven largely by a profit motive. I think we are seeing the proverbial "unintended consequences".

This is giving us structures that don't integrate very well into the existing neighborhoods. Structures that present to the street a cold and aloof personality, with just garage doors and anonymous facades. Structures that take up as much volume of space as they can, crowding up to the adjacent buildings and overpowering them.

Not only that, much of the new development is targeted towards a luxury demographic with pricing that excludes the workforce population; a demographic that tends towards seasonal occupancy leaving us with dark windows during the dark months. This doesn't jibe with the city's goals of affordable housing and of ensuring that development integrates well into existing neighborhoods.

Specifically, I think that many of the recommendations in the IPOD should be kept intact. Some may argue that they are too restrictive, but given the experience of the past 3 years, I'd venture that it's far better to be more restrictive than permissive. Let's try them out for a few years and see how well developers and residents cope with them. If all development stops or slows to a crawl – which I highly doubt – the city can relatively easily readjust to compensate.

For instance, the height specs in the IPOD are a good compromise between the desires of developers and residents. While a multi-unit building on a larger lot should be allowed to have the greater height of 45 feet in order to increase

density, a single or two-family residence height restriction of 35 feet will help to minimize the impacts of light and air on adjacent properties.

Also, it just makes sense to keep rooftop appurtenances within the same height allowances. While some may suggest that stepbacks will keep those items hidden from the street, surrounding neighbors in upper floors will be disadvantaged by appurtenances that will not only block their views, but also present an unattractive view of ugly mechanicals and stair towers.

I am ambivalent regarding the roof types in the IPOD. Perhaps that is a little too prescriptive and unnecessary. And regarding the juxtaposition of contemporary and existing architecture, I believe that even some ultra-modern design concepts and materials would work well on the Hill, adding to the variety and rhythm of the existing structures. That's part of what makes Munjoy Hill such an interesting place.

But a lot of what is going up now will likely be ridiculed in the future, as our children and grandchildren will ask, "What were they thinking back in those days? How could they allow those things to be built?"

I am also feeling a little ambivalent about how to proceed regarding teardowns. While it's true that some of the buildings on the Hill are in bad enough condition to make it financially unfeasible to upgrade them, I find it sad that some sturdy buildings that were still in great shape have been torn down, and there are more of them on the chopping block. I'm not sure how something like this can be managed from a planning perspective given the existing development pressures.

I think that the time is fast approaching that an historic district designation makes sense for Munjoy Hill, and I am in favor of such a designation. Not to lock down and "bell jar" the Hill, but to ensure that future development is done with a sensitivity towards the existing neighborhoods, to ensure compatibility and to prevent unwarranted demolition of properties that contribute to the historical fabric of our community. I think there is already a large amount of community support for such a district, and once people become comfortable with how urban planning processes work within an historic district, there will be even more support. I hope that Greater Portland Landmarks can take the lead here.

In closing, I'd like to express my appreciation for the good-faith efforts being made by all of the city staff, elected officials and the wide number of stakeholders in this process. I know it will be difficult to strike a good balance between diverse opinions and desires, and I look forward to seeing what recommendations the planning department puts forward.

Sincerely,
Peter Macomber
4 St. Lawrence Street

Portland needs to address affordable housing for moderate income people, but Munjoy Hill is not part of that solution. On March 20, people's opinions seemed to emphasize maintaining the feel of a medium-density neighborhood without adding maximum-size rectangular boxes that fill every foot of space with densely-packed condominiums. No one spoke in support of condominium construction.

One certainly should be supported in having their property rights, but there is serious resistance to anyone's right to pack in units for maximum profit.

R-6 zoning on Munjoy Hill

Peter Macomber <pbm@macomber.com>

Mar 21, 2018 1:30 PM

Posted in group: Planning Board

Dear Jeff, Planning Board members & City Councilors:

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Sincerely,
Peter Macomber
4 St. Lawrence Street

MEMORANDUM

TO: Jeff Levine, Director, Planning and Urban Development; Christine Grimando, Senior Planner, Planning and Urban Development; Councilor Belinda Ray; The Planning Board

FROM: Peter and Lisa Adams, 49 Merrill Street, Portland

RE: Munjoy Hill R6 Regulations

We offer our view on the revisions to the R-6 regulations from what is perhaps a unique perspective. Munjoy Hill is both our home and the location of our Mount Joy LLC family-owned business that develops rental properties.

EXECUTIVE SUMMARY

The R-6 zoning regulations should strike a balance between the valid concern about overly-large and contextually inappropriate buildings taking over treasured Munjoy Hill neighborhoods and the city's stated desire for increased density. Thrown into the mix are business considerations related to development and new and existing residents' needs to create and improve homes they want to live in. The 2015 regulations, and perhaps their sometimes inadequate enforcement, have leaned too far in favor of density at the expense of the unique character of Munjoy Hill neighborhoods. The IPOD in an effort to recalibrate the balance has, in some respects, gone too far in the other direction or has created unintended consequences. In an effort to right the balance this memo proposes the following, discussed in detail below:

1. Redefine "Neighborhood" to reflect the fact that the current 2-block radius is often too large. Acknowledge that Munjoy Hill is actually a collection of many distinctive "micro-hoods." Give the Planning Board the power to both increase and decrease the area by which new construction should be judged for contextuality, etc.
2. Stop the "domino effect" in which a new large building in a "micro-hood" of smaller residences justifies the construction of the next large building, which in turn is relied on to construct a third large building, and so on, progressively and permanently changing the nature of that small residence "micro-hood."
3. Protect against the combination of lots in an area of small residence resulting in a very large building in a small residence "micro-hood."
4. Consider whether the IPOD rule that only buildings of 3+ units be 45' high is actually encouraging large tall buildings which have a more negative impact than a smaller 45' building.

5. Examine whether the existing Design Principles & Standards have been adequately enforced and how enforcement might be strengthened, including the possibility of a Design Review Panel.
6. Amend the Statement of Purpose of the R-6 zoning to include the need to protect existing housing stock and the character of neighborhoods not only from professional and commercial buildings, but also from large residential developments.
7. Reflect on the process through which the IPOD was adopted with an eye to whether adequate public notice was given in light of the significant property rights involved, and consider allowing property owners who purchased under the 2015 regulations a limited window of time to proceed under the 2015 regulations, minus the Alternative Design Review and perhaps restricted to empty lots.
8. Within one block of a B-1 zone, where parking is particularly challenging for both business patrons and residents on Munjoy Hill, loosen the restrictions on setbacks and/or garage doors on the front facade that make it difficult to get cars off the street and onto narrow lots. This will help both the businesses and the residents.
9. Revisit the ongoing need for residents to be able to modify nonconforming residences and revise the regulations to allow for additions that do not extend beyond the footprint of the home plus any bay or cantilever or other design element that is in keeping with the design of the building.

BACKGROUND

Our experience with renovating and building in the East End/Munjoy Hill includes the following, totaling five buildings and 17 units:

- A minimal rehab of an 1889 triple decker at 40 Emerson St, now three apartments
- A minimal rehab of an 1875 two-family house at 51 Merrill, now two apartments
- A change in use of a mid-1800's three-story brick building at 98 Washington Avenue from law offices to three apartments and two commercial units
- A "to-the-studs" rescue and renovation of 15-17 Merrill Street, a handsome mansard built in the late 1800's which had declined to a barely habitable condition and is now six safe and attractive apartments
- A 2010 renovation (ultimately a tear-down as the house revealed its structural deficiencies) of a 1 ½ story house at 49 Merrill Street to build our home

Our plans for future projects, both of which were discussed with Planning staff in March of 2017, include:

- Building on a 25' wide vacant lot next to our 15-17 Merrill Street building.
- Improving our own 49 Merrill Street home with a roughly 6' x 8' extension of the second floor to create a master bathroom.

We look at the proposed R-6 changes from the perspectives of a developer, a homeowner in the R-6 and as Munjoy Hill residents wishing the best for our neighborhood and the city as a whole. We offer general comments on the zoning changes and provide two real-world examples showing the impact, and what we believe to be unintended consequences, of the current IPOD on our own projects.

PROBLEMS AND PROPOSED SOLUTIONS

Please note that our proposals are based on a familiarity with the R-6 zoning resulting from our renovation and construction work in the R-6 over the past five years. We believe our suggestions are sound and workable, but recognize that planning experts would certainly need to fine-tune them.

1. What is a Neighborhood?

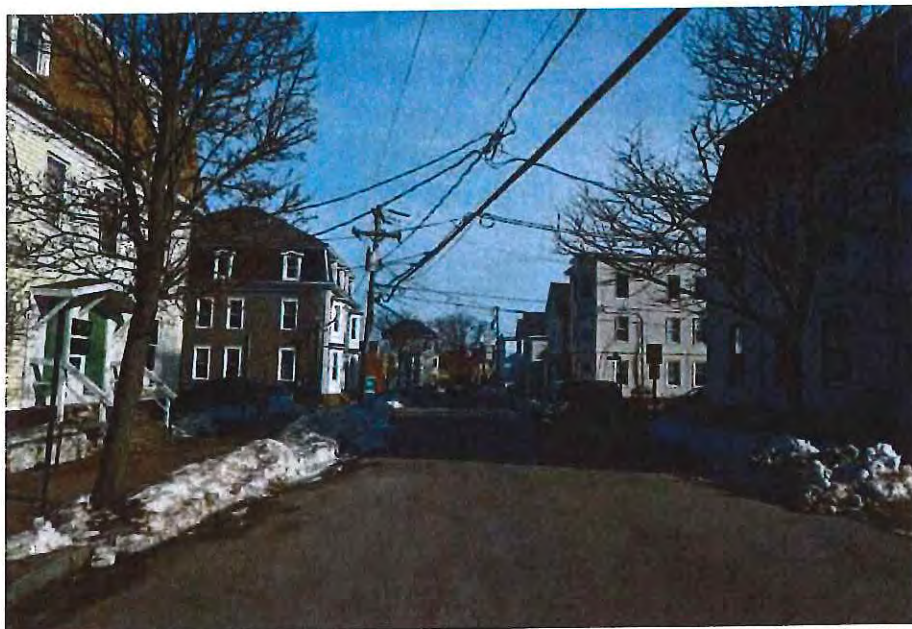
Within the first two sentences of the Design Principles and Standards, the all-important significance of the term "neighborhood" is made clear:

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to *add to and enhance the neighborhoods* in which their projects are built.

New residential construction within Portland's compact R-6 zones should *relate to the predominant character defining features of the neighborhood.*

According to the existing Design Standards, "unless otherwise indicated, the R-6 Design principles and Standards shall define 'Neighborhood' as the buildings within a two block radius of the site." As one man noted at the City's first Listening Session on February 26, Munjoy Hill actually includes dozens of much smaller pockets of design, which I call "micro-hoods."

Our own second block of one and two-family homes on Merrill Street, similar to the third block, is vastly different from the first block that contains many large apartment buildings. We own one of the large apartment buildings, and so with no negative implications, we call this area of Merrill and Cumberland "Apartment Building Land."



The first block of Merrill Street looking toward Congress, "Apartment Building Land"



Merrill Street and Cumberland Ave intersection, "Apartment Building Land"



The second block of Merrill Street



The second and third blocks of Merrill Street: small residential, New England character

If the apartment and condominium buildings in the Merrill/Cumberland blocks are part of the standard by which development is judged on the second and third blocks of Merrill because they are within a two block radius, we will (continue to) lose the much treasured character of small one and two-family homes in our “micro-hood.” If this happens across Munjoy Hill, many culturally and historically significant neighborhoods will be destroyed. It is also important to note that most of the houses pictured above are inhabited by long-term residents and renters. They provide exactly the kind of housing the City wishes to encourage.

It is also important to note that it is the smaller, human scaled, eclectic but cohesive, historic nature of the Munjoy Hill neighborhoods is what makes the East End such a desirable place to live. Both the residents and the City will lose a lot if we don’t protect what makes Munjoy Hill special. And recognizing that a “neighborhood”

cannot be defined by rigid application of a two-block radius is an extremely important first step.

The Design Standards specifically provide for extending the definition of neighborhood:

The Planning Authority may determine the neighborhood to be greater than a two-block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

There is nothing, however, about reducing the “neighborhood” below two blocks. Given that it is “Neighborhood” that drives the all-important context for a new building, we must allow for flexibility in the definition of neighborhood, recognizing that in fact, Munjoy Hill is made up of many different size neighborhoods, many of them “micro-hoods” that are well below a two-block radius.

Proposal: Revise the Design Standards to set the standard for Neighborhood at one block rather than two and give the Planning Authority the ability to both reduce and increase the scope of the Neighborhood. This should not apply only to Alternative Design Review, but for the whole of the Design Standards.

Alternative Proposal: create a map of “neighborhoods” in the Munjoy Hill R-6 based on the current buildings in place now. Those of us who live here know well the very different characters of Morning Street and Howard Street. Let us help you identify our “micro-hoods.”

2. How to prevent a big building “Domino Effect” into small building areas?

Again using Merrill Street as an example because it is what we know best, the very large buildings in Apartment Building Land close to Congress Street were used to support the development of a large 6-unit condominium building at 30 Merrill. This is one of the buildings that created the stir in the neighborhood in which the developer used every square inch available under the zoning rules to build a maximum size, minimum cost structure that dominates its next-door neighbor.



30 Merrill Street project (left)

The developer and the City relied on the large buildings towards Congress Street as justification for allowing the replacement of a two-family cape with the 6-unit 45' structure. 30 Merrill now creates one side of the "boundary" between the very large-scale buildings towards Congress on Merrill and Cumberland and the small residences along Merrill Street towards Melbourne Street. As shown in the photos and the tax records below, the buildings along Merrill towards Melbourne are modest, mostly traditional, single and two-family homes (There are also two three-family buildings and a two-story artists studio.)



Merrill Street looking towards Congress from Quebec, north side



Merrill Street from Quebec St to Melbourne St, north side

014 C014006	BANNER PROPERTIES LLC 126 UNDERWOOD RD FALMOUTH ME 04105	30 MERRILL ST CONDO 6	RESIDENTIAL CONDO	014 E008001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY
014 C012001	STONE GENE F BLIND 34 MERRILL ST PORTLAND ME 04101	34 MERRILL ST	SINGLE FAMILY	014 C006001	GRAVES ELIZABETH S 41 SANDY TERR PORTLAND ME 04102	50 MERRILL ST	SINGLE FAMILY
014 E015001	HUMPHREY BRENDA E 1150 BARCLAY TER WINSTON SALEM NC 27106	35 MERRILL ST	SINGLE FAMILY	014 E006001	MOUNT JOY LLC 49 MERRILL ST PORTLAND ME 04101	51 MERRILL ST	TWO FAMILY
014 E014001	SUMMERS ROBERT L 37 MERRILL ST PORTLAND ME 04101	37 MERRILL ST	TWO FAMILY	014 E005001	ACIN DONNA J & THOMAS R ANDERSON JTS 55 MERRILL ST PORTLAND ME 04101	55 MERRILL ST	SINGLE FAMILY
014 E013001	BONNIE JAMIE L 41 MERRILL ST PORTLAND ME 04101	41 MERRILL ST	SINGLE FAMILY	014 E001001	DODGE CHARLES W H JR 104 CLARK ST PORTLAND ME 04102	57 MERRILL ST	TWO FAMILY
014 C010001	DIBIASE JAMES JR & FRANCESCA P JTS 14 LARCHWOOD W SOUTH PORTLAND ME 04106	42 MERRILL ST	VACANT LAND	014 L021001	LATTANZI MARY KATHRYN TRUSTEE 1069 RIDGE RD BOWDOINHAM ME 04008	65 MERRILL ST	TWO FAMILY
014 E011001	BLOCK MARTIN & STEPHANIE BLOCK JTS 43 MERRILL ST PORTLAND ME 04101	43 MERRILL ST	SINGLE FAMILY	014 L020001	MERRILL STREET RESTORATION LLC 40 PORTLAND PIER # 11 PORTLAND ME 04101	67 MERRILL ST	SINGLE FAMILY
014 E010001	KNOWLTON BRITT 45 MERRILL ST PORTLAND ME 04101	45 MERRILL ST	SINGLE FAMILY	014 L019001	DIBIASE JAMES JR & FRANCESCA P JTS 14 APPLEWOOD CIR SOUTH PORTLAND ME 04106	69 MERRILL ST	THREE FAMILY
014 C008001	CLEMENTS TYLER M & LILY K KING JTS 48 CENTRAL ST YARMOUTH ME 04096	46 MERRILL ST	VACANT LAND	014 M002001	BASS PETER L 30 DANFORTH ST # 213 PORTLAND ME 04101	70 MERRILL ST	OFFICE & BUSINESS SERVICE
014 E009001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY	014 L018001	SAMPSON JONATHAN STUART 73 MERRILL ST PORTLAND ME 04101	73 MERRILL ST	THREE FAMILY

City of Portland Tax Assessor Records as of March 20, 2018 for residences from #30 Merrill to the end of the street, #73 Merrill, demonstrating the predominantly single and two-family dwellings context of the Street. As the photos suggest and the tax records confirm most of these homes are from the mid to late 1800s.

The Merrill Street neighborhood, which includes multiple empty lots and small buildings vulnerable to tear down, very much needs protection against a parade of big buildings “domino-ing” down the street. The Domino Effect, defined as a cumulative effect produced when one event initiates a succession of similar events, in this context means that the construction of #30 Merrill, which relied on the large apartment buildings near Congress to justify its size and design, will in the future likely be used to justify another large building further down the street among the small residences. And that new large building, as well as 30 Merrill, will be used to justify a third large building, and a fourth and so on. The out-of-scale, contextually inappropriate buildings will be like dominoes tumbling down the street, each one relying on the ones before it. Pretty soon, empty lots and torn-down one and two-family homes will be replaced with large buildings that inalterably change the character of our neighborhood. Merrill Street is just one example. Other “micro-hoods” are also at risk that the current structure of the Design Standards creates a loophole in which one mistake leads to another. How can this be prevented?

Proposal: Add language in the Design Standards that recognizes the Domino Effect and gives the Planning Staff (or design review board if one is instituted) the ability to apply more stringent standards in this situation.

One possible approach might be to calculate the average height of structures (perhaps mass, too?) within 100 feet on either side of the boundary between “micro-hoods”, and impose a height (and mass?) restriction on building in the smaller homes “micro-hood” that is the average of the two sides, with the exception that the height restriction can not be less than 35’.

A similar, or perhaps even more restrictive, calculation for mass seems important as well.

3. The problem of combining lots to allow larger structures

How can the Planning Department control the combination of small lots on which developers can build very large buildings? Not all combination of lots is bad, but the type of development allowed on them must be carefully examined. The combination of lots is fine where the resulting development is in keeping with the context of the Neighborhood. For example combining lots to put a large building in a “micro-hood” of other large buildings (like the “micro-hood” at the intersection of Cumberland and Merrill). However, by way of example, if the three small lots next to our house shown in the photo below (014-E010, 11 and 12), all with very small homes, were

purchased by a developer, a 6422' sq lot would result, which the formula of 750' sq of lot coverage per unit would allow a developer to build a 45' eight-unit building in place of this:



#41, ##43 and 45 Merrill Street

This would be the end of a charming “micro-hood” in our block of one and two family homes on Merrill between Turner and Quebec and continuing to Melbourne. We know that some developers would say these should all be torn down because they are substandard. They are wrong and we disagree. But if one or more of them were demolished and replaced with contextually appropriate buildings, so be it. But if all three came down, the lots combined and a large apartment or, more likely, condo building went up, that would be a terrible loss for our neighborhood and hopefully a concern to the those in the city who care about the Munjoy Hill neighborhoods.

In contrast, if in the area of the large multi-family buildings at the intersection of Cumberland and Merrill, one or more lots were combined in order to create a new, and possibly larger building in that micro-hood, such as adding #8 Merrill to the larger lot holding multiple apartment buildings, we would not feel concerned. We own a building and a lot in that “micro-hood” and recognize it as an area where large structures are within its context.

How can we address the significant risk of harm from the consolidating of lots in areas of small-scale housing and the construction of an out-of-scale building?

Proposal: Add language to the zoning regulations that recognizes specifically the potential for harm from the combination of lots in “micro-hoods” of smaller residences. Consider a limitation on the number of lots that can be combined or the total number of combined square feet that can be created in such “micro-hoods.”

Proposal: Revise the Design Standards to (1) recognize the potential for inappropriately large buildings in areas of smaller residences as a result of combining lots, and (2) provide additional Standards to address this situation and/or require higher level of meeting the Standards in this situation.

Proposal: Apply a building height restriction formula similar the one above related to the domino effect.

4. The problem of height

Is the City unintentionally encouraging larger buildings on a lot if the only way to get to 45' (which builders and homeowners will almost always want to achieve any available views) is by creating three or more units? Does this encourage developers to go bigger in order to create more space that will make three or more saleable condos? Would we not prefer a smaller building that goes to 45' than a larger one? In walking through the neighborhoods of Munjoy Hill it is almost always the buildings that are both massive and tall that feel the most out of place and harmful to both the streetscape and neighbors.



This four-story building (granted in the B-1 but still relevant) at 121 Congress if not 45' certainly approaches it. However, even though it is quite a bit taller than its neighbors, it does not overwhelm them nor is it imposing to pedestrians. I believe that is largely because at 27' wide it is narrow. It also has good fenestration, articulation, entry design, etc. Under current development practices of building every allowable square inch, had the 121 Congress lot been larger, the building would almost certainly have had a larger footprint and at 45' would have a very different and detrimental impact of the building on the streetscape and neighbors. In short, in certain "micro-hoods" less mass is better when the building is very tall.

Proposal: Revise the regulations and design standards in such a way as to recognize that in many micro-hoods smaller rather than larger footprint buildings are better suited to rise to 45'.

5. Has the Planning Department and Planning Board been vigorously applying the Design Standards? Does it have the capacity to do so or do we need a Design Review Board to put teeth into the Design Standards?

In reviewing the Design Standards, it appears that there are already some fairly tough standards that, vigorously applied, could have solved some of the problems in development on the Hill under the 2015 regulations. However, in our experience contesting the design of one of the recent projects on the Hill and looking at several others that have been built, it seems that the staff is perhaps not empowered to strictly enforce what is already in place. The Alternative Design is certainly too liberal, and that may be one of the biggest problems. And it may be that the pressure on the City from developers is just too much for a Planning Department staff overwhelmed with work. Perhaps a professional design review panel is the solution.

Also, the acknowledgment in the December 6, 2017 memo to the Planning Board from Caitlin Cameron and Christin Grimando that developers are making changes to approved plans without applying for amendments or consulting City staff and "in some cases changes are irreversible and sometimes contribute to the lack of contextuality or sensitivity originally intended by the design standards" is disturbing. Although Ms. Grimando and Cameron point out that the city has some leverage, it seems that there is in some cases an apparent inability to hold developers responsible. From the outside looking in, it is hard to imagine not clamping down hard in such instances. Again, put teeth into the requirements.

Proposal: Tighten up the Design Standards where appropriate. Eliminate or tighten up the Alternative Design process. Give the staff more muscle to push back on developers when their designs do not meet the Standards. Consider adding a professional design review panel to the process. Get tough when developers make post-plan approval changes that don't follow the zoning ordinances or the design standards or any other applicable codes.

6. Amending the R-6 Statement of Purpose to include controlling residential development.

At present the introduction to the R-06 states its purpose as:

14-135 (a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the

scale and external impacts of professional offices and other nonresidential uses.

The disturbing development of the past few years has been residential, not professional or nonresidential. And the character of neighborhoods we seek to protect is not just its "residential" character.

Proposal: The 14-135 (a) statement of purpose should be amended to recognize the potential for the harmful impact that large residential developments can have on the character of a neighborhood. For example, the statement might read "... and to conserve the existing housing stock and character of neighborhoods by controlling the scale and external impacts of professional offices, other nonresidential uses, and large residential buildings."

7. Adequate Notice and Appearance of Fair Dealing in enactment of the IPOD

A certain number of parcels were purchased in the R-6 between 2015 and 2017 in reliance on the then-current zoning regulations. We recognize that property rights typically are subject to zoning changes. In the present situation, two things feel uncomfortable, however. First, for most of those who purchased under the 2015 regulations the advent of the IPOD came very quickly (and over a particularly busy holiday time of the year), catching many (including us) by surprise. It feels like there was not the kind of notice that one would expect for such a significant change and the time period from start to adoption of the IPOD seems short. Further, there is a potential for an appearance of impropriety in the exception created that allowed individuals who submitted incomplete applications before the effective date of the IPOD to develop under the 2015-17 rules. The policy of the Planning Department has always been that a complete application had to be submitted in order to get "stamped in." Certainly, had we been aware that this rule had been waived, we, too, could have gotten a pro-forma application in for our projects. There is a perception that only those with significant ongoing contact with the Planning Department managed to get in the door just under the December 4 deadline. This raises a question of fairness and whether it is perceived or real it seems important to point out.

Proposal: Consider giving owners who purchased during the effective period of the 2015-2017 regulations and who had the intention to develop those spaces, the chance to do so under those regulations. Perhaps limiting this exception to non-tear-down situations would be advisable. Interestingly, it would be a chance, with a very finite number of projects, for the Planning Department to vigorously exercise its full authority to control design using the 2015 rules. The Alternative Design option could be taken off the table. This could be a good learning experience to see what could be accomplished with stricter enforcement of the existing rules minus the Alternative Design Review.

THE IMPACT OF THE R-6 IPOD REGULATIONS ON 2 PROJECTS

The goal of the Planning Department, Planning Board and City Council in revising the R-6 zoning is not to satisfy the needs of individuals, rather to do what is best for a neighborhood as a whole. However, looking at the real life impact on particular projects can provide important insights. We explore below two real examples in which the IPOD regulations would have significant detrimental (and we believe unintended) impact. We hope these examples will help guide the Planning Department, Planning Board and City Council in crafting new R-6 regulations that both protect Munjoy Hill from the contextually insensitive and overly large building that has happened in the past several years while allowing positive growth and improvements to occur.

EXAMPLE 1: Building on a narrow vacant lot next to 15-17 Merrill will become extremely challenging due to the decreased flexibility in set backs.

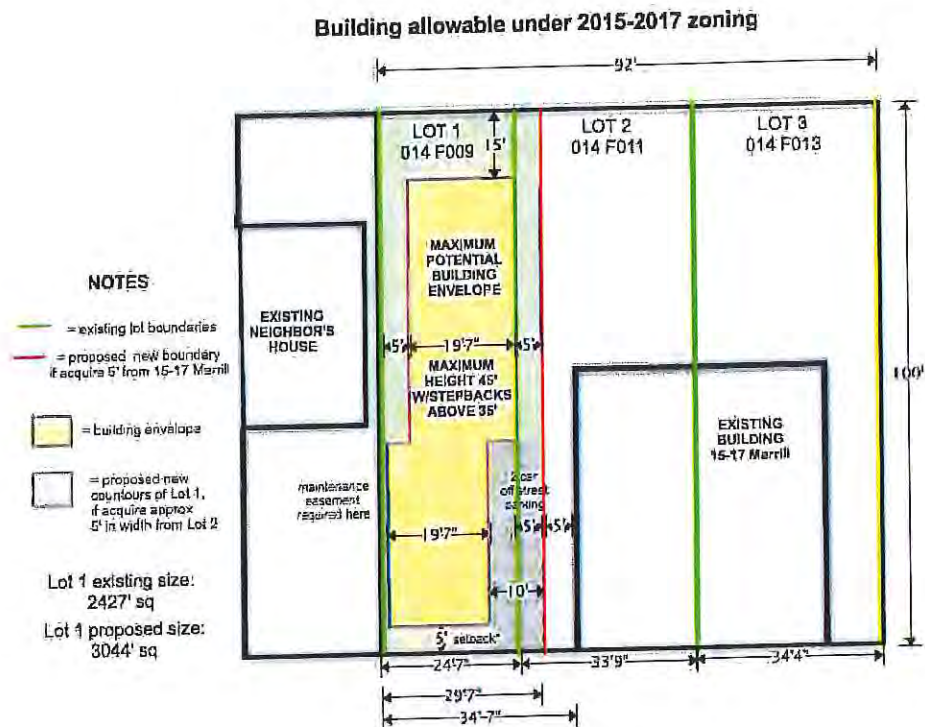
Our lot sits at the intersection of Cumberland Ave and Merrill Street in "Apartment Building Land." There are 10 or so large old and new apartment and condominium buildings within a few hundred foot radius of the lot. In addition, five new condominium projects under construction/renovation at 9 Merrill, 5 Merrill and 77 Congress are within 100' of the lot in question. It is among the densest concentration of large apartment buildings and condominiums on the Hill. If there is a "context" where a larger building is not only appropriate but called for on an empty lot, this is it.

The R-6 principles of infill provide:

14-135. The purpose of the R-6 residential zone is: . . . [i]n cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, *to encourage new housing development* consistent with the compact lot development pattern typically found on the peninsula. (emphasis added)

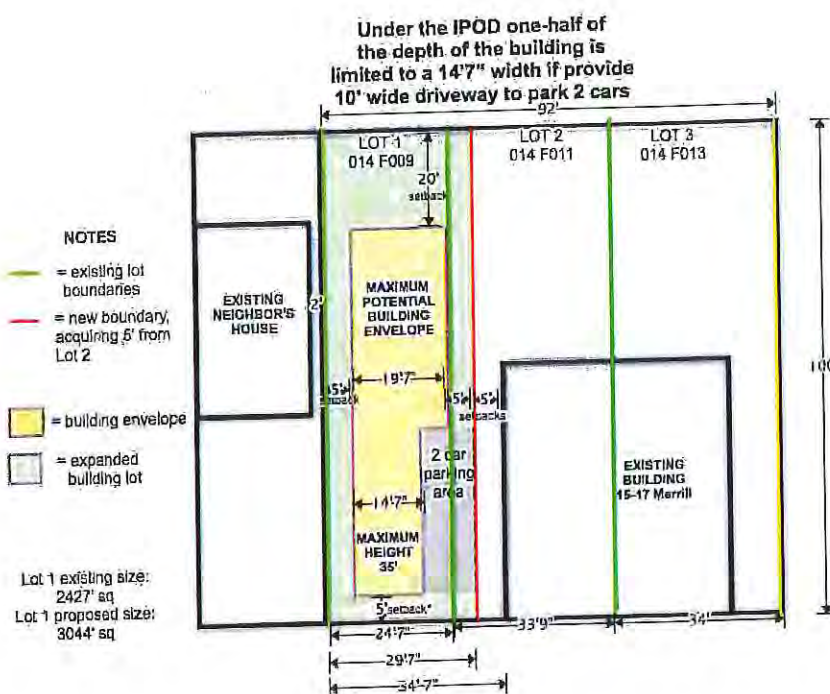
We understand the 14-135 statement of purpose to mean that the City encourages us to develop this narrow lot and we believe that Merrill Street will benefit from a consistent streetscape of housing rather than an empty lot with parked cars. However, at 30' wide* the IPOD makes it very difficult to build successfully. (*Our lot is currently slightly less than 25' wide, but with the hoped-for addition of 5' from the 15-17 Merrill lots will be roughly 30' wide.)

The following is a draft site plan using the hoped-for 30' width and complying with the 2015 – 2017 R-6 regulations.



Most pertinently, the 2015-2017 regulations allow the shifting of the building to one side to allow for a "tandem" two-car driveway (one car parked behind another). As explained below in the general commentary, it is very important to get cars off the street in this particular block due to the extra pressures on parking from the close-by Congress Street business. Please note that the shifting to the boundary is proposed in a way to allow easy access for life-safety and where it will have a lesser impact on the neighbor to the left.

The following is a draft site plan using the hoped-for 30' width and complying with what we believe we would be allowed under the IPOD.



Because the IPOD precludes sliding the building to the boundary of the property on one side), in order to provide parking for two cars and prevents providing parking inside the building due to restrictions on garage openings and % of living space at the front of the building we would have to cut into precious building space, leaving only a 14'7" wide buildable area for roughly one half of the depth of the building. This is not a workable width.

The Planning Board Report prepared by Christine Grimando on March 6, 2015 for the Board's March 10 public hearing (p. 9) specifically discussed "the need for flexibility if small lots were to accommodate both a building and a driveway," and states that "[e]xisting residential patterns in the R-6 show a preponderance of houses hugging one property line and a driveway along the other." To facilitate this configuration the 2015 rules allowed reducing a side yard to zero provided that the cumulative side yard setbacks are not less than 10 feet provided a maintenance easements was obtained when side setbacks are reduced. There is nothing about this need to accommodate both a building and driveway that has changed in the neighborhood, except that the need for parking has increased due the growing success of the businesses on Congress Street approximately 200' away. Particularly as one gets closer to Congress Street with its retail shops, restaurants and coffee shops the more difficult it is to find parking and the more important it is to have off street parking. Our lot sits in the first block of Merrill from Congress where cars parked by patrons of the Blue Spoon, Lolita and Rosemont and the half dozen other nearby businesses fill available parking spots. It is not only a challenge for residents, but is detrimental to the businesses if customers find it hard to park within a

reasonable distance of shops, restaurants and retail stores. The reduced street parking supports the idea of flexibility in side setbacks that will allow the continuation of the existing pattern of properties hugging property lines with driveways on the other side of the lot.

IPOD's expanded set back requirement is a response to the problem of overly large and insensitively designed buildings overpowering smaller traditional housing stock, which most everyone agrees is a problem. However, the IPOD's increased set backs makes development quite difficult when the context in fact asks for a larger building on a narrow lot. To eliminate the possibility for reduced setbacks when the surrounding properties can reasonably tolerate it and the narrow lot demands it is to throw the baby (intelligently designed narrow lot buildings) out with the bathwater (poorly designed and contextually inappropriate large structures permitted under the 2015 regulations).

Proposal: Make off-street parking achievable on lots of 30' or less in width in areas of the R-6 that are within a certain # of feet (or one block) of a B-1 zone by liberalizing the set-backs when needed for a driveway or by allowing a garage door on the façade of the building even if the required % of active living space is not met. Please note that the size of the lot is not the trigger, rather it is the width of the lot. A shallow wide lot is able to include a driveway. A narrow lot of any size cannot.

EXAMPLE 2: A roughly 6' x 8' addition to the second story of a single family home to accommodate a master bathroom may no longer be allowed due to the IPOD's inflexible side set backs.

We have drafted plans to add a master bathroom to our house at 49 Merrill Street by adding a second story area over an existing 1st floor pantry. The addition will be on the side of the house that sits on the boundary with the next-door neighbor at 51 Merrill Street, which we own and rent out. I was advised by Planning staff (pre-IPOD) that under the 2015-2017 regulations such an addition would be permissible so long as we obtained an easement. We set the project aside as we finished up the work on 15-17 Merrill. Now, our reading of the IPOD in conjunction with the 14-328 suggests that because our house is now nonconforming because it sits on the boundary (like every house on our block) such an expansion may not be permissible.

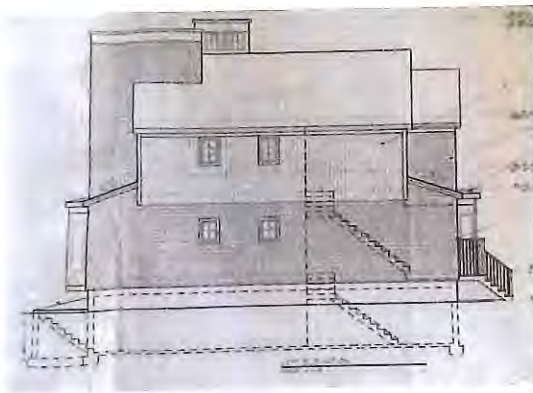
One of the purposes of the 2015 revisions was to provide residents of the R-6 with the opportunity to make improvements to their homes. The March 10, 2015 Planning Board Report (p. 8) explains the significance of the relaxation of some dimensional requirements for current residents:

The changes to lot coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing

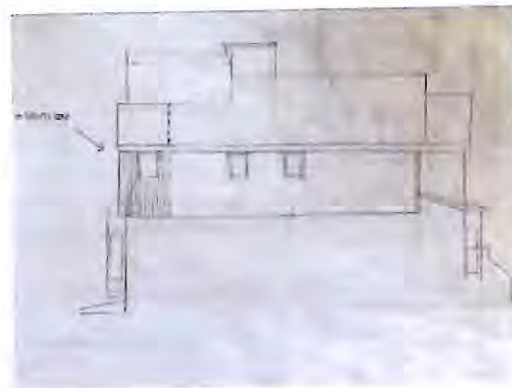
small additions, decks, or accessory structures to be built where they are currently now allowed, allowing greater flexibility for existing properties and also allowing for the possibility of existing neighborhood patterns to be replicated.

To help understand the scope of what we hope to do we offer the following representations of the side of the building, which sits at the boundary, where the expansion would occur:

CURRENT:



PROPOSED:



The side neighbor's house (which we own) is more than 20' away from the proposed expansion. The expansion would fill the space above what is now a shed roof over our laundry/pantry and possibly cantilever into our backyard no further than the existing 3' deep back bay window. The cantilever is in keeping design-wise with both the bay windows on the front and back facades of the 1st floor and a cantilevered area on the second floor on the opposite side of the house. Due to the IPOD's rejection of the 0' side setback (previously allowable if the diminished setback footage was made up on the other side of the building), we are concerned that our building has become non-conforming and any addition would arguably increase the non-conformity in violation of 14-382(d):

Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-382 Rev.2-4-13 14-602 nonconformity nor increase any existing nonconformity.

In this situation the IPOD, in an understandable effort to prevent large, out of scale buildings from towering over their smaller neighbors and depriving them from light and air, is preventing a small addition that would vastly improve our home and cause zero negative impact on the neighboring property. (As the owners of that

neighboring property we have absolutely no concern about diminishing that property's safety, livability or value.) This kind of improvement is to be encouraged, but we believe may no longer be possible for the "preponderance of houses [in the R-6] hugging one property line . . ." (March 10, 2015 Planning Board Report, p. 9) Surely there is a way to accomplish the dual goals of not letting a 45' building overpower a neighbor due (among other things) to inadequate setbacks and allowing a small addition to a single family home.

Proposal: For purposes of additions to homes that are nonconforming as to side setbacks, reinstate the 2015 flexibility in set backs that reflects the reality of so many homes on Munjoy Hill that sit on the property line.

Alternate Proposal: Provide that expansions of nonconforming buildings will be allowed not only within the shell of the existing building, but in the situation where the architectural design of the building is such that upper stories have non-required stepbacks then those upper stories may be expanded to the extent of the perimeter of the footprint of the building plus bays or cantilevers not exceeding 3' in depth if consistent with design elements found elsewhere in the building.

We apologize for the length of this document and appreciate your taking the time to wade through it. As we have learned in our real estate projects, however, the "devil is in the details!"

Thank you for spearheading a challenging community process to listen, learn and figure out the best path forward to protect, nurture and responsibly develop this precious area we call home.

Fwd: brief comment

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 23, 2018 at 8:25 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Grace Braley <gbraley55@gmail.com>
Date: Thu, Mar 22, 2018 at 9:57 PM
Subject: brief comment
To: jlevine@portlandmaine.gov

To: Jeff Levine --You have been doing marathon work. Someone should be writing a documentary of Portland's journey here.

I don't want to take more time, so this is brief. Please don't go back to the higher roof; that allowance is one of the ugliest things emerging around Munjoy.

I have taken my friend to task for just wanting to tear down (builders generally find it much more agreeable to build new than to renovate, where you never know what you'll find next as a problem to solve). The argument is deeper than his convenience. They come up with so many arguments to support their conviction that almost all older properties are too worn down to be saved, and they don't want the expense. The neighborhood is not for the developers; it is for the residents.

Please keep that in mind while you are revising policy recommendations.

Please put the residents of this city ahead of the developers. They will find work. Residents may not find other neighborhoods.

Thanks, Grace

Fwd: feedback about Munjoy Hill historical designations

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 23, 2018 at 8:25 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Judy George <jgeorgemaine@hotmail.com>
Date: Fri, Mar 23, 2018 at 7:42 AM
Subject: feedback about Munjoy Hill historical designations
To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff. I saw you from a distance last night at the meeting at East End school. I can't attend Saturday's workshop but wanted to express my feelings and concerns for " the powers that be " .

I lived in a historic section of Memphis for many years, prior to moving to Maine. I honestly would never buy again in that designated type of zone. It is costly and cumbersome. I am sure I am in the minority from the comments last night, but I also share another concern.

David and I have had two buyers walk away from the sale of our lot on Romasco. One said he was afraid the city would prevent garage doors facing the street and the other person said " things are just to much in upheaval " right now with Portland and it's leadership. I also took 3 phone calls from investors from out of state, and ultimately they said " no thanks " when they followed us in the newspaper online.

I realize there will have to be some compromise, where no one person gets " everything ". But the sooner you can adopt policy, the better, I believe. And please do not eliminate garages facing the street in the new builds. I for one know street parking will devalue any condo or home.

So my vote is a solid no, I do not want a historical designation/overlay at all.

Sincerely,

Judy George



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Neighborhood

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Mar 22, 2018 at 4:55 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Nancy Brain <nancybrain@gwi.net>
Date: Thu, Mar 22, 2018 at 4:49 PM
Subject: Munjoy Hill Neighborhood
To: jlevine@portlandmaine.gov

Dear Mr. Levine,

I am writing in strong support of establishing a historic district to protect the unique character of the Munjoy Hill neighborhood when the current building moratorium ends. I hope that such a district includes, but not necessarily be limited to, North Street, the Eastern Prom, Morning Street and St. Lawrence Street.

I am a resident of the East End and truly love how it's historic character informs and contributes to the vibrant neighborhood that it is today. I am most disturbed by the speed with which many of these buildings are being destroyed and replaced by buildings whose design failed to take into consideration their impact on the overall area. If we are not careful, I believe that we will soon have destroyed much of what makes this neighborhood special.

Sincerely,

Nancy Brain

Fwd: R-6 Post-Moratorium

1 message

Fri, Mar 23, 2018 at 10:11 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Fri, Mar 23, 2018 at 9:50 AM
Subject: R-6 Post-Moratorium
To: Deb Andrews <DGA@portlandmaine.gov>, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, Justin Costa <jcosta@portlandmaine.gov>, kcook@portlandmaine.gov, pali@portlandmaine.gov, Nicholas Mavadones <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>

Hello Mayor, Councilors and City Staff,

I am going to be out of town on Saturday, thus unable to attend the scheduled listening session. After attending various meetings, including the MHNO/Landmarks meeting last night, I would like to share these observations:

There is a significant problem on Munjoy Hill now because of the mismatch between the scale of the existing housing stock and what could theoretically be built if it were torn down and rebuilt to the maximums permitted by zoning. While not all of the problems can be traced directly to the 2015 zoning amendments, they certainly contributed to the speculation which seems to have taken hold of the Hill.

The split of opinions on this matter seems to come down to a difference in values between those who see the Hill as the next profit center and want to maximize their own profits VERSUS those of us who value Munjoy Hill as a vibrant community. The latter group spoke eloquently last night about the value of designing for eyes on the street, knowing their neighbors, bonding while walking the neighborhood, wanting to maintain socio-economic diversity, and treasuring the pedestrian scale of existing structures. I do not believe this represents misdirected nostalgia; to the contrary, it describes a sense of community that really exists to this day on the Hill, and was sufficient to motivate 150 people to turn out for a meeting about this issue on a work night.

The former group, who want to maximize profit, may be vocal and well-funded, but I hope that Portland's policy makers will not be swayed by their protestations. Their desire to maximize profit has created the current backlash by completely disregarding the neighborhood context, turning a blind eye to the street, substituting an automatic garage door clicker for a front stoop, designing to discourage interaction with their neighbors, and filling every available square foot with building, to the detriment of green space, light, and site permeability. Many of them construct with an eye only toward the short term, cutting corners on quality and durability, selling their units and being long gone from Portland by the time the problems start to arise in the structure and/or the tattered community fabric.

As some people commented last night, there is continuing concern about maintaining some kind of economic diversity on the Hill, and retaining a range of housing opportunities. One strategy for doing that is to restrict the demolition of buildings that could otherwise continue to provide housing. It is a disservice to the community as a whole for developers to tear down perfectly serviceable housing in order to replace it with new construction which will almost by definition be expensive.

I believe that in the entire IPOD area the demolition of structures should be prohibited if the structure is deemed "contributing" or a landmark by Greater Portland Landmarks' analysis (to be verified by the City). To implement this, the entire IPOD could be designated as an historic district for purposes of review of demolition permit requests, requiring the City to analyze the demolition request using the standards in the historic preservation ordinance. A landmark or contributing structure could only be demolished if the applicant could prove economic hardship under the ordinance definition or could prove that the structure should not have been categorized as "contributing" or "landmark" in the first instance.

In addition, a package of zoning amendments need to be adopted for the R-6 on Munjoy Hill, permanently reducing heights and increasing setbacks similar to the interim IPOD measures. In addition, some attention should be paid to revisiting how to measure height for various roof configurations. Depending upon orientation, a pitched roof can have the same impact on light, air and view as a flat roof, but is assessed as only as high as the midpoint of the slope. Does this make sense conceptually?

Even if amendments are made to the R-6 zoning ordinance, improvements to design review are required as well. In those areas that are eventually designated as a Munjoy Hill Historic District, the historic preservation ordinance will provide the necessary design review. But until that designation is in place, and for all of the areas not designated as part of an historic district, the R-6 Infill Design Review Standards need to be strengthened and enforced. The deletion of the alternative review option is important, but not necessarily sufficient. Perhaps the design community will have specific suggestions for how to give them sufficient "freedom of expression" while also including enough criteria to make sure that a new structure is respectful of its surroundings and contributes to the interaction that is critical to maintaining connection with the rest of the community.

Adopting an historic preservation district for at least a portion of Munjoy Hill makes sense. It should contribute to the continued vitality of Munjoy Hill in the same way that it has benefited the West End. I would personally support the moderate designation pattern presented by Landmarks (North Street axis; Eastern Prom wrapping into the south side of Congress Street). It should be noted that there are interim protections that are triggered by nomination. I would think the timing could work so that those interim protections could be put in place immediately before the moratorium ends.

Thank you for considering these ideas and for the effort that is being put into correcting the regulation of development on Munjoy Hill to preserve it as a vibrant community. The City needs to act boldly to get it right; timid measures will not be sufficient to reverse the threatened loss.

Regards,

Barbara Vestal

Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: East End-

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 23, 2018 at 10:13 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Debby Murray <debbym@ghi.net>
Date: Fri, Mar 23, 2018 at 9:46 AM
Subject: East End-
To: jlevine@portlandmaine.gov

Good morning, Jeff,

I was reminded last night as this process comes to a close that I never sent the letter I sent to the councilors and the mayor to you.

In the time that has lapsed between the first listening session and now, I am becoming convinced that creating a historic district on the East End makes sense.

I have found that the process has been really good but from the standpoint of a resident, a bit intimidating. All those developers who claim to own property on the hill...well, sure they do, but they don't LIVE here. I often leave the meetings feeling that outsiders have come in to make a buck off my neighborhood.

So, here is my letter and I look forward to the final listening session tomorrow. For what it's worth, I support a historic district on Munjoy Hill. I support continuing the moratorium on demolition and putting some guidelines on height, garage location, setbacks and roof junk in the meantime.

Thanks for your work on this and for considering my opinion.

Debby Murray

 East End.doc
24K

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored "listening sessions" at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it's a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole "Maine" life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70's. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and new homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrence St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

Why I love living in the East End 3/1/18

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the "human bus" leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland's Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@gwi.net

207 653-5143 Cell

Fwd: Munjoy: Historical Designation Question

1 message

Fri, Mar 23, 2018 at 11:50 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Carle Henry <cdhenry3@yahoo.com>
Date: Fri, Mar 23, 2018 at 11:48 AM
Subject: Munjoy: Historical Designation Question
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>

Jeff,

My name is Carle Henry and I live on Saint Lawrence Street. My wife and I have seen you at all of the public hearings and look forward to Saturday's session.

After listening to many opinions on the matter and doing some research myself, I wanted to share our perspective with you.

From where I sit, I think the public is conflating two different topics

1. Some people don't like modern homes; and
2. Some people don't like large multi unit condo buildings (sub issue is demo to stand condos up)

As it relates to #1, boo hoo. One cannot regulate taste. If some are worried that the quality of some new homes is poor, that's yet another matter for your team and the 9 pages of requirements....has nothing to do with historical designation. Many homes on the hill are of poor quality (new and old)

As it relates to #2, creating historical districts across areas of the hill is overkill when the issue is really about addressing multi unit condos. Adding the designation is a serious overreach that will result in

- more pressure than ever on the city to build in other neighborhoods because building on the hill will quickly become more challenging (the city will put themselves into a corner & probably stifle growth)
- less affordable housing (city priority) on the hill which results in more affluent owners and less diversity
- the city having to fight off 5th Amendment/Takings Clause law suits

How to address the concerns re condos?

I'm not sure but alternatives exist without having to bring in the historic designation team that will unintentionally hurt many residents (added fees, more review processes with the city, etc.) Having only 1% of buildings demo'd in 2.5 years is not a problem that requires a fix.

How did we get here?

1. misuse of a moratorium (good for the park project last year but misused this time by BR) -
[the stories of those already impacted negatively by the moratorium are heartbreaking]

2. the mhno is using the concerns about condos to resurrect their NIMBY philosophy defined during the 'no on 2'/Soul of Portland days a few years ago (same people, same story but they've taken over the MHNO) - they do not represent the hill and should not act as activists pushing their agenda without regard for the gen'l population here but, while you can't fix that, you can acknowledge it and not fall for their tactics

Help the hill address the larger condo complex opportunities. Move away from impacting private homes and their owners, the citizens.

Thank you,

Carle Henry

Fwd: Munjoy Hill Zoning Changes

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 23, 2018 at 5:18 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
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From: Laurie Hanley <lbhanley@mac.com>
Date: Fri, Mar 23, 2018 at 5:10 PM
Subject: Munjoy Hill Zoning Changes
To: jlevine@portlandmaine.gov, bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov
Cc: info@munjoyhill.org

Hi all,

I am writing to give my support to making Munjoy Hill an historic district and adopting zoning that will preserve the integrity of the beautiful neighborhood on the hill. History abounds on Munjoy Hill from the historic homes, the cobblestone circle, Portland Observatory and the important cemetery. Clearly, this is an historic district that should be subject to careful review before it becomes like the India/Fore St explosion of development. Portland does not need to expand zoning to encourage investment like it needed to in years past. Development needs to be controlled so that we retain the historic charm of Munjoy Hill.

More specifically, I support the following:

1. Demolition Standards - Create new demolition/tear/down standards in the R-6 Infill Design Standards
2. Dimensional Standards that address scale & mass - Recommend going back to Pre-2015 R-6 or use IPOD R-6 change
3. Design & Building Standards that addresses compatible architecture which includes A) Elimination of Alternative Design Option, B) Ensure 10K sq ft lots apply to the R-6 Infill Design Stds

Thank you for your work and willingness to listen to public comment.

Sincerely,

Laurie Hanley

118 Congress St
Portland

Sent from my iPad



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demolition

1 message

Sat, Mar 24, 2018 at 8:43 AM

Jeff Levine <jlevine@portlandmaine.gov>

To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
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From: Pa Ag <pagopian1@yahoo.com>

Date: Fri, Mar 23, 2018 at 8:44 PM

Subject: Demolition

To: Jeff Levine <jlevine@portlandmaine.gov>

I know it's TGIF and you have probably already thought of this but, if we had somewhat liberal but pragmatic guidelines included in the R-6 zone that included demolition policies to recognize benefits to the community in making a decision perhaps it could encourage diverse development in some instances. Just a thought and no need to respond. 🙌

Sent from my iPhone

Fwd: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year .

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Sat, Mar 24, 2018 at 8:41 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Dorothy Rodney <dorothy.rodney@yahoo.com>

Date: Fri, Mar 23, 2018 at 5:43 PM

Subject: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year.

To: "estrimlig@portlandmaine.gov" <estrimlig@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "stiboea@portlandmaine.gov" <stiboea@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>
Cc: "dorothy.rodney@yahoo.com" <dorothy.rodney@yahoo.com>

Dear Mayor and City Councilors,

I wanted to express my deepest concern regarding the regulations of our homes. I have owned my property for 41 years, and feel that the city is taking over the control of what we can and can't do to our home. We should be able to sell, demolish, renovate as we wish, and now there are restrictions. This is not fair! We are at retirement age, and we should not lose the value that we intended on getting if we wish to sell our home. We pay taxes, maintain our property, and this was our 'nest egg' for the future. Our family should not be jeopardized with this R-6 Reform!

Please take this major issue into consideration before making any final decisions! Also, residents need to know what's going on at all time. The communication has been very poor notifying residents after meetings took place. Moving forward, I will be attending the meetings.

Thank you for your time in listening to my concerns.

Dorothy Rodney & Family

Fwd: Munjoy Hill Planning

1 message

Tue, Mar 27, 2018 at 8:49 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

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From: Stephen Gaal <steve@gaal.com>
Date: Sun, Mar 25, 2018 at 12:27 PM
Subject: Munjoy Hill Planning
To: jlevine@portlandmaine.gov, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>
Cc: Wendy Gaal <wendy@gaal.com>

Dear Jeff and Belinda,

Thanks very much for the work both of you and the planning staff have put into the moratorium, the proposed changes to R-6 zoning and the consideration of an Historic District on the Hill. The interest in the subject has been great as evidenced by the attendance at the two listening sessions I attended and the MHNO meeting that featured Greater Portland Landmarks. I was unable to attend the ResponsibleR6 meeting on the 20th. Despite several attempts both in person and by email to get from that organization a list of their leaders and data that supports their claims, I have been unable to do so. Therefore I am not willing to give their claims any weight in my thoughts.

At the first listening session I stated that I asked, at the time of the R-6 revisions, if any "modeling" of the effects of these changes had been done by the planning board. I was told there had not. I requested that you do such modeling for any changes you now propose. I repeat that request. I think we could have avoided a lot of the issues we have seen if that analysis had been done.

My principal issues with the R-6 changes have been the ability of developers to demolish relatively small buildings and replace them with buildings of a larger footprint and significantly more mass due to reduced setbacks, relaxed height restrictions, and the building of "cubes" rather than the more traditional shapes. I think you are on the right track with the tentative proposals you laid out at the March 24th meeting.

Although everyone wants "affordable housing" on the Hill, as one gentleman stated, that horse has left not only the barn but is completely off the farm. MH is simply too attractive a location for those who can afford it to resist. Trying to stop that is likely trying to hold back the tide. You may be able to do it for a while but then you are overwhelmed, often in a catastrophic way. I think it is a fool's errand and should not be a principal part of planning objectives.

I like the demolition delay proposal. It provides a cooling off period and a time for discussion without actually preventing someone from taking that route if they are sufficiently motivated.

I own and live in a building on the Eastern Prom that is identified by GPL as a "contributing building." Next door is a non-contributing building. My biggest worry is that the building next door will be sold, demolished, and a 4-6 unit condo building will be built there that will overwhelm our property. I am counting on your R-6 zoning to prevent that from happening. I understand that the current building could be demolished under almost any scenario, but the replacement building should be of a scale consistent with its neighbors. I view an Historic District as the "icing on cake." Zoning regulations are the first line of defense to make sure that we all behave in a neighborly way when we live in close

proximity to each other. The HD designation helps preserve the look and feel of the neighborhood. I have lived in a place with extremely strict historic preservation requirements. (It took two months and a public hearing to change the mail slot on my door.) I have also lived in a place that had no zoning at all. I strongly prefer the former to the latter. I would be very happy to have my home be included in an Historic District. I believe it would make for the preservation of the very nature of the area which we all value. I also think that over time it would likely increase rather than decrease property values. I also support the idea that the HD should include North Street and the eastern part of the Eastern Prom with some additional side streets as opposed to the entire Hill. I have lived in NYC, Chicago, San Francisco, Los Angeles and Boston. I can say from my own experience that these are, if not unique, fairly special areas of MH to preserve.

Finally, MH is not the only place to live in the city. I agree with the statements made by others that zoning changes allowing for increased density along off-Peninsula public transportation corridors should be considered.

I congratulate Jeff and Belinda for the thoughtful, respectful, calm, and measured listening posture you have both displayed at these meetings. Thank you.

Stephen Gaal
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

Fwd: R-6 Munjoy Hill overlay

1 message

Jeff Levine <jlevine@portlandmaine.gov>

Tue, Mar 27, 2018 at 8:50 AM

To: Christine Grimando <cdg@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file and FYI.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Maggy W <mwnola@gmail.com>
Date: Sun, Mar 25, 2018 at 2:39 PM
Subject: R-6 Munjoy Hill overlay
To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff,

First of all, thank you and your staff for all of the hard work preparing the excellent presentation yesterday and thank you also for attending all of the recent neighborhood meetings.

Some of my neighbors and I have been reviewing the presentation online and have a few questions we would like the opportunity to discuss with you. For example, I was very gratified and relieved to hear you mention the importance of the "Streetscapes" several times during your talk yesterday, but I don't see any mention of that in the actual presentation. I think this is one of the most important qualities of the neighborhood that many of us are wanting to protect, so I am interested in how the new guidelines may accomplish that.

Would there be a time this coming week, when a few of us could meet with you to discuss the staff proposals and to ask for some clarifications?

Thank you,

Maggy Wolf
28 Saint Lawrence

Fwd: Munjoy Hill

1 message

Tue, Mar 27, 2018 at 8:52 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Lauren Reiter <laurenreiter@yahoo.com>
Date: Mon, Mar 26, 2018 at 5:39 PM
Subject: Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Deb Andrews <dga@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, Jill Duson <jlduson@portlandmaine.gov>, Tom Landry <tomlandry@benchmarkmaine.com>, Timothy Wells <welmaurya@gmail.com>, Susan Grisanti <susan@tenterholdings.net>, Lori Rounds <lori.j.rounds@gmail.com>, Ann Machado <amachado@portlandmaine.gov>, Evan Carroll <evan@bildarchitecture.com>, Carl Henry <cdhenry3@yahoo.com>, Jesse & Elisabeth Thompson <jesse@kaplanthompson.com>, Amy Landry <alandry@benchmarkmaine.com>

Jeff, I'd like to thank you for the excellent presentation on Saturday morning and express an optimism that a reasonable set of revised/new zoning rules will emerge from this lengthy and thoughtful process. As I have already expressed, it seems to me that the overwhelming concern expressed by those that are nervous about new development is the scale of recent buildings. Perhaps it is wishful thinking, but I think that modern design is of less importance to most people than both bulk and a reasonable proportion of ground floor living space (vs. garage). To that end, I do hope that the emergent zoning rules allow for a versatility of expression, including roof-lines, windows, etc. -- as well as encouraging high-performance components.

I have one suggestion at this point, which is to have Deb Andrews do a presentation on the Historic Preservation Office's position on Munjoy Hill designations. Having spoken with Deb after the meeting, and reflecting on various comments made during the meeting, I sense that the City's positions on this subject are not well understood, and are much less "scary" than a lot of people (including myself) think.

As noted previously, I would be happy to participate in other round tables or other venues where allied professions can both listen and offer feedback.

best regards,
Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300

Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

Fwd: Munjoy Hill proposed historic district designation

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Mar 27, 2018 at 2:32 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

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From: Karen Harrison <karen.harrison.me@gmail.com>
Date: Tue, Mar 27, 2018 at 2:30 PM
Subject: Munjoy Hill proposed historic district designation
To: jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>
Cc: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov,
jcosta@portlandmaine.gov, kcook@portlandmaine.gov, Pious Ali <pali@portlandmaine.gov>, Nick Mavodones
<nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, hbassett@portlandlandmarks.org

Hello,

I have lived at **34 Munjoy Street** (District 1) since 1993. I love my street, and I love my neighborhood, in which people are quick to help one another and respectful of differences. Over the years, I've seen my neighbors modify their houses in many different ways to make them more enjoyable, economical or useful. I like some of the changes and dislike others, but all of them represent people making the best decisions for their families.

I'm strongly opposed to any historic district designation for this neighborhood for these reasons:

- Historic designation restrictions on additions, renovations and demolitions will prevent people from making the best design and financial decisions for their families and their futures.
- Historic designation restrictions will reduce the energy and vitality of the neighborhood and discourage or prevent the use of high-quality, cost-saving contemporary materials and methods that reduce energy use, such as contemporary glazing products that look different than older glass.
- Historic designation restrictions have a disproportionate financial impact on people with fewer resources. This includes young people using "sweat equity" to fix up a dilapidated building, older people on fixed incomes, and good landlords who try to keep rents reasonable while maintaining their buildings for their tenants' safety and comfort.
- The historic district guidelines for renovations may not allow homeowners to conform to contemporary building safety standards, for example in the size of bedroom windows. This appears to be in conflict with Portland's current emphasis on tenant safety.

Some additional thoughts:

- Behavior can't be regulated through planning and zoning. Neighborhoods are better when people see each other coming and going -- and I'd rather not look at garage doors when I'm walking around -- but if you allow garages to be built, locating them at the side or back of a building doesn't force people to interact with their neighbors if they typically leave and enter their residence through the garage.

- It's always unfortunate when someone loses the view from his or her home, but that happens everywhere, and that's why houses and apartments on Eastern Prom (or, for that matter, Central Park West) cost more. It's unreasonable to attempt to freeze all of the current views, many of which are enjoyed by residents whose buildings blocked others' views when they were built.

- It seems that [118 Congress Street](#) has become the poster child for people who are upset about development on the Hill. But there are other ugly buildings on that side of Congress between Munjoy and St. Lawrence, such as the MHNO building at 92 and the bleakly utilitarian Cummings Center and fire station at 134. And 118, for all of its faults, includes street-level retail.

- At the community meeting on March 22, we watched a slide show on the history of development on the Hill. I'm pretty sure that around the turn of the last century, the people living in houses built 50-75 years earlier were horrified by the arrival of the apartment buildings now considered quaint and historic.

I respect the depth of knowledge and tremendous love for Portland's older buildings shown by the staff of Greater Portland Landmarks and the City's Historic Preservation team, but I'm afraid that "if you've got a hammer, every problem looks like a nail." I don't think that the problems presented by development in this neighborhood can be reasonably and fairly addressed by an historic district designation. I'd rather not live in a neighborhood of compulsory architectural styles, frozen during a random year when photographs happened to have been taken. I'd like to continue to live in a vibrant, energetic, live-and-let-live neighborhood.

Thanks for listening,
Karen Harrison

Fwd: Munjoy Hill We the People Who Are the Community

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Mar 28, 2018 at 11:08 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Carol Connor <balsamique@live.com>
Date: Mon, Mar 26, 2018 at 10:56 AM
Subject: Munjoy Hill We the People Who Are the Community
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Cc: Carol Connor <balsamique@live.com>, Candy Poore <moe4545@aol.com>

Dear Mayor and City Councilors,

As a longtime resident of Munjoy Hill I embrace and appreciate the history and culture of this unique and valuable asset. I own and occupy an 1880 cape that has been in my family since 1946. It is situated in a way that allows daily inspiration from the view of the Promenade and the Bay. I am an invested resident who wants to be heard and counted IN as supporting whatever zoning, regulation, moratorium or defining of historic preservation areas needs to occur to preserve the character, architecture and quintessential essence of the Hill.

In particular, I ask that you give first consideration to those of us who actually live on the hill rather than to those who wish to capitalize on its assets by destroying neighborhood homes that could in most cases be restored and lived in.

It is shocking and shameful that building permits have been issued that allow construction of structures that most assuredly are not "affordable or compatible with existing buildings, and do not improve or enrich community life. How did they pass the planning board's scrutiny if the guidelines that monitor such construction were actually followed?

I learned in a recent community meeting that for new construction the planning board must consider the following within a 2 block radius : Architectural compatibility, Scale, Mass, Height? None of these aspects seem to have been considered with recent box style construction or with the 4 story condominium planned for Montreal St.

My Requests

- Extend the moratorium for one year
- Require the planning board to adhere to the guidelines that monitor construction including consideration for scale, mass and architectural compatibility...
- require the planning board to adhere to the stated R6 building guidelines and restrict the plans for constructing a 4 story condo at 33 Montreal St. THERE ARE NO 4 STORY BUILDINGS on Montreal St! It violates the guideline of scale.
- Strictly adhere to appurtenances being contained within the height limits NOT TO EXTEND ABOVE that limit
- Adopt Design and Building Standards that preserve the Architectural integrity of the Hill and require construction to be compatible with neighbors' dwellings. Eliminate the Alternative Design Option entirely
- Return zoning to pre 2015-R6 or IPOD R6 change.

Regards,

Carol M. Connor

12 Montreal St

Portland, Maine 04101

balsamique@live.com

Fwd: Thank you and suggestion

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Mar 29, 2018 at 3:13 PM

For the Munjoy Hill file.

----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Thu, Mar 29, 2018 at 1:39 PM
Subject: Thank you and suggestion
To: <JLEVINE@portlandmaine.gov>

Your presentation of March 24 is very, very helpful to the discussion about what is occurring on the Hill. Thank you.

I would like to suggest additional data that I think should be included: the replacement of rental housing by condominiums and/or short term rentals. Recently I have been carrying our petition around the Hill, and have been struck by the number of young couples who tell me they are being forced to move by rent increases or conversions. I think the ease of conversions is a significant piece of the picture. I would like to see some data on the numbers of new units by type of ownership, not just by number of bedrooms.

I also think the market may be topping out. I ran into a former coworker yesterday who is living in one of the burned buildings at the corner of Cumberland and Merrill. She remarked that she and her family are only able to live there because her husband works for the property management company—the other units are pricey and empty. There are other condo and apartment units that are simply not selling or renting on the north side of the Hill. A good thing, maybe, for the long term but no one wants empty housing. And unfortunately this puts more developable property at risk of very high end development.

Meanwhile, the conversations among neighbors have been interesting, varied, and I think very healthy for the neighborhood. Whether or not we agree.

Nini McManamy
Sent from my iPad

--

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

Fwd: Suggestions for the demolition piece R6 Overlay

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Apr 3, 2018 at 3:27 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Tue, Apr 3, 2018 at 2:33 PM
Subject: Suggestions for the demolition piece R6 Overlay
To: JLEVINE@portlandmaine.gov
Cc: Karine Snyder <karsny@yahoo.com>, tica1529@gmail.com, maggywolf440@bellsouth.net, "vestal@chesterandvestal.com" <vestal@chesterandvestal.com>, Peter Murray <pmurray@gwi.net>, Wayne@redhookdesignalliance.com, berrymanter@yahoo.com, mpetit417@gmail.com, pday2304@gmail.com, "rob@whittenarchitects.com" <rob@whittenarchitects.com>, "dirtgirl1@aol.com" <dirtgirl1@aol.com>, pagopian1@yahoo.com, Jean McManamy <ninimaine@aol.com>

Hi Jeff. Here is what the Munjoy Hill Conservation Collaborative would like to see included. We think the Somerville, MA, ordinance is close to what would work on the Hill. We think it is architecturally and demographically more similar to the Hill than, say, Cambridge or Newton. We don't envision Historic District protection for the whole Hill.

Here is the outline:

Who is covered: named contributing buildings 75 years of age or older

When protection kicks in: when property owner applies for a demolition permit, whether for renovation or replacement of a residential building, if 25% of the facade or square footage of a building is scheduled for demolition

How it works: property owner applies for the permit and staff determines (Time limit, say 14 days) whether it is a covered building. Staff has discretion to initiate delay of one year and works with owner to explore renovation or sale to a preserving buyer; this triggers public notice. Staff can recommend demolition in the case of uninhabitability or economic hardship. Demolish or delay recommendations go to Planning Board and require a public hearing.

Resolution: occurs when demolition permit is issued or building permit is issued, or owner withdraws application. Needs to be accompanied by vigorous application of design standards in renovation or new construction; a design manual would be helpful.

We suspect that most demolition requests will eventually be successful, but hope that this will slow the process and combined with more vigorous application of design standards plus some Historic District designation may encourage more preservation.

Nini McManamy
For the Munjoy Hill Conservation Collaborative

Sent from my iPad

Fwd: East End zoning

Wed, Apr 4, 2018 at 8:38 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Joshua Baston <joshua.baston@gmail.com>
Date: Tue, Apr 3, 2018 at 7:05 PM
Subject: Re: East End zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: dga@portlandmaine.gov

Jeff, Deb,

I wanted to thank you for taking the time to meet with me today. I'm obviously pretty opposed to the historical designation and I appreciate your willingness to hear me out. I'm going to try and stay open minded through this process and hopefully you can be open to my concerns as well. I don't think there will be any solution that makes everyone happy but I'm confident there is one which can keep some of the character of the neighborhood while not being overly intrusive on individual property. We also need to be accommodating to new building materials, efficient building methods, and renewable energy technologies as Portland works towards being a sustainable leader in the face of climate change and sea level rise. I'll look forward to future discussion and I thank you again for the time.

Regards,

Josh

On Wed, Mar 28, 2018 at 7:00 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
Jeff, that sounds great, I put Tuesday April 3 at 1:00 on my calendar. See you then

On Wed, Mar 28, 2018 at 5:53 PM, Jeff Levine <jlevine@portlandmaine.gov> wrote:
Sure, happy to meet. Do you have time Tuesday, April 3? Maybe early afternoon would work for us, at 1?

Jeff Levine, AICP
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@portlandplan

On Wed, Mar 28, 2018 at 2:31 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
Hi Jeff,

I'm a property owner in the East End (42 Munjoy St.) and I was hoping I could come into the office for just a few min to speak with you about concerns I have about potentially adding historic zoning to this neighborhood. I attended the first public session but was unable to make the meeting this past Saturday. I appreciate the work you and your staff are doing and would love the chance to give some input. You can reach me via email or my cell phone - 595-2445. Thanks and I'll look forward to hearing from you.

Josh

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Letter in support of Munjoy Hill Rezoning

nini mc manamy <ninimaine@aol.com>

Apr 5, 2018 4:17 PM

Posted in group: Planning Board

Dear Chair Dundon and members of the planning board:

Like many of my Munjoy Hill neighbors, I have been grateful for the city's responsiveness to dramatic changes in the fabric of my neighborhood. The unanticipated side effects of the 2015 rezoning in R6 have included demolishing of antique houses, loss of affordable housing, and dramatic increases in property values which may cause spikes in property taxes when revaluation is complete.

The city's planning staff have done an outstanding job engaging residents, with very large turnouts at several meetings held at East End School. Among the excellent research done by planning staff is a survey of building types on the Hill. We learned we are mostly single family homes, and that the average building height on the north side of the Hill is less than two and a half stories. Many, if not most, of the two- and three-unit buildings on the Hill are also owner-occupied. We are more like Deering Center in home ownership and building size than we are like Parkside, and this social fabric is what makes Munjoy Hill a great place to live-not its proximity to downtown restaurants.

The proposed zoning changes presented in the neighborhood on March 24 are a good start, but more needs to be done. Specifically:

1. Mass and height: Newer bulky condominium buildings in most cases do not shelter the kind of family life typical of the Hill and take light and space from our yards. What yard space they have is usually paved over, and social activity occurs on private decks and balconies. This is done to maximize building mass and profits. I respectfully request that you consider enforceable restrictions on building height and mass that reflect adjacent buildings, staying within the average existing building height and mass for a street or block. In addition, I request that you restore the previous lot coverage maximum of 40-50% with an exception for the "small lots". Finally, I request you restore the previous requirements for landscaping and greenspace.

2. Historic Districts: to the two districts under consideration, I urge you to add two more. Too often we think of a Historic District as an opportunity to preserve the architect-designed homes of the wealthy. But Munjoy Hill has always been distinguished by its rich social fabric. I urge you to add consideration of the black neighborhood centered on Lafayette St., which has been documented by Greater Portland Landmarks. Also, Montreal St, which housed the famed murder victim known as the Black Dahlia and a neighborhood speakeasy, but most importantly contains houses built in the 1800s which survived the Great Reservoir Flood of 1893.

Thank you.

Nini McManamy
10 Willis St
Portland

Google Groups

Petition to Planning Board from Munjoy Hill Conservation Collaborative Regarding Munjoy Hill Moratorium

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Posted in group: Planning Board

Apr 5, 2018 1:32 PM

April 5, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are 386 petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,

Munjoy Hill Conservation Collaborative Members

Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Karen Snyder-72 Waterville St.
Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachment: Cover Letter with signatures and Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20
(MHCCLetterPetition2PlanningBoard_20180405.pdf)

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

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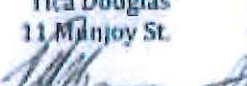
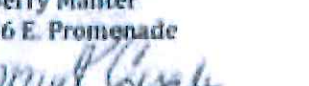
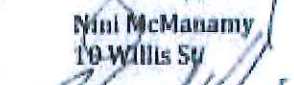
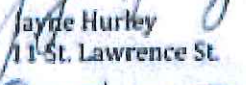
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 Nini McManamy 10 Willis St.	 Jayne Hurley 11 St. Lawrence St.	 Pamela Day 25 Waterville St.	 Peter Murray 104 North St.	 Mary Casale 30 Waterville St.
 Wayne Valzania 27 Merrill St.	 Enoch Wenstrom 88 Bracket St.	 Erna Koch 81 Vesper St.		

Attachment: Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

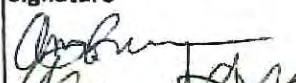
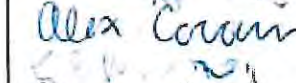
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
1 Amanda Powell		91 Vesper St #3 Portland, ME
2 Allison Godbout		90 Lincoln St Apt 2 Portland, ME
3 Justine Denny		56 North St, Apt 203 Portland, ME
4 ERNA KACH		81 VESPER ST Pk 04101
5 Collin McRann		79 Vesper Street 04101
6 Tania Brando		79 Vesper St 04101
7 Susan Inman		81 A Vesper St. 04101
8 Steven Inman		81A Vesper St Portland ME 04101
9 John P. F. King		83 Vesper St
10 Alex Corwin		83 Vesper St
11 Ed W. W. W.		79 Vesper St
12 N. Kobas Mirage		66 Kellogg St
13 Jennifer		431 Cumberland Ave
14 Rachel GTPS		77 Vesper St
15 Tim Friel		95 Moody St
16 Courtney Zoccola		11 Moody St
17		
18		
19		
20		

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Name	Signature	Address
21 Enoch WENSTROM	Enoch Wengstrom	88 Beckett #1
22 Gail Wengstrom	Gail Wengstrom	88 Beckett St. Portland
23 Colin Wengstrom	Colin Wengstrom	88 Beckett #2
24 Briar Pellehee	Briar Pellehee	88 Beckett St #3 Portland
25 Amber Truiper	Amber Truiper	71 Beckett St #2 Portland
26 Sam Lambert	Sam Lambert	85 Beckett St
27 Simon Rucker	Simon Rucker	85 Beckett St.
28 Catherine Waycote	Catherine Waycote	71 Beckett St
29 Carolann Murray	Carolann Murray	71 Beckett St
30 Faith Sheehy	Faith Sheehy	95 Beckett St
31 Sarah H. White	Sarah H. White	44 Wellstone DR
32		88 Beckett St
33		88 Beckett St
34		88 Beckett St
35 PAUL RODRIGUEZ	Paul Rodriguez	78 Beckett St
36		2 River Pines 04014
37		2 River Pines 04014
38		87 Munjoy St. Portland
39		82 Munjoy St
40		65 Wilson St
41		49 Marion St #1
42		52 Windy Glen
43		95 Munjoy St
44		

Petition: After Munjoy Hill Moratorium Ends June 2018

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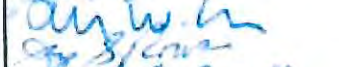
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Name	Signature	Address
45 Brya A. buckle		92 Beckett St #3
46 Eric K. K. K.		54 Moir St. Portland
47 JOE KLEUT		74 Munjoy St.
48 Amy Spattaro		72 Munjoy St.
49 Jill K. K. K.		66 Munjoy St. #2
50 N. A. B.		26 Wilson St
51 Deb at ahew		26 Munjoy St
52		26 Munjoy St
53 Cynthia E. McLaughlin		11 Munjoy St.
54 Wendy S. Douglas		37 Munjoy St
55 Martica Douglas		58 W. 1st St #1
56 Ann Christian		45 O'Brien St
57 Anne C. C.		45 Wilson Unit 4 Portland
58		45 Wilson Unit 4 Portland
59 Andrew Summers		42 Moirly #3 Portland
60 JANE S. Rowe		150 EASTERN PROM. Portland
61 Braden A. Bramley		150 Eastern Prom Portland
62		64 Vesper St Portland
63 Deb Parish		62 Vesper Portland
64 LINCOLN PRINE		86 Cogswell S. D.
65 Allison Rine		
66 Ruth F. F.		
67 Cecilia Ziko		
68 Joseph M. M.		
69		

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A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
70 Karen Snyder	Karen Snyder	72 Waterville St
71 Karen Snyder	Karen Snyder	72 Waterville St
72 Karen Snyder	Karen Snyder	72 Waterville St
73 Karen Snyder	Karen Snyder	72 Waterville St
74 Karen Snyder	Karen Snyder	72 Waterville St
75 Karen Snyder	Karen Snyder	72 Waterville St
76 Karen Snyder	Karen Snyder	72 Waterville St
77 Karen Snyder	Karen Snyder	72 Waterville St
78 Karen Snyder	Karen Snyder	72 Waterville St
79 Karen Snyder	Karen Snyder	72 Waterville St
80 Karen Snyder	Karen Snyder	72 Waterville St
81 Karen Snyder	Karen Snyder	72 Waterville St
82 Karen Snyder	Karen Snyder	72 Waterville St
83 Karen Snyder	Karen Snyder	72 Waterville St
84 Karen Snyder	Karen Snyder	72 Waterville St
85 Karen Snyder	Karen Snyder	72 Waterville St
86 Karen Snyder	Karen Snyder	72 Waterville St
87 Karen Snyder	Karen Snyder	72 Waterville St
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89 Karen Snyder	Karen Snyder	72 Waterville St
90 Karen Snyder	Karen Snyder	72 Waterville St
91 Karen Snyder	Karen Snyder	72 Waterville St
92 Karen Snyder	Karen Snyder	72 Waterville St
93 Karen Snyder	Karen Snyder	72 Waterville St
94 Karen Snyder	Karen Snyder	72 Waterville St

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
95	RICHARD STILLWELL	[Signature]	20 ST. LAWRENCE ST.
96	CAROL L. STILLWELL	[Signature]	20 ST. LAWRENCE ST.
97	Mary Kathryn Connolly	[Signature]	100 North St Portland
98	Thomas Orlert	[Signature]	100 North St Portland
99	Elipe Schwartsky	[Signature]	100 NORTH ST PORTLAND
100	FRANK PIERCE	[Signature]	106 NORTH ST PORTLAND
101	Rita Pierce	[Signature]	
102	Laurie Hanley	[Signature]	118 Congress & #302 Portland
103	Judith Sobel	[Signature]	180 Galmouth ST #203
104	Solange Kellermann	[Signature]	48 Howard St. Portland
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Name	Signature	Address
120 Regina Langley		54 Turner St.
121 ALLAN HORNEMAN		58 Turner St.
122 Paul G. S.		44 Harvard St.
123 Tracy MacLellan		33 Harvard St.
124 Alex J. R.		48 Emma St.
125 David Nilsen		24 Emerson St.
126 Taylor Brabson		54 Turner Street
127 MICHAEL SEARLES		54 TURNER ST
128 Stuart Lambert		36 Gilman St 04102
129 Katelyn Kniffin		54 Turner St
130 Charles Jackson		138 Pine St. apt #4 Portland, ME 04102
131 Patrick Bartley		54 Turner St
132 Jessica Place		54 Turner St #1 Portland, ME
133 Dan B. S.		54 Turner St #2 Portland, ME
134 MARK W. CASHIN		27 MORNING ST #41 PORTLAND, ME
135 Anna K. Soltan		25 Merrill St Portland, ME
136 Tracy Spall		29 Emma St Apt 1 ME
137 Tracy Spall		15 Munjoy Street #2
138 Sarah Anderson		28 Morning St #5
139 CHRISTINE KILPATRICK		54 TURNER ST -
140 Colin Franklin		54 Turner St.

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Name	Signature	Address
145 Jayne Hurley	Jayne Hurley	11 St Lawrence St
146 Peter Macomber	Peter Macomber	4 St Lawrence St
147 Pam Macomber	Margaret P Macomber	4 St. Lawrence St
148 Jennita Marrone	Jennita Marrone	48 Monument St
149 Carlos Blarraz	Carlos Blarraz	35 St Lawrence St
150 Eric Moragn McCormack	Eric McCormack	30 St Lawrence St
151 Mark K. Holden	Mark K. Holden	37 St Lawrence St
152 Emma Cassat	Emma Cassat	57 St Lawrence St
153 Stephen Benevise	Stephen Benevise	56 St Lawrence St
154 David Kermit	David Kermit	21 St. Lawrence St
155 Judith Lambert	Judith Lambert	61 St Lawrence St
156 Kristey Lape	Kristey Lape	71 St. Lawrence St
157 Matthew Anderson	Matthew Anderson	41 Monument St
158 Missy Mulhern	Missy Mulhern	59 Saint Lawrence St
159 Eric J. Smith	Eric J. Smith	59 St Lawrence
160 Linda Turzelski	Linda Turzelski	57 Atlantic St
161 Fatsi Elm	Fatsi Elm	23 Emerson
162 Kate Tagulaid	Kate Tagulaid	44 St Lawrence
163 Memo Wright	Memo Wright	29 St Lawrence St
164		
165 Cynthia I. Bartlett	Cynthia I. Bartlett	16 St Lawrence St #2 Portland
166 Benjamin Adams	Benjamin Adams	2 Atlantic St #2 Portland
167 Benjamin Adams	Benjamin Adams	2 Atlantic St
168 Bernard Moore - Sanford	Heather Abt	6 Atlantic St.
169	William Riley	33 Atlantic St.
		37 Atlantic St.

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Name	Signature	Address
170 ERIC WESTROM	ERIC WESTROM	28 BECKETT ST
171 Sarah Moreau	Sarah Moreau	83 Beckett St. #3 Portland, ME
172 Shelley Brown	Shelley Brown	87 Munjoy St #3
173 Samuel de la Haye	[Signature]	83 Beckett St #2
174 Megan Stumland	[Signature]	85 Beckett St. #1
175 [Signature]	[Signature]	25 Phillips Falmouth
176 Rebecca Crabtree	[Signature]	46 Vesper #1 Portland ME
177 Richard Santos	[Signature]	31 O'Brien
178 Emily Cushman	[Signature]	51 Moody St #3
179 Zach Pedersen	[Signature]	76 Beckett St #2
180 ELINOR MILK	[Signature]	54 SHENICK ST #17
181 JAMES CRANE	[Signature]	119 MORNING ST APT B
182 WILLIAM M. FONDE	[Signature]	57 BRACKETT ST #3
183 DARRYL FONDE	[Signature]	190 EASTMAN PEARSON ME
184 Brandon Carter	[Signature]	166 F. Washington Ave
185 Jordan Moody	[Signature]	18 Florida Ave
186 [Signature]	[Signature]	67 Monument St #1
187 [Signature]	[Signature]	31 Vesper St #1
188 Barry Hensley	[Signature]	39 Quebec St.
189 [Signature]	[Signature]	45 Congress St.
190 Margaret S. Ishby	[Signature]	58 Nade St
191 [Signature]	[Signature]	470 Congress
192 [Signature]	[Signature]	22 [Signature]
193 [Signature]	[Signature]	419 Cumberland
194 Thomas [Signature]	[Signature]	

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Name	Signature	Address
195 Snjezana Holman	[Signature]	3 Munjoy South
196 Keldal Anderson	[Signature]	41 Waterville St. Apt. 4
197 Robert Gorman	[Signature]	41 Waterville St. Apt. 4
198 Michael C. Connolly	[Signature]	36 Waterville St.
199 Amy Stepp	[Signature]	23 Waterville St
200 Alison Schmitzer	[Signature]	23 Waterville St
201 Alison Kamar	[Signature]	73 Atlantic St.
202 John Mahoney	[Signature]	73 Atlantic St.
203 Joel Hall	[Signature]	40 Waterville St #2
204 Ivez Praberar	[Signature]	35 of Lawrence St
205 Sara Deegan	[Signature]	646 Washington Ave
206		
207 Keith Pugh	[Signature]	28 Waterville St
208 Pamela Day	[Signature]	25 Waterville St.
209 Bryan Foster	[Signature]	40 Waterville St.
210 Nikolai Batti	[Signature]	40 Waterville St.
211 Deirdre Douglas	[Signature]	70 Waterville St.
212 Michael Peter	[Signature]	25 Waterville
213 Joane Britton	[Signature]	104 Winter St. Apt. 1
214 Joe Guglielmetti	[Signature]	44 Waterville St. Apt. 1
215 Beau Gannon	[Signature]	7 Waterville St 1C
216 Richard Gannon	[Signature]	
217 Glenn Douwe	[Signature]	28 Waterville St
218		
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Name	Signature	Address
220 Dale B. Rand	Dale B. Rand	61 Melbourne Street
221 Anne M. Rand	Anne M. Rand	61 Melbourne St.
222 Judith Tierney	Judith Tierney	10 Willis St
223 Martin Steingasser	Martin Steingasser	10 Willis Street
224 Margaret Hiller	Margaret Hiller	9 Willis St
225 Santo Peter Danatelli	Santo Peter Danatelli	111 Congress Street
226 Shulamith Bonham	Shulamith Bonham	80 Melbourne St
227 Susan Shaw	Susan Shaw	26 Willis St. Portland
229 Carol Marie Connor	Carol Marie Connor	12 Montreal St
230 GEORGE H. LIBBY JR	George H. Libby Jr	16 MONTREAL ST
231 Douglas H. Buena	Douglas H. Buena	16 MONTREAL ST
232 LIANE C BILLINGS	Liane C Billings	42 MONTREAL ST
233 Kevin Johansen	Kevin Johansen	41 Montreal St.
234 Amy Bushnell	Amy Bushnell	48 Montreal St.
235 Deborah Cole	Deborah Cole	71 Walnut St
236 CHARLES C. SUDBAY JR	Charles C. Sudbay Jr	65 Melbourne St
237 Rita M. Sudbay	Rita M. Sudbay	65 Melbourne St.
238 Ann Deutsch	Ann Deutsch	64 Melbourne St
239 Ruth Patena - Brudett	Ruth Patena - Brudett	62 Melbourne St
240 Todd Chapman	Todd Chapman	33 Melbourne St
241 Marianne J. Chapman	Marianne J. Chapman	33 Melbourne St
242 David Brackett	David Brackett	52 Melbourne St
243 Sarah (Tean)	Sarah (Tean)	57 Walnut St
244 JEAN McMANAMY	Jean McManamy	10 WILIS ST

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Name	Signature	Address
245 MARCIE E. YOUNG		53 Melbourne St
246		Portland, Maine
247		69 Alameda St Portland, ME
248 Megan E. Carroll		11 Melrose St Portland
249 Lydia Savage		19 Melbourne #1 Portland
250 Lorraine Carroll		31 North St
251 Sammy Hargis		65 Quebec St Portland, Me
252 Barbara Linnahan Smith		62 Melbourne St, Portland, Me
253 E. TERRANCE SMITH		62 Melbourne St Portland
254 Bennett Moud		65 Waterville St #2
255 Farina Papiruk		65 Waterville St #2
256 Jane Bryer		89 Morning St
257		93 Essex Street Apt 2
258 KRIS JOHNSON		73 Congress St
259 Shana Swanson		27 Johnson St #2
260		27 Johnson St #2
261 Elizabeth Allen		27 Johnson St #2
262 Zach Demoyt		27 Johnson St #2
263 Kelly Macleod		27 Johnson St #2
264 Nicky Sabers		27 Johnson St #2
265 Anna Meding		27 Johnson St #2
266 Keith A. Welch		27 Johnson St #2
267 Carol M. Quinn		27 Johnson St #2
268 -es Steven Clark		27 Johnson St #2
269		27 Johnson St #2

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270 Kelly Tingley	Kelly Tingley	87 St. Lawrence St #4 Portland ME 04106
271 George Carhart	George Carhart	7 Lafayette St Portland ME 04106
272 Uschi Carhart	Uschi Carhart	7 Lafayette Street Portland ME 04106
273 Michaela Conner	Michaela Conner	27 Lafayette St Portland
274 Debra Casey	Debra Casey	43 Quebec St Portland
275 MICHAEL KILGUS	MICHAEL KILGUS	93 Atlantic St Portland
276 Sherri Hughes	Sherri Hughes	93 Atlantic St Portland
277 MARTICA SAWIN	Martica Sawin	28 ST. LAWRENCE PORTLAND
278 Maggie Welf	Maggie Welf	28 ST. LAWRENCE PORTLAND
279 Aaron Murray	Aaron Murray	40 St Lawrence
280 Mercedes Poirer	Mercedes Poirer	43 St Lawrence St 1B
281 Katchina	Katchina	19 Montreal St Portland
282 Margaret J. Johnson	Margaret J. Johnson	30 Lafayette St
283 Elizabeth A. Streets	Elizabeth A. Streets	66 Quebec St. Portland
284 Bruce Davis	Bruce Davis	45 Quebec St.
285 Peter L. Mierwagen	Peter L. Mierwagen	104 North St
286 Deborah D Murray	Deborah D Murray	104 North St
287 Jonathan Evans	Jonathan Evans	63 vesper st
288 Jessi D. White	Jessi D. White	13 Emerson #305
289 Angela Adams	Angela Adams	2 Atlantic St. Portland
290 SHERWOOD HAMILL	Sherwood Hamill	2 ATLANTIC ST PORTLAND
291 KAREN ELLEN M. SMITH	Karen Ellen M. Smith	80 Quebec St Portland
292 Beth Snyder	Beth Snyder	71 North St Portland
293 Chris Stewart	Chris Stewart	51 North St Portland

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295 Kathleen M. Philbin	Kathleen M. Philbin	45 Eastern Prom 6J Apt.
296 DEREK CAMPBELL	Derek Campbell	45 Eastern Prom 6J Apt
297 SUSAN TURZEN	Susan Turzen	45 Eastern Prom 2ft 6K
298 Charlotte Follen	Charlotte Follen	45 Eastern Prom - 7th
299 Sandra H Child	Sandra H Child	43 Quebec St.
300 JAMES BORRIS	James Borris	23 EXETER ST #3
301 Charlotte C Sawyer	Charlotte C Sawyer	45 EASTERN Prom apt 6C
302 Charles R. Sawyer	Charles R. Sawyer	45 Eastern Prom apt 6C
303 Sarah C. Smith	Sarah C. Smith	45 E. Promenade 3L
304 Jean Fellen	Jean Fellen	45 E. Prom 1 64
305 Ryan Lowell	Ryan Lowell	50 Merrill St.
306 Mary Mawhinney	Mary Mawhinney	90 Merrill St.
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321 Amy Carole	<i>Amy Carole</i>	39 Waterville St.
322 Andrew Cooper	<i>Andrew Cooper</i>	39 Waterville St.
323 Sabrina Casale	<i>Sabrina Casale</i>	45 Waterville St.
324 Carol D. Casale	<i>Carol D. Casale</i>	45 Waterville St.
325 Kelly Bourdeau	<i>Kelly Bourdeau</i>	17 Waterville St.
326 Lois C. Barter	<i>Lois C. Barter</i>	55 Kellogg St.
327 Michael J. Cavanaugh	<i>Michael J. Cavanaugh</i>	39 Munjoy St.
328 Dianne Bilezikian	<i>Dianne Bilezikian</i>	39 Munjoy St.
329 Jerry Barlow	<i>Jerry Barlow</i>	66 Waterville St.
330 Joseph Bilezikian	<i>Joseph Bilezikian</i>	66 Waterville St.
331 Joseph Rand	<i>Joseph Rand</i>	66 Waterville St.
332 Michael Balzano	<i>Michael Balzano</i>	29 Bancroft St.
333 Tom Brokish	<i>Tom Brokish</i>	43 Munjoy St.
334 Kelly Worster	<i>Kelly Worster</i>	52 Monument St #3
335 Amanda Guilmette	<i>Amanda Guilmette</i>	39 Waterville Street
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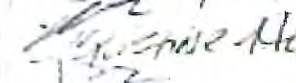
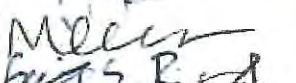
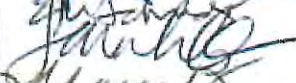
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346 Mary Capron		55 Mount Hope St
347 Tim Liber		24 Standen St
348 Kristen Schoenell		24 Standen St
349 Sarah Aul		80 North St
350 KRISTINE HEITLER		" H302
351 Tim Feibush		151 Western St
352 Melissa Sweet		37 Saint Lawrence St
353 GAIL KINDEL		34 Lafayette St. Portland
354 Ted Arnold		61 St. Lawrence St
355 Charlotte Daniels		62 St Lawrence St
356 DON OGIER		158 North St
357 Linda Tyler		52 Saint Lawrence St
358 Elena M. Schmitt		99 Atlantic Street
359 Sarah Gnan		54 Walnut St
360 MARY ROY		123 North St
361 Louise Vera-Sombya		27 Pine St, #15 1/2
362 Lynn Hallett		9 St Lawrence
363 PATRICIA RYAN		60 Montreal St
364 Carol M. Connor		12 Montreal St
365 Judith Fortner		15 E Front
366 Paul E Cole		98 Monument St.

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
370 Mackenzie Marrie	M. Marrie	287 State St. # Portland, ME 04103
371 Andrew Lambeth	Andrew Lambeth	105 Sherman St #1
372 Rashita M'Junkin	Rashita M'Junkin	23 Baynton St. #1 Portland ME 04103
373 Matthew Kennedy	Matthew Kennedy	23 Baynton St #1 Portland ME
374 Wendy Valenzuela	Wendy Valenzuela	27 Monroe St. Portland, ME 04103
375 Carolyn Swartz	Carolyn Swartz	27 Monroe St. Portland ME
376 Elizabeth Fraser	Elizabeth Fraser	81 Congress St Portland ME
377 Maureen Ray	Maureen Ray	81 Congress Portland
378 James Davis	James Davis	29 Monroe St. Portland
379 Elizabeth Farmer	Elizabeth Farmer	81 Quebec St #3 Portland
380 Britt Knowlton	Britt Knowlton	45 Merrill St
381 Kevin Brewster	Kevin Brewster	68 Quebec St
382 Lisa Illingworth	Lisa Illingworth	35 Merrill St
383 Margaret Malley	Margaret Malley	50 Quebec St
384 Scott Regazzini	Scott Regazzini	73 Merrill St #1
385 WA Rose Coetz	EVA Rose Coetz	73 Merrill St #2
386 Jan Piribek	Jan Piribek	70 Merrill St #4
387 Anne Mangonello	Anne Mangonello	145 Anderson #8
389 Dabriel Pockelman	Dabriel Pockelman	84 Quebec St
390		118 Congress, #204
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Petition: After Munjoy Hill Moratorium Ends June 2018

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
395 Amy T Sweeney	[Signature]	100 Dale Dr. Portland, ME
396 Susan C Mercier	[Signature]	54 Bartlett St Portland,
397 Holly Mitchell	[Signature]	154 Yale St Portland
398 Susan Seibe	[Signature]	61 Jeanne St Portland
399 CAROL V Jenkins	[Signature]	18 Stoneledge Drive, Portland
400 Deborah Ahlin	[Signature]	12 Crawford Terrace, Portland
401 EARL IRELAND, JR	[Signature]	170 Edwards Street
402 EAC COUSINS	[Signature]	24 Munjoy St
403 [Signature]	[Signature]	70 Cumberland
404 [Signature]	[Signature]	23 Vesper St
405 Karen Hamlin	[Signature]	118 Congress St
406 [Signature]	[Signature]	17 Hammond St
407 [Signature]	[Signature]	75 North St
408 [Signature]	[Signature]	9 Waterville St - IC
409 Bonnie Coplon	[Signature]	17 Hammond St
410 Cynthia Cochran	[Signature]	1 St Lawrence St, B3
411 [Signature]	[Signature]	9 Waterville St - IC
412 [Signature]	[Signature]	234 Eastern Prom. B3
413 Julia Kirtland	[Signature]	7 Fore St
414 EDWARD CHESTER	[Signature]	105 North St #1
415 Vana Carmona	[Signature]	56 Guelde St #1
416 Nat Pendleton	[Signature]	57 Morning St
417 Steven Goodman	[Signature]	340 Eastern Prom #142
418 [Signature]	[Signature]	
419 [Signature]	[Signature]	

Petition: After Munjoy Hill Moratorium Ends June 2018

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
420 SADDAM NEILAN		29 Emerson St #5
421 CHRIS AKER LIND		44 Monument St
422 Nicholas Hu		30 Morningside St
423 Kisha Jackson		14 Monument St
424 Matt Wellington		14 Monument St
425 Kate O'Rourke		102 Morningside St
426 MINDY HOPKIN		189 CENTRE ST #2
427 Alex Vignos		189 CENTRE ST
428 WILL PERICLITIS		40 MERRIMACK ST
429 James Placencia		21 W. Eastern Ave
430 James Nelson		71 Atlantic St
431 Sarah Auld		43 Munjoy St Portland
432 Nicole Elmore		49 Sherburne St Portland
433 Mao Ding		65 Munjoy St
434 Gerald Shannon		73 Monument St
435 RASHI KILMER		28 Eastern Promenade Apt 8 Portland
436 Leah Cross		73 Atlantic St Apt 2 Portland
437 WILLAWORTH		48 Monument St #3 PLND.
438 Meghan Farrell		15 Munjoy St #1 Portland
439 Jenna Carlson		37 Kellogg St #3 Portland
440 Ryan Poas		119 Merrill St
441 Nathan Bailey		86 Quebec St.
442 CHARLIE FRANK		62 ATLANTIC ST. 04101
443 Helen Lukacs		106 Cumberland Ave Apt 2
444 PETER O'DONNELL		17 Morningside St

Petition: After Munjoy Hill Moratorium Ends June 2018

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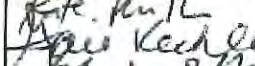
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

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A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Stds for Munjoy Hill R-6 Overlay

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
445 Mary Morse		508 Sherman St
446 Robert Morse		208 Sherman St
447 Kay Darcos		213 Emerson St
448 Kate Phillips		45 Eastern Prom W
449 GAIL KULTHAU		9 Adams St
450 TEPHER GAIL		176 Eastern Prom
451 Ann Cowie		32 North St. Pk
452 James Cowie		32 North St
453 MELISA BOIS		53 MELBOURNE ST.
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Petition: After Munjoy Hill Moratorium Ends June 2018

Morning

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
467 G.R. Whitten	G.R. Whitten	23 St. Lawrence St.
468 Lauren Peir	Lauren Peir	119 Congress #1
469 E. Streeter	Elizabeth C. Streeter	66 Quebec
470 J. Streeter	Janna Streeter	66 Quebec
471 Berry Mantel	Berry Mantel	46 E. Prom
472 Jocelyn King	Jocelyn King	40 E. Prom, Apt B
473 Marcie Lister	Marcie Lister	32 Wilson St #2
474 Isabel Walsh	Isabel Walsh	32 Wilson St #2
475 Evan Holliday	Evan Holliday	72 Vesper St #2
476 MATT CAPON	MATT Capon	32 Wilson St Apt 1
478 Margaret Cummings	Margaret Cummings	
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Fwd: Munjoy Hill R-6 Recommendations

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Apr 9, 2018 at 8:38 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Peter Murray <pmurray@gwi.net>
Date: Sat, Apr 7, 2018 at 10:58 AM
Subject: Munjoy Hill R-6 Recommendations
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Dropbox <pmurray@gwi.net>

Dear Jeff -

Here are my suggestions for your and your staff's consideration as you formulate your recommendations to the Planning Board for post-moratorium changes to the R-6. The intent of the recommendations is for the R6 to permit reasonable redevelopment of small Munjoy Hill lots at the same density at which they were originally developed - one or two-family homes - and to permit condo projects only on larger lots. This will tend to preserve the affordable housing stock we now have and protect the historic streetscapes and ambience of the neighborhood from oversized condominium boxes on small lots originally laid out for single family homes. The IPOD was a step in the right direction, but without some strengthening, might not be enough to contain this recent and unfortunate trend.

Thank you for your consideration of these recommendations and for your thoughtful concern for our neighborhood in the context of Portland's overall comprehensive plan.

Best wishes,

PLM
Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net



M-2-recommendations.docx
153K

Memorandum

To: Jeff Levine and Portland Planning staff
Fr: Peter L. Murray
Re: Revisions to the R-6 Zoning Ordinance – Munjoy Hill Overlay
Dt: April 6, 2018

As you finalize staff recommendations to the Planning Board, here are some thoughts and recommendations on revisions to the R-6 zoning ordinance.

1. The pre-2015 R-6 had meaningful setback, lot coverage and parking requirements with a special program for undersized lots that permitted development of single and two family homes on small lots, and larger projects on large lots. This worked well for the Hill.
2. The 2015 version of the R-6 relaxed dimensional requirements to such an extent that it became economically attractive to developers to acquire existing one and two family houses on small lots, tear down the houses, and over-improve the lots with four-story blocks of 4-7 condominium units to the serious deterioration of the character of the neighborhood.
3. The IPOD restrictions represent some improvement, but may not be sufficient to protect valuable existing housing stock and screen out over-size condominiums. Under the Ipod, a 3600 square foot lot laid out for a single family house could be over-redeveloped with a four story condo with a footprint of over 2000 square feet and total enclosed area of nearly 8,000 square feet, enough for four units plus common areas.
4. Returning to the dimensional standards of the pre 2015 R-6 would insure that development of conforming lots would be reasonable and that large condominium projects could only be built on relatively large parcels. Dimensional minima from the old R-6 that are particularly important are 10' side lot setbacks, 4500 square foot minimum lot size, 50% maximum lot coverage. In addition heights should be capped at 35 feet for buildings up to 3 units or on lots smaller than 4500 square feet, with 45 feet for buildings of more than three units on lots of more than 4500 square feet and with an additional 5-foot setback on each side and the front for everything above 35 feet. Rooftop appurtenances should be counted in the maximum height limits.
5. The R-6 dimensional minima should be accompanied by a small lot program that would permit otherwise undersized lots to be developed for one or two family houses under strict design guidelines.
6. There should be no "alternative design review" available on Munjoy Hill. All development should be subject to the Design Standards as developed and maintained by the Planning Department.
7. Demolitions of existing structures from the Hill's original building fabric should be subject to a process that requires a period of repose of up to 6 months to permit consideration of alternatives to demolition.
8. The Planning Department with the assistance of Greater Portland Landmarks and upon notice to the neighborhood should proceed promptly with the establishment of historic districts as recommended by Landmarks.

Thank you for your consideration of these suggestions.

PLM

Proposed revisions to R-6

Pamela Day <pdayer2304@gmail.com>

Apr 6, 2018 6:35 PM

Posted in group: Planning Board

Members of the Planning Board:

We purchased our two-family home on Waterville Street in 2005. The property, an 1860 Greek Revival which survived the Great Fire, needed extensive rehabilitation. Over the years we have made significant improvements, including major work to shore up the foundation and rock walls, rid the property of vermin, make both units livable, and improve the grounds. We are proud to say that many who pass by our home remark upon its attractiveness and historic appeal.

We appreciate the efforts of the City Planning Staff in preparing the IPOD and the draft revised R-6 rules. These are a step in the right direction in preserving the historic character and livability of Munjoy Hill which has been threatened by outsized development since the 2015 zoning changes. In considering the proposed staff recommendations on April 10 we urge the Planning Board to enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should discourage demolition of homes with historic value and the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Ensure DIMENSION guidelines/standards properly regulate scale and mass of buildings in relation to their immediate surroundings.

Newer, bulky condominium buildings detract from the social interaction typical of the Hill and reduce light and space enjoyed by all residents from the street scape. The revised code should use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish and enforce DESIGN & BUILDING standards and guidelines that eliminate the Alternate Design Review as an option and insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

4) Create a Munjoy Hill Neighborhood Conservation Overlay District that provides additional protections to the Hill's historic neighborhoods, including matching side setbacks to the neighborhood when possible, discouraging additions on existing nonconforming buildings, and adding some flexibility for smaller lots.

Thank you for your consideration of our request.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

Sent from Mail for Windows 10

Google Groups

Munjoy Hill Zoning

Kate Philbin <kphilb3@gmail.com>

Apr 9, 2018 9:52 PM

Posted in group: Planning Board

Planning Committee Members:

As a resident of the Eastern Promenade, I am writing to request that you support the following in order to preserve the character and history of this iconic Portland neighborhood:

1. Create new demolition standards in the R-6 infill design standards.
2. Support the R-6 zoning change by going back to pre -2015 R-6 or use the IPOD R-6 recommendation.
3. Mandate design and building standards that ensure compatible architecture, including:
 - a. eliminate the alternative design option.
 - b. ensure that 10,000 square foot lots apply to the R-6 infill design.
 - c. revise Munjoy Hill R-6 overlay with the IPOD design recommendations.
4. Create an historic preservation district for much of Munjoy Hill as presented by Portland Landmarks.

Thank you.

Kate Philbin 45 Eastern Promenade

Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Posted in group: Planning and Urban Development

Apr 11, 2018 9:32 AM

April 11, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Department Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Department's recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of 386 signatures gathered from residents on Munjoy Hill requesting EFFECTIVE language for the following:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Tear-down standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6

Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000

ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Department's recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specifics from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

1) Language: (page 12) (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.

Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?

Proposal: Remove this language.

2) Language: (page 13) (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance. C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted.

Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.

Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.

3) Language: (Page 14) (i) Enforcement -

Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.

Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) Rooftop Appurtenances -

Language: (Page 3) -HVAC equipment limited scale up to 5 above max heights if a) screened from public right of way and b) setback at least 5 from the building edge.

Concern: HVACs will still be seen from road in different angles Additionally, The property owners NOT in public way such as aside or behind the

building should also be considered. These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.
- Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such as air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) Height Maximum-

Language (Page 3): "or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 <http://portlandmaine.gov/DocumentCenter/View/18101> which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annually.

This language is so vague that it will not be enforceable as proven in other affordable policies.

- The small landlords such as our Munjoy Hill Conservaon Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hill. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) Side Yard Setback Minimum

Language: (Page 3) b) any side yard of less than 10 is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with "only" is too ambiguous. There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: : Leave language but remove starting with "only" when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) Language: Missing Design Standard language to ensure that the design standard manual will be actually enforced.

-Concern: How to ensure that this design manual is legally and actually enforced? It has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-Proposal: Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) Language: (Page 26) Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservaon Board.

-Concern: How can we be assured that the recommendations of the Historic Preservaon Board recommendations the final authority and not the recommending board? When are Historic Preservaon Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservaon Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design option IF the Historic Preservaon Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservaon Board is the final authority.

3) Language: (Page 26) The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservaon Board should be the Review Authority with final authority.

Historic Preservaon Language Concerns:

1) Language: (Page 5). There is no recommendation for a Munjoy Hill Historic Preservaon District from the City Planning Dept.

Concern: - How are we assured it will be reviewed in a specific timeframe? What are the interim controls during this timeframe?

We are including another petition showing Munjoy Hill residents are interested in a Historic Preservaon District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservaon District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservaon District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still uninformed about a Portland Historic Preservaon District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservaon Collaborative members
Karen Snyder-72 Waterville St.
Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Bracke St.
Erna Koch-81 Vesper St.

Attachments:

MHCCLetterPeon2PlanningBoar d_20180405.pdf
MHCCPeon_HPD_20180411.pdf

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members,

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are 386 petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

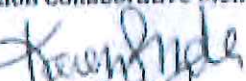
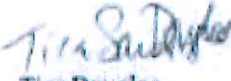
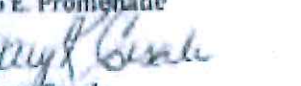
ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,
Munjoy Hill Conservation Collaborative Members

 Paula Agopian 98 Monument St.	 Karen Snyder 72 Waterville St.	 Maggy Wolf 28 St. Lawrence St.	 Tica Douglas 11 Munjoy St.	 Berry Mantel 46 E. Promenade
 Nini McManamy 10 Willis St.	 Jayde Hurley 11 St. Lawrence St.	 Pamela Day 25 Waterville St.	 Peter Murray 104 North St.	 Mary Casale 30 Waterville St.
 Wayne Valzania 27 Merrill St.	 Enoch Wenstrom 88 Bracket St.	 Erna Koch 81 Vesper St.		

Attachment: Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

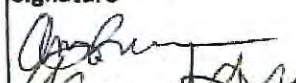
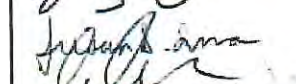
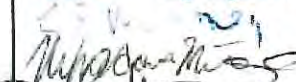
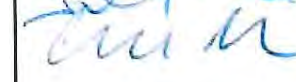
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
1 Amanda Powell		91 Vesper St #3 Portland, ME
2 Alison Godbout		90 Lincoln St Apt 2 Portland, ME
3 Justine Denny		56 North St, Apt 203 Portland, ME
4 ERNA Koch		81 VESPER ST Portland 04101
5 Collin McRann		79 Vesper Street 04101
6 Tania Briceno		79 Vesper St. 04101
7 Susan Inman		81 A Vesper St. 04101
8 Steven Inman		81A Vesper St Portland ME 04101
9 John P. F. [unclear]		83 Vesper St
10 Alex Corcoran		83 Vesper St
11 E. [unclear]		79 Vesper St
12 Nicholas Miraflores		66 Kellogg St
13 Jeni Soares		439 Cumberland Ave
14 Rachel Gips		77 Vesper St
15 Tim Friel		95 Moody St
16 Courtney Zoccola		11 Moody St
17		
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Name	Signature	Address
21 Enoch WENSTROM	Enoch Wensstrom	88 Beckett #1
22 Gail Wensstrom	Gail Wensstrom	88 Beckett St. Portland
23 Colin Wensstrom	Colin Wensstrom	88 Beckett #2 Portland
24 Brian Pelletier	Brian Pelletier	88 Beckett St #3 Portland
25 Amber Trospen	Amber Trospen	71 Beckett St. #2 Portland
26 Sam Lambert	Sam Lambert	85 Beckett St
27 Simon Rucker	Simon Rucker	85 Beckett St.
28 Catherine Waycott	Catherine Waycott	91 Beckett St
29 Carolann Murray	Carolann Murray	91 Beckett St
30 Fath Sheen	Fath Sheen	95 Beckett St
31 Sarah H. White	Sarah H. White	44 Wellstone DR
32		88 Beckett St
33		88 Beckett St
34 Mark Wensstrom	Mark Wensstrom	88 Beckett St
35 Paul Rodright	Paul Rodright	88 Beckett St
36		2 River Pines 04014
37 Christine George	Christine George	87 Munjoy St. Portland
38 Amanda Larch	Amanda Larch	62 Munjoy St
39 Benjamin Mason	Benjamin Mason	65 Wilson St
40 Heather Bruce	Heather Bruce	49 Marion St #1
41 Carrie Ryba	Carrie Ryba	52 Windy Glen
42 Jan-Muri Handholm	Jan-Muri Handholm	95 Munjoy St
43		
44		

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Name	Signature	Address
45 Bryn Arbuckle		92 Beckett St #3
46 Eric Kahr		54 Morris St Portland
47 JOE KLEVITT		74 Munjoy St
48 Amy Stafford		72 Munjoy St
49 Jill Korman		66 Munjoy St #2
50 Lisa B		26 Wilson St
51 Deb Taheri		26 Munjoy St
52		26 Munjoy St
53 Cynthia E. McLaughlin		
54		
55 Marticia Douglas		11 Munjoy St
56 Lisa Christian		37 Munjoy St
57 Phyllis Layman		58 W. 1st St #1
58		58 W. 1st St
59 Andrew Summers		45 O'Brien St
60 Spike S. Rowe		46 Wilson and 4 Portland
61 Richard A. Brumley		45 Wilson and 4 Portland
62		
63 Deb Parish		72 Morris #3 Portland
64 LINCOLN PRINE		150 GASTOWN PRIME Portland
65 Allisa Bane		150 GASTOWN PRIME Portland
66 Ruth Friedman		64 Vesper St Portland
67 Cecilia Ziko		62 Vesper Portland
68 Joseph Nolasco		86 Congress St Portland
69		

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Name	Signature	Address
70 <i>Kate King</i>	<i>Kate King</i>	14 <i>Waterville St</i>
71 Karen Snyder	<i>Karen Snyder</i>	72 <i>Waterville St</i>
72 <i>Sue Anderson</i>	<i>Sue Anderson</i>	51 <i>Monmouth St</i>
73 <i>Shirley L. Hagan</i>	<i>Shirley L. Hagan</i>	43 <i>Monmouth St</i>
74 <i>Marie Hagan</i>	<i>Marie Hagan</i>	44 <i>Monmouth St</i>
75 <i>John Langhney</i>	<i>John Langhney</i>	71 <i>Melbourne St</i>
76 <i>John St. French</i>	<i>John St. French</i>	105 <i>Congress St. #3</i>
77 <i>Andrew S. Rye</i>	<i>Andrew S. Rye</i>	105 <i>Congress St.</i>
78 <i>Lindsay Rye</i>	<i>Lindsay Rye</i>	46 <i>Howard St Apt 7</i>
79 <i>Emily Smith</i>	<i>Emily Smith</i>	100 <i>Congress Street Apt 1</i>
80 <i>Sarah Davies</i>	<i>Sarah Davies</i>	172 <i>E. Prom St</i>
81 <i>Doug Fillmore</i>	<i>Doug Fillmore</i>	57 <i>St. Lawrence St #4</i>
82 <i>Tina Tringali</i>	<i>Tina Tringali</i>	73 <i>Waterville St</i>
83 <i>KATH LANE</i>	<i>KATH LANE</i>	72 <i>Waterville St #1</i>
84 <i>Kathy Mahoney</i>	<i>Kathy Mahoney</i>	72 <i>Waterville St #1</i>
85 <i>Brian Wells</i>	<i>Brian Wells</i>	72 <i>Waterville St #2</i>
86 <i>Cathleen Cassie</i>	<i>Cathleen Cassie</i>	72 <i>Waterville St #2</i>
87 <i>BENEDICT CASSE</i>	<i>BENEDICT CASSE</i>	24 <i>Emery St</i>
88 <i>Shirley Hagan</i>	<i>Shirley Hagan</i>	13 <i>Forest Park</i>
89 <i>Alida Jeff</i>	<i>Alida Jeff</i>	68 <i>Quebec St.</i>
90 <i>Jeanine Bischoff</i>	<i>Jeanine Bischoff</i>	85 <i>Vesper St.</i>
91 <i>Hannah Underwood</i>	<i>Hannah Underwood</i>	75 <i>Congress St</i>
92 <i>Melissa Curran</i>	<i>Melissa Curran</i>	68 <i>Quebec St</i>
93 <i>Kevin Brewster</i>	<i>Kevin Brewster</i>	
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	Name	Signature	Address
95	RICHARD STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
96	CAROL L. STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
97	Mary Kathryn Connolly	<i>[Signature]</i>	100 North St Portland
98	Thomas O'Leary	<i>[Signature]</i>	100 North St Portland
99	Elyse Schwarzenberg	<i>[Signature]</i>	100 North St Portland
100	Ryan Pierce	<i>[Signature]</i>	106 North St Portland, ME
101	Rita Pierce	<i>[Signature]</i>	
102	Laurie Hanley	<i>[Signature]</i>	118 Congress & #302 Portland
103	Judith Sobel	<i>[Signature]</i>	180 Galmouth St #203
104	Solange Kellermann	<i>[Signature]</i>	48 Howard St. Portland
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Name	Signature	Address
120 Regina Langley		54 Turner St.
121 ALLAN HORNEMAN		58 Turner St.
122 Paul G. S.		44 Howard St.
123 Al Tracy MacLellan		33 Howard St.
124 David Halstead		48 Emma St.
125 TONY BRIDGEMAN		24 Emerson St.
126 MICHAEL SEABROOK		54 Turner Street
127 Stuart Lambert		54 TURNER ST
128 Katelyn Kniffin		36 Gilman St 04102
129 Charles Johnson		51 Turner St.
130 Patrick Bartley		136 Pine St. Apt #4 Portland, ME 04102
131 Jessica Place		54 Turner St #1 Portland, ME
132 Mark W. Cassin		34 Turner St #2 - Portland, ME
133 Anna K. Bogan		27 Morning St #4 Portland, ME
134 Fred Seabell		33 Merrill St Portland, ME
135 Robert Anderson		29 Emma St Apt 1 ME
136 MAISTIE KILPATRICK		15 Munjoy Street #2
137 Colin Franklin		28 Mt. Collis #5
138		54 TURNER ST -
139		54 Turner St.
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Name	Signature	Address
145 Jayne Hurley	<i>Jayne Hurley</i>	11 St Lawrence St
146 Peter Macomber	<i>Peter Macomber</i>	4 ST LAWRENCE ST
147 Pam Macomber	<i>Pam Macomber</i>	4 St. Lawrence St
148 Jennifer Marrone	<i>Jennifer Marrone</i>	48 Monument St
149 Carlos Brachio	<i>Carlos Brachio</i>	35 St Lawrence St
150 Steve Morgan McCormack	<i>Morgan McCormack</i>	36 St Lawrence St
151 Mark R. Holden	<i>Mark R. Holden</i>	37 St Lawrence St
152 Emma Cassat	<i>Emma Cassat</i>	57 St Lawrence St
153 Stephen Benson	<i>Stephen Benson</i>	56 St Lawrence St
154 David Kennedy	<i>David Kennedy</i>	81 ST. LAWRENCE ST
155 Judith Lambert	<i>Judith Lambert</i>	61 St. Lawrence St
156 Kristin Cape	<i>Kristin Cape</i>	71 St. Lawrence St.
157 Matthew Anderson	<i>Matthew Anderson</i>	41 Monument St.
158 Missy Miller	<i>Missy Miller</i>	51 Saint Lawrence St
159 Eric Smith	<i>Eric Smith</i>	59 St Lawrence
160 Lina Tuzelsky	<i>Lina Tuzelsky</i>	52 Atlantic St
161 Beth El	<i>Beth El</i>	23 Emerson
162 Kate Tagulard	<i>Kate Tagulard</i>	41 St Lawrence
163 Maxine Wright	<i>Maxine Wright</i>	29 St. Lawrence St
164		
165 Cynthia I. Bartlett	<i>Cynthia I. Bartlett</i>	16 St Lawrence St #2 Portland
166 Benjamin Allen	<i>Benjamin Allen</i>	2 Atlantic St #2 Portland
167 Heather Abt	<i>Heather Abt</i>	6 Atlantic St.
168 Bernard Moore - Sanford	<i>Bernard Moore - Sanford</i>	33 Atlantic St
169	<i>Heather Abt</i>	37 Atlantic St

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171 Sarah Mooney	Sarah Mooney	83 Beckett St. #3 Portland, ME
172 Shelby Boring	Shelby Boring	87 Munjoy St #3
173 Samuel O'Leary	Samuel O'Leary	83 Beckett St #2
174 Megan Schmalzer	Megan Schmalzer	83 Beckett St. #1
175 Resueah Crabtree	Resueah Crabtree	25 Phillips Falmouth
176 Richard Santos	Richard Santos	46 Vesper #1 Portland ME
177 Emily Cushman	Emily Cushman	31 O'Brien
179 Zach Pedersen	Zach Pedersen	St. Moody St #3
180 Emma Miller	Emma Miller	76 Beckett St #2
181 Jeff Crane	Jeff Crane	54 Sherman St #17
182 William N Fonde	William N Fonde	119 Morning St APT B
183 Sarah Fonde	Sarah Fonde	57 Beckett St #3
184 Brandon Carpenter	Brandon Carpenter	190 Easton Avenue
185 Jordan Moody	Jordan Moody	166 Washington Ave
186		18 French Ave
187		62 Monument St #
188		31 Vesper St #1
189		39 Quebec St.
190 Margaret S. Shy	Margaret S. Shy	45 Congress St.
191		38 Wadsworth St
192		170 Congress
193		22 Portland St
194		119 Cumberland

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196 Kendall Anderson	[Signature]	41 Waterville St. Portland ME
197 Keweenaw Gorman	[Signature]	41 Waterville St. Apt. 9
198 Michael C. Connolly	[Signature]	36 Waterville St. #4
199 Amy Stepp	[Signature]	23 Waterville St
200 Alison Schmitzer	[Signature]	23 Waterville St
201 Alison Kamar	[Signature]	73 Atlantic St.
202 John Mahoney	[Signature]	73 Atlantic St.
203 Joel Hall	[Signature]	40 Waterville St #2
204 Ivez Braberis	[Signature]	35 of Lawrence St
205 Sam Deegan	[Signature]	646 Washington Ave
206		
207 Keith Pugh	[Signature]	28 Waterville St
208 Pamela Day	[Signature]	25 Waterville St.
209 Bryan Foster	[Signature]	40 Waterville St.
210 Nicolij Betti	[Signature]	40 Waterville St.
211 Leirac Douglas	[Signature]	70 Waterville St.
212 Michael Peter	[Signature]	25 Waterville
213 Joane E. Britton	[Signature]	104 Winter St. Apt. 1
214 Joe Guglielmetti	[Signature]	44 Waterville St. Apt 1
215 Beau Golan	[Signature]	7 Waterville St 1C
216 Beau Golan	[Signature]	
217 Jenn Dove	[Signature]	28 Waterville St
218		
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221 Anne M. Rand	Anne M. Rand	61 Melbourne St.
222 Judith Tierney	Judith Tierney	10 Willis St
223 Martin Steingasser	Martin Steingasser	10 Willis Street
224 Margaret H. Fernald	Margaret H. Fernald	9 Willis St
225 Santo Peter Danatelli	Santo Peter Danatelli	111 Congress Street
226 Shulamith Bonham	Shulamith Bonham	80 Melbourne St
227 Susan Shaw	Susan Shaw	26 Willis St. Portland
228 Carol Marie Connor	Carol Marie Connor	12 Montreal St
229 GEORGE H. LIBBY JR	George H. Libby Jr	16 MONTREAL ST
230 Douglas H. Buehner	Douglas H. Buehner	16 MONTREAL ST
231 LIANE C. BILLINGS	Liane C. Billings	42 MONTREAL ST
232 Kevin Johansen	Kevin Johansen	41 Montreal St.
233 Amy Bishell	Amy Bishell	48 Montreal St.
234 Deborah Cole	Deborah Cole	71 Walnut St
235 CHARLES C. SUDBY JR	Charles C. Sudby Jr	65 Melbourne St
236 Rita M. Sudby	Rita M. Sudby	65 Melbourne St.
237 Ann Denton	Ann Denton	64 Melbourne St
238 Beth Latessa - Bruchett	Beth Latessa - Bruchett	52 Melbourne St
239 Joel Chapman	Joel Chapman	33 Melbourne St
240 Marianne J. Chapman	Marianne J. Chapman	33 Melbourne St
241 David Brackott	David Brackott	52 Melbourne St
242 Sarah Green	Sarah Green	54 Walnut St
243 JEAN McMANAMY	Jean McManamy	10 Willis St

Petition: After Munjoy Hill Moratorium Ends June 2018

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
245 MARGIE E. YOUNG		53 Melbourn St
246 James D. Young		Portland, Maine
247		69 Melbourn St. Portland, ME
248 Megan E. Connolly		41 Montreal St. Portland
249 Lydia Savage		19 Melbourne #1 Portland
250 Lorraine Carroll		31 North St.
251 Sammy Hargis		65 Quebec St. Portland, Me
252 Barbara Linahan Smith		62 Melbourn St. Portland, Me
253 E. Terrence Smith		62 Melbourn St. Portland, Me
254 Bennett Morris		65 Waterville St #2
255 Emma Papineau		65 Waterville St #2
256 Jane Bryler		59 Morning St
257 Verena Hickey		75 Congress Street Apt 2
258 KRIS JOHANSEN		73 Congress St
259 Shana Swenson		29 Congress St #2
260 Jan Swenson		24 Congress St #2
261 Elizabeth Alaine		87 Pine St. #1
262 Josh Demarest		22 Atlantic St #2
263 Kelly Macleod		71 Melbourn #1
264 Richard Salas		71 Melbourn #1
265 Anna Medley		61 Clumberland #1
266 Keith W. Welch		59 Vesper St. #2
267 Conor M. Quinn		63 Melbourn St. #3
268 -es Steven Clark		19 Montreal St. apt 3
269		

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Name	Signature	Address
270 Kelly Tingley	<i>Kelly Tingley</i>	87 St. Lawrence St #4 Portland ME 04101
271 George Carhart	<i>George Carhart</i>	7 Lafayette St Portland ME 04101
272 Uschi Carhart	<i>Uschi Carhart</i>	7 Lafayette Street Portland ME 04101
273 Michaela Conner	<i>Michaela Conner</i>	27 Lafayette St Portland
274 Debra Casey	<i>Debra Casey</i>	45 Quebec St Portland
275 MICHAEL KILGUS	<i>Michael Kilgus</i>	91 Atlantic St Portland
276 Sherri Hughes	<i>Sherri Hughes</i>	93 Atlantic St Portland
277 MARTICA SAWIN	<i>Martica Sawin</i>	28 ST. LAWRENCE PORTLAND
278 Maggie Welf	<i>Maggie Welf</i>	28 ST. LAWRENCE PORTLAND
279 Aaron Murray	<i>Aaron Murray</i>	40 St Lawrence
280 Amelie Poirer	<i>Amelie Poirer</i>	43 St Lawrence St 1B
281 Katchina	<i>Katchina</i>	19 Montreal St Portland
282 Margaret J. Johnson	<i>Margaret J. Johnson</i>	30 Lafayette St
283 Elizabeth A. Streets	<i>Elizabeth A. Streets</i>	66 Quebec St. Portland
284 Bruce Davis	<i>Bruce Davis</i>	45 Quebec St.
285 Peter L. Murray	<i>Peter L. Murray</i>	104 North St
286 Deborah D Murray	<i>Deborah D Murray</i>	104 North St
287 Jonat Lunn	<i>Jonat Lunn</i>	63 vesper st.
288 JESSIE BULL	<i>Jessie Bull</i>	13 Emerson #305
289 Angela Adams	<i>Angela Adams</i>	2 Atlantic St. Portland
290 SHERWOOD HAMILL	<i>Sherwood Hamill</i>	2 ATLANTIC ST PORTLAND
291 KAREN ELLEN M. SMITH	<i>Karen Ellen M. Smith</i>	80 Quebec St Portland
292 Beth Snyder	<i>Beth Snyder</i>	71 North St Portland
293 Chris Stewart	<i>Chris Stewart</i>	81 North St Portland

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations.

	Name	Signature	Address
295	Kathleen M. Philbin	Kathleen M. Philbin	45 Eastern Prom 65 Apt.
296	DEREK CAMPBELL	Derek Campbell	45 Eastern Prom 65 Apt.
297	SUSAN TURZEN	Susan Turzen	45 Eastern Prom 2nd 6K
298	Charlotte Fullam	Charlotte Fullam	45 Eastern Prom - 7th
299	Sandra H Child	Sandra H Child	43 Quebec St.
300	JAMES BORAS	James Boras	23 Eastern St #3
301	Cheryl C. Sawyer	Cheryl C. Sawyer	45 Eastern Prom apt 6C
302	Charles R. Sawyer	Charles R. Sawyer	45 Eastern Prom apt 6C
303	Frank C. Smith	Frank C. Smith	45 E. Promenade 3K
304	Jean F. Ellis	Jean F. Ellis	45 E. Prom 1 64
305	Ryan Lowell	Ryan Lowell	50 Merrill St.
306	Mary Mawhinney	Mary Mawhinney	50 Merrill St.
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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
320 Sandra Flanagan	<i>Sandra Flanagan</i>	13 Waterville St.
321 Amy Carole	<i>Amy Carole</i>	39 Waterville St.
322 Andrew Cooper	<i>Andrew Cooper</i>	39 Waterville St.
323 Sabrina Casale	<i>Sabrina Casale</i>	95 Waterville St.
324 Carl D. Casale	<i>Carl D. Casale</i>	45 Waterville St.
325 Kelly Bourdeau	<i>Kelly Bourdeau</i>	17 Waterville St.
326 Lois C. Barter	<i>Lois C. Barter</i>	55 Kellogg St.
327 Michael D. Cavanaugh	<i>Michael D. Cavanaugh</i>	39 Munjoy St.
328 Dianne Bilezikian	<i>Dianne Bilezikian</i>	39 Munjoy St.
329 Terry Ballou	<i>Terry Ballou</i>	66 Waterville St.
330 George Bilezikian	<i>George Bilezikian</i>	66 Waterville St.
331 Joseph Rand	<i>Joseph Rand</i>	66 Waterville St.
332 Michael Balzano	<i>Michael Balzano</i>	29 Bancroft St.
333 Tom Brokish	<i>Tom Brokish</i>	43 Munjoy St.
334 Kelly Worster	<i>Kelly Worster</i>	52 Monument St #3
335 Amanda Guilmette	<i>Amanda Guilmette</i>	39 Waterville Street
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Petition: After Munjoy Hill Moratorium Ends June 2018

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Name	Signature	Address
345 John Hardy	[Signature]	11 Ponce St Apt 1
346 Mary Capron	[Signature]	55 Mount Hope St
347 Tim Liber	[Signature]	24 Sturdevant St
348 Kristen Skorski	[Signature]	24 Sturdevant St
349 Sarah Ault	[Signature]	80 North St
350 KRISTINE HENTLER	[Signature]	" H302
351 [Signature]	[Signature]	151 [Signature]
352 Melissa Sweet	[Signature]	37 Saint Lawrence St
353 GAIL KINDEL	[Signature]	34 Lafayette St. Portland
354 Ted Arnold	[Signature]	61 St. Lawrence St
355 Charlotte Daniels	[Signature]	62 St Lawrence St
356 DON OGIER	[Signature]	158 North St
357 Linda Tyler	[Signature]	52 Saint Lawrence St
358 Elena M. Schmitt	[Signature]	99 Atlantic Street
359 Sarah Goan	[Signature]	54 Walnut St
360 Mary Ray	[Signature]	123 North St
361 Louise Long-Simlye	[Signature]	77 Pine St, #151/2
362 Lynn Hallett	[Signature]	9 St Lawrence
363 PATRICIA RYAN	[Signature]	60 Montreal St
364 Carol M. Connor	[Signature]	12 Montreal St
365 [Signature]	[Signature]	25 E. [Signature]
366 Paul E Cote	[Signature]	98 Monument St.
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Name	Signature	Address
370 Mackenzie Marrie	M. Marrie	277 State St. # Portland, ME 04101
371 Andrew Lambert	Andrew Lambert	105 Sherman St #1
372 Rashita McKinley	Rashita McKinley	23 Boynton St. #1 Portland ME 04101
373 Matthew Kennedy	Matthew Kennedy	23 Boynton St #1 Portland ME
374 Alvaro Vazquez	Alvaro Vazquez	27 Merrill St. Portland ME 04101
375 Carolyn Swartz	Carolyn Swartz	27 Merrill St. Portland ME 04101
376 Elizabeth Fraser	Elizabeth Fraser	81 Congress St Portland ME
377 Maureen Roy	Maureen Roy	81 Congress Portland
378 James Davis	James Davis	29 Merrill St. Portland ME
379 Elizabeth Farmer	Elizabeth Farmer	81 Quebec St #2 Portland
380 Britt Knowlton	Britt Knowlton	45 Merrill St
381 Kevin Brewster	Kevin Brewster	68 Quebec St
382 Doug McLean	Doug McLean	35 Merrill St
383 Lisa Illingworth	Lisa Illingworth	50 Quebec St
384 Marianne Malley Sampson	Marianne Malley Sampson	73 Merrill St. #1
385 Scott Regazzini	Scott Regazzini	73 Merrill St. #2
386 WA Rose Gatz	EVA Rose Gatz	70 Merrill St #5
387 Jan Piribek	Jan Piribek	145 Androsan #8
389 Anne Mangano	Anne Mangano	84 Quebec St
390 Deborah Packelman	Deborah Packelman	118 Congress, #204
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Name	Signature	Address
395 Amy T Sweeney	[Signature]	100 Dale Dr Portland, ME
396 Susan C Mercier	[Signature]	54 Bartlett St Portland,
397 Holly Mitchell	[Signature]	154 Yale St Portland
398 Susan Seibe	[Signature]	61 Jeanne St Portland
399 Carol V Jenkins	[Signature]	18 Stoneledge Drive, Portland
400 Deborah Ahlin	[Signature]	12 Cresfield Terrace, Portland
401 EARL IRELAND, JR	[Signature]	130 Edwards Street
402 AC COUSINS	[Signature]	254 Munster St
403 [Signature]	[Signature]	70 Cumberland
404 [Signature]	[Signature]	23 Vesper St
405 Karen H. Han	[Signature]	118 Congress #301
406 [Signature]	[Signature]	17 Hammond St.
407 [Signature]	[Signature]	75 North St
408 [Signature]	[Signature]	9 Waterville St - 1C
409 [Signature]	[Signature]	17 Hammond St
410 Cynthia Cochran	[Signature]	1 St Lawrence St, B3
411 [Signature]	[Signature]	9 Western Ave St. 1C
412 [Signature]	[Signature]	234 Eastern Prom ab
413 Julia Kirtland	[Signature]	7 Fore St
414 EDWARD CHESTER	[Signature]	105 North St #1
415 Vana Carmona	[Signature]	56 Knicker St #1
416 Nat Pendleton	[Signature]	57 Morning St
417 Steven Goodman	[Signature]	340 Eastern Prom #142
418 [Signature]	[Signature]	
419 [Signature]	[Signature]	

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Name	Signature	Address
420 SADDEN NEILAN	[Signature]	29 EUGEN ST #5
421 CHRIS AKER LIND	[Signature]	44 Monument St
422 Nicholas Hu	[Signature]	20 MURKIN ST
423 Kisha Jackson	[Signature]	14 Monument St
424 Matt Wellington	[Signature]	14 Monument St
425 Kate O'Rourke	[Signature]	102 MURKIN ST Apt 2
426 MINDI HEPEK	[Signature]	189 CONGRESS ST Apt 2
427 Alex Vignos	[Signature]	189 Congress St
428 VILL PERICAT	[Signature]	40 MURKIN ST
429 James Placencia	[Signature]	21 A Easton St
430 James Holcomb	[Signature]	21 Atlantic St
431 Sarah Auld	[Signature]	43 Munjoy St Portland
432 Nicole Elmrose	[Signature]	49 Sheehan St Portland
433 Mao Ding	[Signature]	65 Munjoy St
434 Gerald Shannon	[Signature]	73 Mantoloking St
435 Kasey Keller	[Signature]	28 Eastern Promenade Apt 8 Portland
436 Leah Cross	[Signature]	73 Atlantic St Apt 2 Portland
437 WILLAWORTH	[Signature]	40 Monument St #3 PND
438 Meghan Farrell	[Signature]	15 Munjoy St #1 Portland
439 Jenna Carlson	[Signature]	37 Kellogg St #3 Portland
440 Ryan Poas	[Signature]	119 Merritt St
441 Nathan Bauer	[Signature]	86 Quebec St
442 CHARLIE FRAIR	[Signature]	62 ATLANTIC ST. 04101
443 Helen Lukacs	[Signature]	66 Cumberland Ave Apt 2
444 PETER O'DONNELL	[Signature]	17 MURKIN ST

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Name

Signature

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Mary Morse
Robert Morse
Kay Dumas
Kate Philbin
GAIL KUNLTHA
TEPHER GARZ
Ann Cowie
James Cowie
Malisa Bois

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Kay Dumas
Kate Philbin
Ann Kunlth
Meph J. Baird
Ann Cowie
James Cowie
Malisa Bois

208 Shondae St
208 Shondae St
313 Emerson St
45 Eastern Prom W
9 Adams St
176 Eastern Prom
32 Wood St, Pct
32 North St
53 MELBOURNE ST.

Petition: After Munjoy Hill Moratorium Ends June 2018

Morning

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468 Lauren Peck	<i>Lauren Peck</i>	119 Congress #1
469 E. Streeter	<i>Elizabeth L. Streeter</i>	66 Quebec
470 J. Streeter	<i>Joanna Streeter</i>	66 Quebec
471 Berry Mantel	<i>Berry Mantel</i>	46 E. Prom
472 Jocelyn King	<i>Jocelyn King</i>	40 E. Prom, Apt B
473 Marcie Lister	<i>Marcie Lister</i>	32 Wilson St #2
475 Isabel Walsh	<i>Isabel Walsh</i>	32 Wilson St #2
476 Evan Holliday	<i>Evan Holliday</i>	42 Vesper St #2
477 MATT CAPON	<i>Matt Capon</i>	32 Wilson St Apt 1
478 Margaret Cummings	<i>Margaret Cummings</i>	
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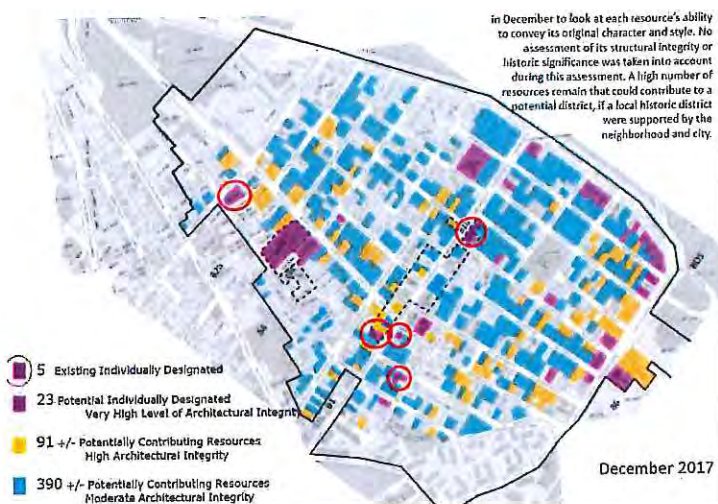
Munjoy Hill Conservation Collaborative- Historic Preservation District Petition

SHORT TERM Solution (Can easily be implemented by when the Moratorium Ends):

A) Include a nomination for a Historic Preservation district of a proposed geographic area in phase one with full designation of final districts in phase 2.

LONG TERM Solution (Can be started but is a longer process to implement):

A) Create a **Historic Preservation District (HPD)** for Munjoy Hill. Greater Portland Landmarks preliminary study indicates over 60% of Munjoy Hill buildings have "historic architecture integrity"



Source: <http://www.portlandlandmarks.org/munjoy-hill>

Suggested Preliminary Historic District could be below.

Munjoy proposed historic districts

This map shows the Greater Portland Landmarks proposal for two historic districts on Munjoy Hill. Portland officials are considering such districts to help preserve the neighborhood's historic character at a time



STAFF GRAPHIC | MICHAEL FISHER

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
1 Berry Manta		46 E. Prom.
2 Jayne Hurley		11 St. Lawrence St.
3 Zack Anchors		44 Waterville St #1
4 ENOCH WENSTROM		88 Beckett St #1
5 Elizabeth A Streeter		66 Quebec St.
6 Stacy Mitchell		74 Atlantic St
7 George Carhart		7 Lafayette St
8 Barbara Vestal		7 Fore St.
9 Pam Macomber		4 Saint Lawrence
10 PETER MACOMBER		"
11 Karen Snyder		72 Waterville St
12 PAULA AGOSTIAN		98 Monument St
13 KEITH LAWE		73 Waterville St
14 James Cloutier		13 Pleasant St PH1
15 NANCY J. GUIMOND		13 WATERV. 11 E ST
16 GAIL KUNZELMAN		4 Adams St PH2
17 JO ANN DOWE		29 Waterville St
18 Mark Hogan		41 Monument St
19 Stephanie Hogan		41 Monument St
20 Lin Asci Rye		105 Congress St.
21 Andrew S. Rye		105 Congress St.
22 Emily Smith		46 Howard St. Apt 1
23 Sarah Davies		100 Congress Street Apt 2
24 Don Fillmore		172 E. Prom
25 Tracy Tingley		87 St. Lawrence St #4
26 Kelly Tingley		81 St. Lawrence St #4

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
27	ENOCH WENSTROM	Enoch Wenstrom	88 Beckett St #1
28	Colin Winsor	Colin Winsor	88 Beckett St. #2
29	BRIAR KELLER	Briar Keller	88 Beckett #3
30	Simon Rucker	Simon Rucker	85 Beckett
31	Therese Waycott	Therese Waycott	91 Beckett #2
32	G Murray	G Murray	91 Beckett #1
33	Sarah H. White	Sarah H. White	94 Wellington Dr
34	Jan Mankuth	Jan Mankuth	52 Nuddy Street
35	Ben Aruckle	Ben Aruckle	82 Beckett St #3
36	Jill Kautman	Jill Kautman	66 Munjoy St. #2
37	Alma	Alma	76 Wilson St
38	Deb Tabue	Deb Tabue	76 Munjoy St
39	Martica Douglas	Martica Douglas	11 Munjoy St.
40	Brian Weiss	Brian Weiss	72 Waterville St Apt 1
41	Kathy Mahoney	Kathy Mahoney	72 Waterville St #1
42	Carmele Cassie	Carmele Cassie	72 Waterville St #2
43	Benedict Cassie	Benedict Cassie	72 Waterville St #2
44	Ali G. Jeff	Ali G. Jeff	13 Forest Park
45	Jeanne Paschoff	Jeanne Paschoff	68 Quebec St.
46	Hannah Underwood	Hannah Underwood	85 Vesper St.
47	Kevin Brewster	Kevin Brewster	68 Quebec St
48	Karen Hamilton	Karen Hamilton	23 Vesper St
49	Carolyn Goodbody	Carolyn Goodbody	118 Congress
50	Ellen J. Bailey	Ellen J. Bailey	17 Hammond St
51	Bonnie Egan	Bonnie Egan	9 Waterville St 1-C
52	Michael Capton	Michael Capton	9 Waterville St. 1-C
53	Mr C. Tryon	Mr C. Tryon	1 St. Lawrence St 63
54	Mike Sylvester	Mike Sylvester	159 Central Ave Parker
55	Ellen Christa	Ellen Christa	7 Fore St 1501
56	Vana Carmona	Vana Carmona	105 North St #1
57	Nat Pendleton	Nat Pendleton	86 Quebec St #11
58	Steven Goodman	Steven Goodman	87 Morning St.
59			

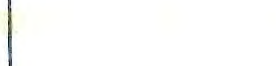
Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
93 ALLAN HORNEMAN	<i>Allen Horneman</i>	58 Turner street
94 Paul Gross	<i>Paul Gross</i>	44 Howard St.
95 Alex J. Turner	<i>Alex J. Turner</i>	48 American st
96 Regina Langley	<i>Regina Langley</i>	54 Turner St.
97 TAYLOR BRADSHAW	<i>Taylor Bradshaw</i>	54 Turner St.
98 MICHAEL BEASLEY	<i>Michael Beasley</i>	54 TURNER St
99 Stuart Lambert	<i>Stuart Lambert</i>	36 Gilman ST
100 Katelyn Kniffin	<i>Katelyn Kniffin</i>	54 Turner St
101 Charles Jackson	<i>Charles Jackson</i>	138 pine st. apt #4 Portland ME 04102
102 Patrick Bartley	<i>Patrick Bartley</i>	54 Turner St
103 Jessica Place	<i>Jessica Place</i>	54 Turner St #1 Portland, ME
104 MARK W. CASHIN	<i>Mark W. Cashin</i>	27 NOVENG ST #4 PORTLAND
105 Anna K. Bolton	<i>Anna K. Bolton</i>	39 Merrill St. Portland
106 Jess Howell	<i>Jess Howell</i>	15 Munjoy Street #2
107 Sarah Anderson	<i>Sarah Anderson</i>	27 Mending St #5
108 KRISTINE RILEY	<i>Kristine Riley</i>	52 TURNER ST
109 Colin Franklin	<i>Colin Franklin</i>	34 Turner st.
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
126 MARK K. HOLDEN		37 St. Lawrence St. #101
127 SADIE NEILAN		29 Emerson #3
128 STACY MITCHELL		79 Atlantic St #2
129 James P. Parnham		21 Eastern Prom
130 Jacob Hebert		74 Atlantic St. #2
131 Jordan Guenette		58 Congress #3
132 Jason Walker		58 Congress #7
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
126 MARK K. HOLDEN		3 + St Lawrence St #101
127 SADHAN NEILAN		29 Emerson #3
128 STACY MITCHELL		79 Atlantic St #2
129 James P. Givens		21 Easton Prom
130 Jacob Haberl		74 Atlantic St #2
131 Jordan Guenette		58 Congress #3
132 Jesus Walker		58 Congress #7
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Fwd: R-6 Munjoy Hill Amendments

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 13, 2018 at 10:52 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
[@portlandplan](http://www.portlandmaine.gov/planning)

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Wed, Apr 11, 2018 at 12:55 PM
Subject: R-6 Munjoy Hill Amendments
To: jlevine@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Jeff, Christine, Deb and Caitlin,

I write to follow up on one of my comments to the Planning Board yesterday. I do not understand what you are trying to accomplish with the proposed amendments to 14-436, and fear that as drafted you are about to open a can of worms on the entire City. I believe you are proposing this to make building extensions a viable alternative to demolition. But as drafted, I believe it is ill-considered, not well-targeted and has potential impacts well beyond that limited purpose.

My reading of the proposed amendments is that they would allow an owner with a nonconforming structure to expand the structure for the entire length of the rear yard or side yard (as applicable) so long as the structure did not encroach any more than the already non-conforming portion. Thus if a small porch, for example, encroached 7 feet into what would otherwise be a required 10 foot setback, with this amendment, the entire remainder of the building, for its entire distance along that plane and for the entire height allowed by zoning could be enlarged and extended out to the 3 foot plane.

This moves a far distance from the existing ordinance which would only allow a building extension vertically, WITHIN THE EXISTING FOOTPRINT of the structure. The amendment would allow extensions vertically and horizontally, and beyond the existing footprint, to square off the building to the furthest extent of the non-conformity.

As I stated to the Planning Board:

I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. You should NOT take them up as part of this moratorium package. They are kind of stuck on at the end, as an afterthought, and have not been part of the discussion on Munjoy Hill. The proposed amendments would apply City-wide, not just in the R-6. As drafted, the amendments could make significant changes.

The current ordinance only allows certain building extensions WITHIN THE EXISTING BUILDING FOOTPRINT. As drafted, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what it is proposing is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure.

These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial. Why should these Building Extension amendments be included in the R-6 IPOD moratorium package?

It is one thing to allow reasonable expansions in a controlled and planful way as an alternative to demolition. Perhaps that could be included in the toolbox if somebody were to apply for a demolition permit; maybe there could be a process for discussion of an expansion that might be allowed if it met the design guidelines. The allowed extensions would be limited to a very specific context and would be done with design review. It is quite another to willy-nilly remove all of the limits on building extensions for all non-conforming structures as these amendments propose to do.

I hope you will take another look at this provision and either improve it to better accomplish your assumed purpose, or will delete this pending a separate and more measured analysis of the City-wide impacts.

Regards,

Barbara Vestal

Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and e-mail.

Fwd: on revisions to policies

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 13, 2018 at 11:27 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Grace Braley <gbraley55@gmail.com>
Date: Fri, Apr 13, 2018 at 11:20 AM
Subject: on revisions to policies
To: jlevine@portlandmaine.gov

To Jeff Levine:

I am out of town and could not attend the meeting Tuesday, not sure if comment was being taken.

Having reviewed recent proposals, I have just a couple of comments.

Primarily, although we do need housing affordable to people with lower incomes,

1. Regarding the inclusion of housing people can afford affect the revised design standards for any part of Portland does not make sense. We can keep an aesthetically attractive city and increase the needed housing.

The height of a building has nothing to do with "workforce" housing. [It is the rectangular building tops that pop up really ugly above the more common rooflines on Munjoy Hill.]

The attractiveness of a neighborhood should have no relationship to affordability.
It should certainly not compromise how design and construction are carried out.

There seem to be no resources offered to households with the 50% - 80% income population.
The population with incomes between 80% and 120% can afford what they need or want without any assistance or incentive.

Please do not make design standards a negotiable factor.

2. There is another concern here that should be named. When a builder wants to put in high-priced condos, and with the designer, also wants to squeeze in one more unit for more dollars, is this not likely to force a design sacrifice on the character of neighborhood standards?

Some of the contemporary designs are relatively attractive. I fear the risk of some sacrifice being made when the developer wants the gain from an extra unit or two. How do we deal with this?

OTHER:

As for economic hardship as a reason for demolition, this is confusing. Are there alternative methods for deriving a list of feasible reasons for demolition?

Also, although demolition gets me very anxious, I still wonder whether an 18-month stay is not a punitive measure?

Grace Braley

Fwd: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 13, 2018 at 1:52 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
369 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
[@portlandplan](http://www.portlandmaine.gov/planning)

----- Forwarded message -----

From: e w <eenebw@hotmail.com>
Date: Fri, Apr 13, 2018 at 1:36 PM
Subject: RE: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
To: Jeff Levine <jlevine@portlandmaine.gov>, Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Cc: Pa Ag <pagoplan1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mswnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@ghi.net>, martica douglas <tica1529@gmail.com>, Jayne Hurley <jhurley@cspinet.org>, Berry Manter <berrymanter@yahoo.com>, nini mc manamy <ninimaine@aol.com>, Pamela Day <pday2304@gmail.com>, Barbara Vestal <vestal@chesterandvestal.com>, Karen Snyder Yahoo <karsny@yahoo.com>

Jeff: Thank you for your comments and the opportunity to meet two Fridays ago. I can definitely appreciate your team's effort. Our team has also done an exhaustive, extensive effort for what we believe is in the best interest for the neighbor we live in. I 100% support Karen's great job in replying the concerns. In my experience, in the planning and negotiating environment, critique is a necessary part of the process of deriving a workable middle ground for all. With that being said, I do not think it is wrong for the group to suggest revisions to the plan drawn up by your team. The neighborhood, young and old, clearly wants the destruction of Munjoy hill to stop. It is going to be very disappointing to the neighborhood if this massive condo building trend continues after June. Many people are under the impression the city has stopped this destruction and mass scale condo building permanently.

Thank You

From: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Friday, April 13, 2018 12:02 PM
To: Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Cc: Pa Ag <pagoplan1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mswnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@ghi.net>, martica douglas <tica1529@gmail.com>, Jayne Hurley <jhurley@cspinet.org>, Berry Manter <berrymanter@yahoo.com>, nini mc manamy <ninimaine@aol.com>, Pamela Day <pday2304@gmail.com>, Barbara Vestal <vestal@chesterandvestal.com>, Karen Snyder Yahoo <karsny@yahoo.com>
Subject: Re: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Thanks for your comments and ongoing commitment to this process.

Reading through them, I think it might be helpful if we met so I can walk you through our recommended language and how it closely follows the outline from our March 24th presentation at the listening session. There are also some terms that we don't define in the overlay because they are already defined in the ordinance elsewhere (such as "Planning Authority") that I would be happy to go over with you. Similarly, the issue of lots over 10,000 sf. is perhaps misunderstood in that we have other design standards that apply to projects of that scale.

We have thought long and hard about the issues facing Munjoy Hill and how to balance varying perspectives on complex issues. We have devoted several staff members to this work, as well as bringing in an intern to do survey work, putting aside other major projects to make sure we do a good job on this one. I have been honest and open with you all along during the process and, as a result, find your comments to be a little harsh.

Let me know what times might work for us to meet and I will try to make something work in the next couple of weeks.

best,

Jeff

Jeff Levine, AICP
Director
Planning & Urban Development Department
369 Congress Street 4th Floor

Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

On Wed, Apr 11, 2018 at 9:32 AM, Munjoy Hill Conservation Collaborative <munjoyhillconsvooll@gmail.com> wrote:

April 11, 2018
City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101
Re: Planning Department Recommendations In 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of 386 signatures gathered from residents on Munjoy Hill requesting EFFECTIVE language for the following:

1. Demolition Standards to Implement AFTER Moratorium (To Address Teardowns)
 - A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. Dimension Scale/Spacing Changes To Implement AFTER Moratorium (To Address Scale/Spacing)
 - A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
 - B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)
 - A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
 - B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².
 - C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

- 1) Language: (page 12) (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.
- 2) Language: (page 13) (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.
- 3) Language: (Page 14) (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) Rooftop Appurtenances -

Language: (Page 3) - HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.

Concern: HVACs will still be seen from road in different angles. Additionally, The property owners NOT in public way such as aside or behind the building should also be considered. These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.

Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such as air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) Height Maximum -

Language: (Page 3) : " or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 <http://portlandmaine.gov/DocumentCenter/View/18101> which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annually.

This language is so vague that it will not be enforceable as proven in other affordable policies.

- The small landlords such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hill. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) Side Yard Setback Minimum

Language: (Page 3) b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) Language: Missing Design Standard language to ensure that the design standard manual will be actually enforced.

Concern: How to ensure that this design manual is legally and actually enforced? It has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

Proposal: Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) Language: (Page 26) Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.

Concern: How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservation Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) Language: (Page 26) The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) Language: (Page 5) - There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.

Concern: - How are we assured it will be reviewed in a specific time frame? What are the interim controls during this time frame? We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservation District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still un-informed about a Portland Historic Preservation District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservation Collaborative members

Karen Snyder-72 Waterville St.
Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachments:

MHCCLetterPetition2PlanningBoard_20180405.pdf
MHCCPetition_HPDPD_20180411.pdf

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
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Phone (207)874-8720
Fax (207)756-8258
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Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?

Proposal: Remove this language.

2) Language: (page 13) (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -

Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.

Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.

3) Language: (Page 14) (i) Enforcement -

Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.

Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) Rooftop Appurtenances -

Language: (Page 3) . -HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.

Concern: HVACs will still be seen from road in different angles. Additionally, The property owners NOT in public way such as aside or behind the building should also be considered. These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.

Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such as air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) Height Maximum -

Language: (Page 3) : " or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 <http://portlandmaine.gov/DocumentCenter/View/18101> which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annually.

This language is so vague that it will not be enforceable as proven in other affordable policies.

- The small landlords such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hill. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) Side Yard Setback Minimum

Language: (Page 3) b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) Language: Missing Design Standard language to ensure that the design standard manual will be actually enforced.

Concern: How to ensure that this design manual is legally and actually enforced? It has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-Proposal: Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) Language: (Page 26) Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.

-Concern: How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservation Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) Language: (Page 26) The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) Language: (Page 5) There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.

Concern: - How are we assured it will be reviewed in a specific time frame? What are the interim controls during this time frame?

We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservation District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still un-informed about a Portland Historic Preservation District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservation Collaborative members

Karen Snyder-72 Waterville St.

Paula Agopian-98 Monument St.

Maggy Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.

Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.

Jayne Hurley-11 St. Lawrence St.

Pamela Day-25 Waterville St.

Peter Murray-104 North St.

Mary Casale-39 Waterville St.

Wayne Valzania-27 Merrill St.

Enoch Wenstrom-88 Brackett St.

Erna Koch-81 Vesper St.

Attachments:

MHCCLetterPetition2PlanningBoard_20180405.pdf

MHCCPetition_HPDPD_20180411.pdf

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Fwd: Questions for the city regarding Munjoy Hill/R-6 densification

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Apr 18, 2018 at 9:32 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Maggy W <mwnola@gmail.com>
Date: Tue, Apr 17, 2018 at 1:02 PM
Subject: Questions for the city regarding Munjoy Hill/R-6 densification
To: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>, bbatson@portlandmaine.gov,
Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Pious Ali
<pali@portlandmaine.gov>, nmm@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov

Hi Jeff and Jon,

I am a resident of Munjoy Hill and have been actively engaged in the ongoing efforts to protect this neighborhood from what many of us perceive as the rapid pace of development which is threatening its fabric, character and livability. In various meetings, we keep hearing the term "Densification" and that term is used to justify building heights and dimensions which seem to most residents as out of scale with the existing fabric. (for example, allowing building heights of 45' when currently only 17 out of over 700 buildings are currently that high and the few that are that high, other than recent structures, mostly have much larger setbacks than those allowed in the zoning language)

Although I have the utmost respect for, and gratitude to, the Planning Department which has been working incredibly hard on defining better zoning rules going forward, it seems we do keep running into this word "densification", which seems to be part of a city policy and also seems to present a recurring conflict with the residents; some of us may just be missing an important piece of the puzzle. I am sure that my questions will seem naive, but I think they are probably shared by a large proportion of the population.

So my primary question is, what are the city's specific goals for densification, especially on the peninsula? We all understand there is a critical need of workforce housing. But most of the building going on, especially on the peninsula, does nothing to provide housing for the working population. We seem to be getting thousands of hotel rooms and hundreds of luxury condos, which are largely being purchased by retirees, and frequently as second homes. Any time existing housing is torn down, we are losing the most affordable housing that can exist, given the prohibitive cost of building. Workforce housing cannot be the justification for these new buildings. Therefore am I correct in thinking the densification policy must be a strategy to help boost property tax base for the city budget? Does the city plan have numbers in mind for this? Since many residents are feeling that densification is a threat to the fabric and character of our neighborhoods, how much is needed? What kind of new revenues are projected from future development on the Hill?

We have heard it said that "Portland needs to grow". I actually have never heard any specific coherent explanation why this is inherently a good thing. How much will it cost to provide the new infrastructure required to support this growth? What kind of growth would be good for the city? I doubt that "more hotels" and "more luxury condos" make a viable growth strategy for the long term. These building do nothing to provide quality long-term jobs; rather they exacerbate the difference between the summer and year-round population, logistics which make it difficult to support the infrastructure and small businesses year round. So what kind of growth are we looking for and how do luxury condos and hotel rooms

support that growth?

These are not at all meant to be contentious questions, nor are they rhetorical! I am sincerely trying to educate myself on the strategy behind allowing the kind of development that seems to be threatening us on Munjoy Hill, on India Street, on the waterfront and in many other areas that make Portland the special place it is. Last year, the Planning department put an incredible amount of work into the 2017 Comprehensive Plan, but I honestly do not see that the type of development we are experiencing is consistent with most of the stated goals in this plan. So I am really in search of answers to my questions. How do these projects translate to fulfilling the Comprehensive Plan. I am not looking for platitudes like "Growth is good" or "change is difficult". I am seeking detailed answers on why and much these projects benefit the greater good. For example, I am also an active member of the Portland Climate Action Team, and if this development moved us any closer to the city's stated Clean Energy goal, I can certainly accept the greater common good. But the buildings that are being constructed currently are not generally incorporating state of the art "green" building technologies, especially when the Comp Plan cites research on p.34 that re-using existing buildings is far more energy efficient than tearing down and rebuilding even to much hugher green standards than are currently being used in Portland. If the answers to my questions are already available in the Comp Plan or other documents on the City's website, please help me find them; after 2 eye surgeries in the past year, my vision is still failing and I have a hard time reading huge amounts of fine print to find the relevant sections.

Thanks in advance for reading this email and for any answers to my questions, as well as for all of the incredible work the Planning Department has been doing to sort out the future direction of our great city.

Maggy Wolf
28 Saint Lawrence St.

List of R-6 Issues to discuss with Jeff Levine on 4/18. Good work, but still a major disconnect between what would be allowed by ordinance and the existing pattern of development. This creates incentives for speculation and teardowns rather than contributing to the stabilization of a vibrant and well-functioning neighborhood.

ISSUES:

1. **45' Height Limit is not compatible with much of Hill. This mismatch is not effectively controlled by design standards if zoning trumps design standards** – Have to be this way, or function of whether Council adopts the design standards? Can't they be equal requirements – can set up so applicant has to meet all? Otherwise 45' tall buildings essentially approved as of right if 3 units or 2 including affordable unit?

If zoning has to trump design standards, is there a way to reduce the 45' height limit to make it more consistent with the surrounding neighborhood? Tie to average in certain radius? Tie to street width?

2. **Need to move forward on Historic District designation** – An essential part of maintaining the character and architectural history of Munjoy Hill. Need tentative identification of future historic districts, work plan and commitment to coming in with Eastern Prom and North Street historic districts, plus a multi-parcel designation for scattered landmark sites by a certain date.
3. **Need Interim Demolition Protections** in anticipated historic districts – to be effective, have to be interim protections against demolition for structures in areas identified as probable future historic districts. How can accomplish? 6 month extension prohibiting demolitions in those areas (using GPL boundaries) if identified as contributing or landmark by GPL (unless City reviews and determines not contributing to anticipated future district or landmark)
4. **Rationale for inclusion of building extensions provision?** - Seems to allow building extensions horizontally and vertically to maximum extent of non-conformity. Purpose? Unintended consequence? Should be limited to where demolition is otherwise proposed, to be considered as an option to make retention and building extension preferable to demolition? Or should be subject to review under design standards?
5. **Alternative design review process** – proposing only if HP approves? What other safeguards? Are there projects where HP will be recommending to PB? Will HP be final authority on compliance with design standards?
6. **Height bonus for "workforce housing" for rent or sale** – what is the enforcement mechanism? Any requirement that has to be occupied by/purchased by household meeting income limits? What is the applicable time period? Can be caretaker apartment for primarily single family house – gets height bonus to 45' with 2 units.
7. **Demolition standards:** determinations of non-significance, how significance determined, by whom; granted if Planning Authority fails to act within 30 days – why drafted this way?

8. **Rooftop appurtenances:** HVAC can be 5 feet above max height. Earlier proposal to be included in height. Rationale?
9. **Side yard setback minimum** – reducing below 10 feet if part of documented built pattern of the surrounding streetscape. Should there be a provision for “and the massing of the proposed structure is compatible with the massing and scale of structures on that streetscape”?
10. **Other issues?** Parking 10' setback: are circumstances where can be occupied by driveway, just not parking space?
11. **Setbacks and Lot Coverage:** Rationale for reduction from pre-2015 of rear setback (20' to 10'), side yard setback (10-15' to 5-10') and increase in maximum lot coverage (40-50% to 60%) is what? Valid to use measurements from existing structures when average height is only 2.4 stories and NO street (except Fore St) average building height in excess of 3 stories, but proposed setbacks and lot coverage would apply to 45' tall buildings?
12. **Package as proposed:** What design standards will apply post-June 5? PB to develop design standards over summer; will NEVER get adopted by City Council? Historic District plan is designation process to start late summer or fall with Council vote possibly late Fall 2018. “interim controls would govern until decision made” starting when? Not until nomination by HP, correct? And that not until late summer.

Fwd: questions

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Apr 18, 2018 at 4:09 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Jill Dusen <jdusen@portlandmaine.gov>
Date: Wed, Apr 18, 2018 at 4:07 PM
Subject: Re: questions
To: Grace Braley <gbraley55@gmail.com>
Cc: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

Thanks, for your note.

I confess that I am not sure where to start in response to your message.

The premise that the moratorium in question "was about the need for affordable housing", just doesn't connect. I think maybe the best starting point is to provide you a copy of the moratorium order.

<http://www.portlandmaine.gov/documentcenter/view/18580>

By copy of this message, I am also forwarding an FYI copy of your note to city staff for inclusion with the public comment received to date.

It is not too late to weigh in with your concerns and desires and impact the outcome of this review in the public hearings re: any recommendations.

On Wed, Apr 18, 2018, 9:02 AM Grace Braley <gbraley55@gmail.com> wrote:

Jill, I think you know that an interest of mine is affordable housing.....as well as just a citizen's interest in having a city to feel what? happy and comfortable in?

When I moved here, my real estate agent thought I might like Munjoy Hill, but I ended up deciding for across town -- Deering/Rosemont.

Anyway I have been very interested in Munjoy. With its quirky history and all, it has been moving in a way to show off the attractiveness of its particular style and some historic architecture. It has become an attractive part of Portland.....whether or not it always was.

I thought the recent moratorium was to hold up development and consider whether to protect or defend some of the old neighborhood style and feel.

I didn't know the moratorium was about the need for affordable housing, which can be addressed in other sectors of Portland.

So, where would I find to read the moratorium to see what it says?

Also, to you, as housing chair, this is my concern:

If the purpose was to protect the character and personality of this particular Portland neighborhood, then why would the proposed revised zoning codes give "rewards" to housing design that diminishes the quality of appearance in exchange for an affordable unit apartment?

I feel like we were walking down a road the best we could -- the recent meetings were wrenching in how people expressed their frustration and conflicts -- but it seemed mostly about protecting an attractive design in the neighborhood.

So, the bonus for a 45 foot high structure as a reward for an affordable unit feels like the whole thing got off track and the vehicle fell over the cliff.

After I listened to what was being said, and drove around the neighborhood (well, I go there, have friends there), it seemed to me that the ugliest, most damaging design change wasn't the lot coverage or side requirements -- or even the contemporary designs because people have rights to their style preferences --

what seems like the real ugly problem is the places where this big square extra ten feet -- to 45 -- sticks out over the top of all the rows of gable roofs.

Can't Portland protect the dignity of a neighborhood?

Grace

Fwd: R-6 Amendments

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Apr 19, 2018 at 10:30 AM

Not sure if I already sent this for the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Mon, Apr 16, 2018 at 9:54 AM
Subject: R-6 Amendments
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Hello Jeff,

You have said that zoning trumps design guidelines in the R-6 zone. Does it have to be that way?

Are you saying that because it is anticipated that the R6 design guidelines will not be adopted by the Council, but rather will be completed and adopted by the Planning Board after the zoning amendments are adopted by the Council?

What if the R-6 design guidelines/standards were adopted by the City Council? Is it still your position that zoning would prevail over the design guidelines/standards, and that the PB would not be authorized to require something less than building to the maximum allowed by zoning if that were required to meet the design guidelines/standards?

If zoning trumps design guidelines, it seems to me that there is nothing to stop 45" tall 3-unit buildings being built in the middle of existing 2 story buildings, even though the design guidelines are set up to focus on the neighborhood context. Do you see that as a problem? Do you see any way around it?

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: Munjoy Hill Historic District - NO

Thu, Apr 26, 2018 at 11:58 AM

Jeff Levine <jlevine@portlandmaine.gov>

To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Jocelyn Olsen <jocelynolsen@gmail.com>

Date: Mon, Apr 23, 2018 at 8:07 PM

Subject: Munjoy Hill Historic District - NO

To: jlevine@portlandmaine.gov, estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov, hbassett@portlandlandmarks.org

Just two weeks ago, with the Portland Press Herald article, I heard for the first time that the city is considering placing my home at **30-32 Vesper St.** in a Historic District. I was shocked that this conversation had been going on for months without me even knowing or being able to participate in the discussion.

I have lived in my home for 8 years and would never knock it down or build an ugly box condo multi-unit in its place. I am a 5th generation Mainer whose great grandparents lived on Sheridan St. While I strongly support the city's efforts to maintain the identity of real estate on the Hill, I fear what a Historic District would do to my ability to maintain and update my home. I have a crumbling supporting wall in the basement that I have been saving up to fix, the windows all need to be replaced, I found roof shingles on the sidewalk the other day, the back decks are rotting, it goes on and on. And I would say my home is in much better shape than many around me. Why would anyone want to make it more difficult and expensive for us to take care of our properties? These are not the former mansions of the West End. They are 100+ year-old multi-unit apartment buildings that were not maintained for many decades when the Hill was not as nice as it is now.

I am as disgusted by the new buildings going up all over the city as anyone. But I wish you would all focus on controlling those buildings rather than interfering in my ability to take care of my home. You created this issue by changing the zoning and approving projects like the Portland Company. Now you want to impose more restrictions on me? It just doesn't make any sense. Not to mention the bizarre map that would impact some streets and not others.

I hope you will start talking to me and my neighbors as you make this decision since we will bear the brunt of it.

Thank you,
Jocelyn Olsen
32 Vesper St.
Portland ME 04101
(207)232-8482

Google Groups

Munjoy Hill

Daniel T. Haley Jr. <danielthaleyjr@gmail.com>

Apr 11, 2018 10:23 AM

Posted in group: Planning Board

Good Morning, As an owner of a historical home on the Eastern Promenade and a not historical 4 family, as well as 6 other homes on the Promenade owned by family members, I am opposed to a historical or conservation district being established.

I do not see a problem with flat roofs as we have many 3 and 4 flats in the neighborhood to include one my grandfather built in the early 1900's.

Regards demolitions: These are private properties and for many the major asset in their estates. Not allowing them to be sold for the land value is similiar to taking a portion of their pensions or reducing the gifting to their heirs.

I have elaborated these points at the public hearings and as a 71 year resident and 5th generation "hill kid" I appreciate your consideration of my views.

Dan T. Haley, Jr.
140 Eastern Promenade

Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Posted in group: Planning Board

Apr 27, 2018 8:27 AM

MUNJOY HILL CONSERVATION COLLABORATIVE
C/O 72 Waterville Street
Portland, Maine 04101

April 27, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Dear Planning Department Director Jeff Levine and Planning Board Members:

We appreciate the work that the Planning Staff has done over the last several months to produce the package of changes constituting the Munjoy Hill Neighborhood Conservation Overlay District (MHNCO) that is now before you. The Munjoy Hill Conservation Collaborative (MHCC) with 13 core team members and now over 300 supporters can support the Planning Department's recommendations if the following modifications are included:

1. Demolition Review/ Demolition Delay Ordinance

MHCC believes that there needs to be more parity so that the neighborhood is given a right to appeal a determination by the Planning Authority that a structure proposed for demolition is not "preferred for preservation." Just as the applicant for a demolition permit is allowed to appeal an adverse decision to the Historic Preservation Board, the neighbors should be allowed to appeal a non-delay determination by the Planning Authority to the Historic Preservation Board.

To give the neighbors a meaningful opportunity to be heard, we are proposing that the City post a sign at the property when it receives a demolition request, and also posts the information on that sign when the Planning Authority makes a determination as to whether the structure is or is not "preferred for preservation." Other towns in Maine provide this type of notice on the site itself, such as Biddeford and Saco. Postcard notice should be provided as well to those within a two-block radius of the structure.

This process should allow a public hearing process for the determination that a structure is or is not “preferred for preservation.” It is anticipated that there would be no need or basis for a hearing on those structures that are clearly within an exception (e.g. built after 1930, outbuildings less than 144 square feet, etc.). However where there is more of a judgment call, the neighbors should be able to appeal the Planning Authority’s determination to issue a demolition permit to the Historic Preservation Board within 30 days of the decision.

We also believe that there should be better definition of the terminology “preferred for preservation” (or whatever the operative terminology ultimately proves to be. It seems like it is in flux.) The text now only refers to architectural integrity. We believe the Planning Authority should consider its contribution to the predominant character-defining architectural features of the neighborhood, but should also recognize the provision of affordable or workforce housing as a valuable resource for the City. The criteria for that determination of “preferred for preservation” needs to be more fully articulated.

2. Historic District Designation for Portion of the Munjoy Hill Overlay District.

MHCC is in favor of the designation of two historic districts on Munjoy Hill, as recommended by Greater Portland Landmarks. Both the Eastern Promenade/Marime Worker Housing District and the North Street District are important to preserving the essential character of Munjoy Hill, and are important tools for the Munjoy Hill Conservation District. We understand that work still needs to be done to determine the exact boundaries, but there seems to be general agreement on what constitutes the areas to be protected.

We request that the work plan accompanying the proposed Overlay Zone contain a specific plan and timeline for completing the reviewing and preparing the nominations for both Munjoy Hill Historic Districts. It is our understanding that Greater Portland Landmarks has already completed a lot of the initial inventory work in support of the designations. We believe it should be a goal for the Planning Department to complete the verification and analysis required for the initial district nominations by August 2018, so that the Historic Preservation Board, Planning Board and City Council review processes could be completed by the end of the year. These historic districts will give recognition to our architectural resources, which are equal to those which have long been protected in other parts of the City. In addition, designation will bring demolition protocols and sensitive new construction review which are tailored for the historic context. It is important to proceed in a planful way, and not to delay adding these tools to the Munjoy Hill Neighborhood Conservation Overlay District.

3. R-6 Dimensional Zoning Standards Relationship with R-6 In-fill Development Design Principle & Standards

Finally, MHCC is proposing that key design standards get incorporated into the R-6 zoning ordinance for the Munjoy Hill Overlay. The intent is that an applicant can only be approved for a building height if it can satisfy the design standards on scale and form, massing, and roof forms at that height. The zoning maximum heights will be just that – an absolute height above which no development may go. They will have to earn the right to build to that height by meeting the design standards, and can be restricted by the reviewing authority to only building to a lower height if that is the height which also allows the specific design standards to be met. We will leave it to the attorneys to draft the precise language, but strongly believe that the zoning ordinance dimensional maximums need to be tempered by these design standards; a proposed development needs to be able to meet both.

The Planning staff analysis found that the average structure on Munjoy Hill is 2.4 stories (roughly 25 feet). The zoning ordinance provides for 1- and 2-unit structures to have a maximum height of 35’, and 3-unit and more structures to build to 45’. That extreme

mismatch between the existing scale of development and the maximum height allowed by zoning creates a huge incentive for existing structures to be demolished and replaced by structures that are grossly out of scale with the existing neighborhood.

Throughout the review process, the neighborhood has been told that the design standards are what will save this vibrant community from being overwhelmed by out-of-scale development. The design standards require new construction to relate to the existing context. They say that new construction needs to respect the predominant character-defining architectural features of the neighborhood, defined as the structures within a 2-block radius. However, we have watched as pending applications resist having to conform to the design standards, claiming either that it is a "gray area" as to which controls or that the City has no right to impose limits more stringent than zoning maximums.

In the current MHNCO, the Planning Staff is proposing to clarify that there is a hierarchy where zoning provisions control over the design standards UNLESS the design standards are incorporated into the zoning provisions. Staff has proposed incorporating into zoning some concepts that are also addressed in the design standards. The MHCC believes it is critically important to also incorporate the three design standards addressing scale, form and mass into the zoning ordinance (Standards A-1, B-1 and B-2). The reason to do this is so that an owner can only build to maximum zoning dimensions if in doing so the owner is ALSO able to satisfy the critical design standards addressing scale, form and mass that ensure the building contributes to and is compatible with the immediate neighborhood. Incorporating these design standards into the zoning gives the reviewing authority the power to require something less than maximum height if the design standards cannot be satisfied at maximum height.

We hope the Planning Department and Planning Board accept the above proposed modifications which we believe are necessary to strike a healthy balance between development and existing Munjoy Hill residents in order to preserve what has made Munjoy Hill such a unique and vibrant neighborhood.

Respectfully ,

Munjoy Hill Conservation Collaborative members

Karen Snyder-72 Waterville St.

Paula Agopian-98 Monument St.

Maggy Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.

Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.

Jayne Hurley-11 St. Lawrence St.

Pamela Day-25 Waterville St.

Peter Murray-104 North St.

Mary Casale-39 Waterville St.

Wayne Valzania-27 Merrill St.

Enoch Wenstrom-88 Beckett St.

Erna Koch-81 Vesper St.

Attachment: MHCCLetter2PlanningDeptRecommendationChangeRequest_20180427.pdf

MUNJOY HILL CONSERVATION COLLABORATIVE

**C/O 72 Waterville Street
Portland, Maine 04101**

April 27, 2018

**City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101**

Re: Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Dear Planning Department Director Jeff Levine and Planning Board Members:

We appreciate the work that the Planning Staff has done over the last several months to produce the package of changes constituting the Munjoy Hill Neighborhood Conservation Overlay District (MHNCD) that is now before you. The Munjoy Hill Conservation Collaborative (MHCC) with 13 core team members and now over 300 supporters can support the Planning Department's recommendations if the following modifications are included:

1. Demolition Review/ Demolition Delay Ordinance

MHCC believes that there needs to be more parity so that the neighborhood is given a right to appeal a determination by the Planning Authority that a structure proposed for demolition is not "preferred for preservation." Just as the applicant for a demolition permit is allowed to appeal an adverse decision to the Historic Preservation Board, the neighbors should be allowed to appeal a non-delay determination by the Planning Authority to the Historic Preservation Board.

To give the neighbors a meaningful opportunity to be heard, we are proposing that the City post a sign at the property when it receives a demolition request, and also posts the information on that sign when the Planning Authority makes a determination as to whether the structure is or is not "preferred for preservation." Other towns in Maine provide this type of notice on the site itself, such as Biddeford and Saco. Postcard notice should be provided as well to those within a two-block radius of the structure.

This process should allow a public hearing process for the determination that a structure is or is not "preferred for preservation." It is anticipated that there would be no need or basis for a hearing on those structures that are clearly within an exception (e.g. built after 1930, outbuildings less than 144 square feet, etc.). However where there is more of a judgment call, the neighbors should be able to appeal the Planning Authority's determination to issue a demolition permit to the Historic Preservation Board within 30 days of the decision.

We also believe that there should be better definition of the terminology "preferred for preservation" (or whatever the operative terminology ultimately proves to be. It seems like it is in flux.) The text now only refers to architectural integrity. We believe the Planning Authority should consider its contribution to the predominant character-defining architectural features of the neighborhood, but should also recognize the provision of affordable or workforce housing as a valuable resource for the City. The criteria for that determination of "preferred for preservation" needs to be more fully articulated.

2. Historic District Designation for Portion of the Munjoy Hill Overlay District.

MHCC is in favor of the designation of two historic districts on Munjoy Hill, as recommended by Greater Portland Landmarks. Both the Eastern Promenade/Maritime Worker Housing District and the North Street District are important to preserving the essential character of Munjoy Hill, and are important tools for the Munjoy Hill Conservation District. We understand that work still needs to be done to determine the exact boundaries, but there seems to be general agreement on what constitutes the areas to be protected.

We request that the work plan accompanying the proposed Overlay Zone contain a specific plan and timeline for completing the reviewing and preparing the nominations for both Munjoy Hill Historic Districts. It is our understanding that Greater Portland Landmarks has already completed a lot of the initial inventory work in support of the designations. We believe it should be a goal for the Planning Department to complete the verification and analysis required for the initial district nominations by August 2018, so that the Historic Preservation Board, Planning Board and City Council review processes could be completed by the end of the year. These historic districts will give recognition to our architectural resources, which are equal to those which have long been protected in other parts of the City. In addition, designation will bring demolition protections and sensitive new construction review which are tailored for the historic context. It is important to proceed in a planful way, and not to delay adding these tools to the Munjoy Hill Neighborhood Conservation Overlay District.

3. R-6 Dimensional Zoning Standards Relationship with R-6 Infill Development Design Principle & Standards

Finally, MHCC is proposing that key design standards get incorporated into the R-6 zoning ordinance for the Munjoy Hill Overlay. The intent is that an applicant can only be approved for a building height if it can satisfy the design standards on scale and form, massing, and roof forms at that height. The zoning maximum heights will be just that – an absolute height above which no development may go. They will have to earn the right to build to that height by meeting the design standards, and can be restricted by the reviewing authority to only building to a lower height if that is the height which also allows the specific design standards to be met. We will leave it to the attorneys to draft the precise language, but strongly believe that the zoning ordinance dimensional maximums need to be tempered by these design standards; a proposed development needs to be able to meet both.

The Planning staff analysis found that the average structure on Munjoy Hill is 2.4 stories (roughly 25 feet). The zoning ordinance provides for 1- and 2-unit structures to have a maximum height of 35', and 3-unit and more structures to build to 45'. That extreme mismatch between the existing scale of development and the maximum height allowed by zoning creates a huge incentive for existing structures to be demolished and replaced by structures that are grossly out of scale with the existing neighborhood.

Throughout the review process, the neighborhood has been told that the design standards are what will save this vibrant community from being overwhelmed by out-of-scale development. The design standards require new construction to relate to the existing context. They say that new construction needs to respect the predominant character-defining architectural features of the neighborhood, defined as the structures within a 2-block radius. However, we have watched as pending applications resist having to conform to the design standards, claiming either that it is a "gray area" as to which controls or that the City has no right to impose limits more stringent than zoning maximums.

In the current MHNCD, the Planning Staff is proposing to clarify that there is a hierarchy where zoning provisions control over the design standards **UNLESS** the design standards are incorporated into the zoning provisions. Staff has proposed incorporating into zoning some concepts that are also addressed in the design standards. The MHCC believes it is critically important to also incorporate the three design standards addressing

Portland Planning Board
April 27, 2018
Page Three

scale, form and mass into the zoning ordinance (Standards A-1, B-1 and B-2). The reason to do this is so that an owner can only build to maximum zoning dimensions if in doing so the owner is ALSO able to satisfy the critical design standards addressing scale, form and mass that ensure the building contributes to and is compatible with the immediate neighborhood. Incorporating these design standards into the zoning gives the reviewing authority the power to require something less than maximum height if the design standards cannot be satisfied at maximum height.

We hope the Planning Department and Planning Board accept the above proposed modifications which we believe are necessary to strike a healthy balance between development and existing Munjoy Hill residents in order to preserve what has made Munjoy Hill such a unique and vibrant neighborhood.

Respectfully,

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Google Groups

Written comments on Munjoy Hill neighborhood conservation overlay district

Joshua Broder <joshua.broder@gmail.com>

Apr 29, 2018 8:35 PM

Posted in group: Planning Board

I'm a resident of Munjoy Hill at 96 St. Lawrence Street, along with my wife and two young children. We own our condo, which pre-dates the recent boom in condo construction. I also own a business and it's office condos located at 16 Middle Street.

I recently became aware of the effort on the Munjoy Hill neighborhood conservation overlay district.

I think it's a bad idea. Much of the older housing stock on Munjoy Hill was uninteresting and poorly constructed when it was built, and decades of economic hardship has left it poor shape, and in many places, a hodgepodge of design styles.

I think that there is a lot of concern about housing costs driving the effort to freeze the current state of housing units in place. There are several special properties on the hill that should be protected. A blanket district is a blunt instrument that will slow down much needed improvements, without much impact to housing costs. The harm seems to outweigh the good. Historic districts have been great for our city, it just does not seem appropriate in this case.

Respectfully,

Joshua Broder

Joshua.broder@gmail.com

Fwd: R-6 Overlay

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 27, 2018 at 5:50 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Fri, Apr 27, 2018 at 4:35 PM
Subject: R-6 Overlay
To: jlevine@portlandmaine.gov
Cc: peter murray <pmurray@zwi.net>

Hello Jeff,

Thank you for meeting with Peter Murray and me this morning. I support the proposal Peter made for integrating selected design standards into the zoning ordinance, essentially by adding a performance standard to the dimensional requirements. It has the benefit of applying to all of the factors, not just height.

However if there is resistance to including the design standards in that way, I previously suggested using them to modify the maximum height limits. In retrospect I believe I was missing a few words to fully effectuate the intent. Please substitute the attached wording for what I submitted on Monday, April 23rd, shown in redline and clean form.

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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 Munjoy Hill Proposed Amendment to max height rev 1 redline.docx
14K

 Munjoy Hill Proposed Amendment to max height rev 1 .docx
13K

Fwd: MHNO Response to R6 Overlay/Zone Changes

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Apr 30, 2018 at 9:23 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Munjoy Hill Neighborhood Organization Portland <jay.norris@munjoyhill.org>
Date: Mon, Apr 30, 2018 at 8:51 AM
Subject: MHNO Response to R6 Overlay/Zone Changes
To: "Levine, Jeff" <jlevine@portlandmaine.gov>

Good morning Jeff,

Thank you for allowing us to squeeze this in this morning.

We didn't take this response lightly and I hope the effort reflects that. Some felt it too detailed too soon. Others that it wasn't enough. But the message you see is indeed unanimous in our appreciation to you and to the suggestions we make in good faith. We hope they will be considered.

Thank you again for welcoming us as part of the process and for the listening sessions. You must have set a record for something in that effort alone.

Best to you,
Jay



Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG





MHNO Response R6 Overlay District.pdf
128K



The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Our Position on, Requests & Recommendations for Amendments to the Proposed R-6 Neighborhood Overlay District

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant.

We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District*, (MHNCOD). We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

- a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;
- b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the

applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.

- c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a “significant building” include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff’s proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization
Board of Directors
April 30, 2018

Google Groups

Upcoming decision re zoning changes and historic district

Apr 30, 2018 4:18 PM

Stephen Gaal <steve@gaal.com>

Posted in group: Planning Board

Dear Jeff,

I am writing to you again regarding my views on the impending zoning and historic district decisions. I have attached two photos taken this afternoon. The first is new construction on Morning Street across from #11. The second is new construction on Howard Street near Congress. The short form is I hope the regulations and historic district overlay will encourage construction like the Morning Street property and prevent construction like the Howard Street property.

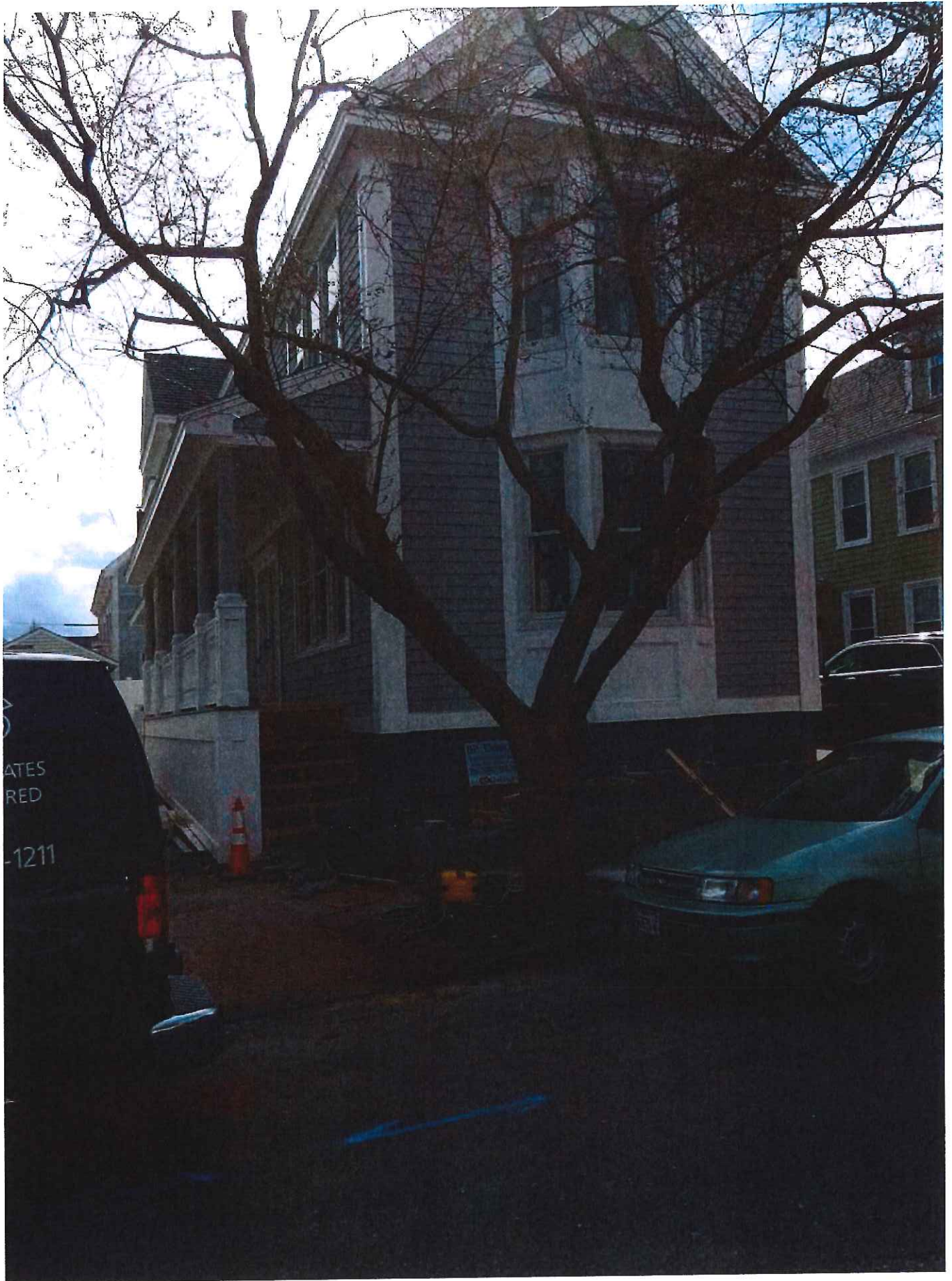
I am very much in favor of an historic district, particularly if our home is included in it.

I hope to attend both the 5/7 meeting and the 5/8 meeting. Thank you.

Stephen Gaal
176 Eastern Promenade
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

MORNING STREET NEW CONSTRUCTION



HOWARD STREET NEW CONSTRUCTION



Addition to Dimensional Standards

The following should be added at the end of the table located at subsection 3 "Dimensional Standards" of the Munjoy Hill Overlay District.

<u>Building Mass and Scale</u>	<u>(1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the immediate neighborhood within two blocks of the building, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.</u>
--------------------------------	--

The purpose of this addition is to make it clear the compliance with the proportionate massing scale requirements included in the Design Standards is a positive requirement of the R6 overlay district and that compliance with the other dimensional standards alone is not enough if the building does not also comply with the building mass and scale requirements.

From: elizabeth <elizabethmiller1953@hotmail.com>

Date: Wed, May 2, 2018 at 8:45 AM

Subject: Munjoy Hill Conservation Overlay District - why?

To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, James Dealaman <jdealaman@portlandmaine.gov>, "Jay.Norris@munjoyhill.org" <Jay.Norris@munjoyhill.org>

Thank you for considering all viewpoints on this issue. Elizabeth Miller and David Body, [46 Waterville Street, #3](#)

If it ain't broke, why fix it? My concerns about the proposed Munjoy Hill conservation district and related design restrictions are not about the specifics of these proposals but about the assumption that there is a problem. The solutions proposed by Planning Staff are in search of a non-existent problem.

Is the problem loss of affordable housing? This proposal doesn't address that.

Is the problem skyrocketing real estate prices? That's a function of the market place. Rising interest rates should cool things off.

Is the problem gentrification? Again, that's a function of the market place.

Is the problem "too many" tear downs? Statistics don't bear this out.

I've attended meetings sponsored by Munjoy Hill neighborhood groups and the City of Portland Planning Department. I've chatted with neighbors and friends. There is hardly unanimity on the what the supposed problem is. I've heard concerns about affordable housing, about ugly design ("beauty is in the eye of the beholder"), gentrification and "those people."

Imagine if current efforts to stifle development had been in place a century ago. Munjoy Hill would be an underdeveloped tract of small wooden houses. No grandiose Victorians, no three-flats, none of the variety that people now claim is somehow sacrosanct. A glass bell jar is poised to descend on what has morphed from a place to move from to Portland's most desirable neighborhood. I urge you to stop, pause, reassess and do no harm.

When I moved to Portland in 1985, the joke then was "last one over, pull up the bridge." In thirty-three years of hoping to shed the "from away" label,

I've learned that there is too often a knee-jerk reaction to change triggered by new people and ideas, even when that change represents economic growth and cultural evolution. Is this same shortsightedness threatening to choke off the new vitality found in our neighborhood?

I've been a resident of Munjoy Hill since 2007 and so have personal experience with the wave of renovations and new construction. On Waterville Street, we've seen one tear down / new construction, two vacant lot / new construction and nine extensive renovations in the last several years. Note the ratio of tear-downs to renovations (1 out of 12 projects). All work was completed satisfactorily from a design viewpoint without the imposition of the constrictive measures that are being considered now. So I don't understand why these new measures are necessary. What is the problem?

If a city is to grow, its neighborhoods need to present a welcoming, dynamic environment. Stroll the streets of Munjoy Hill and you'll experience a wonderful layering up of Portland's history from pre-Civil War to 2018. Most common are the Victorians large and small as well as turn-of-the-century three flats. But the neighborhood is more, much more. Push your viewpoint past 1930 and you'll discover much of interest. Mid-20th century colonial-inspired garden apartments, typical of those built to house war workers. 1960s modulars on top of cement foundations. 1970s brutalistic public housing and high rises. It's all here. This latest wave of new construction is simply the next in a continuum. In no other neighborhood in Portland can you see such an intriguing array of contemporary architecture.

If anything, the City should be encouraging greater density, particularly along its major corridors, such as Congress Street and Washington Avenue. Development pressures being experienced on and off peninsula show that it's time to stop being a big town and grow into a real City.

Jeff, Tuck, Sean and other members of the Planning Board,

I recommend a few modifications to the proposed R6 Changes that were presented a few weeks ago for review and approval.

1. **Setbacks** - The current proposed setbacks will create a new set of problems that will have negative repercussions and lead to sub-optimal quality of new projects in terms of design and neighborhood fabric. I recommend side and rear setback provisions be changed in the following ways:

A. **Rear setbacks** should be modified to 15% of a lot's depth versus 20%. Minimums of 10' rear setback for buildings of 35' and 15' for buildings of 45'

B. **Side Setbacks** on lots less than 45' in width should continue to be allowed to have **zero setback** on one side and 10' (10' total) on the other side if the neighboring structure is not closer than 15'. If the project includes underground parking a **zero setback** and 7' side could be allowed in projects with no surface parking or driveway is planned (situationally granted based on design and situation)

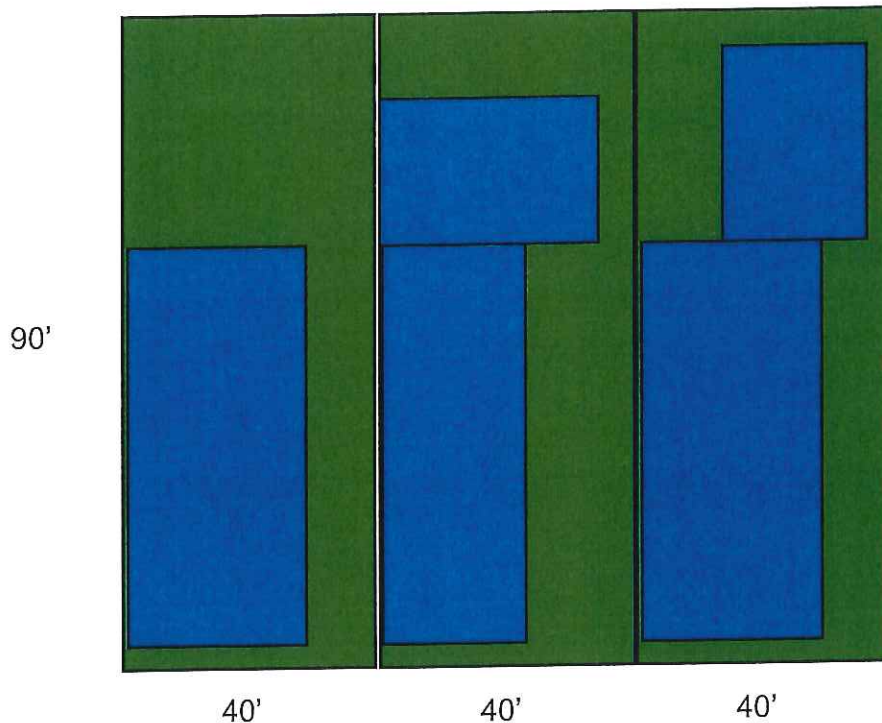
C. **Grandfathered Footprints** - Projects should be allowed to use current building footprints if:

- 1) The project increases the number of housing units over existing
- 2) Underground parking is included in the project
- 3) If affordable housing is required the units are actually offered versus being bought out

Current footprints often exist for very good reason and make much more sense in relation to neighboring buildings and to the slope or position of the lot than rules governing new construction allow. This wisdom that is embodied in many of the decisions for current structures' locations should not be discarded. When there is not flexibility allowed all stakeholders are actually negatively impacted. Additionally it can drive increased costs or odd, unusable pieces of land that is wasted in terms of utility. This simply does not make sense.

D. **Environmental Consideration** - Flexibility or leniency could be granted/considered for projects that include environmentally beneficial practices such as green roofs, solar power, highly efficient buildings, re-use of rainwater, storm water mitigation, etc.

E. 60% Lot Coverage - I recommend a new provision be added to allow for more effective land use. *On lots where setbacks do not allow a building footprint to attain a 60% lot coverage the setbacks will be decided in conjunction with city staff and/or the Planning Board to allow for attainment of the 60% lot coverage.*



60% lot coverage can be achieved and managed in way that will provide buildings and neighborhoods with increased character and sense of place without limiting housing options. Allowing this flexibility will enhance the quality of design of the buildings and improve indoor space but also will improve outdoor space aesthetics. L shaped buildings help frame outdoor space and gardens for instance. But restrictive, inflexible rules will mean a loss of character, visual interest and meaningful sense of place.

2, Building Expansion - Existing buildings should be able to increase total SF by 100% to 120% versus the current 60%. This would act as a disincentive to tear downs. The current allowance of 60% is antiquated. If you have a 2 story house with a 700SF footprint you can add 840 SF or one floor. So practically you are going to add 700SF. Most people who buy a very expensive property on Munjoy Hill are not going to add a floor to an existing small footprint. It often doesn't make sense from a design or

aesthetic sense and will probably never make sense financially. Many of the homes on Munjoy hill have a small footprint and if an owner could add to the footprint and build up it would allow for other possibilities than simply tearing down a property. The current rules promote tear downs. This would also allow some single families to be converted to 2 or 3 units without putting very restrictive, artificial constraints to designing safe, functional floor plans and quality living spaces. Perhaps this applies to homes of certain small footprints of between 500 and 1350 SF and 2.5 stories or less.

The reasoning for modifying set-backs is multi-faceted:

1a. The current proposal of 20% rear setback coupled with the new side setbacks prohibits the full use of FAR (Floor Area Ratio) or lot coverage provisions of 60%. This has several implications. First, the creation of new housing units is going to decrease thus impacting the availability of housing, directly conflicting with the goals of increasing density that was a main driver of changing the R6 in the first place and is counter to Portland's Comprehensive Plan.

If you take a 40' by 90' lot of 3600 SF and apply the proposed set backs of:

Rear	18' which = 20%
Front	5'
Side 1	5'
Side 2	10'

FAR	2160 SF = 60% lot coverage
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Actual	1675 SF= 46.5% according to proposed setbacks
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Lost SF	485 SF
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To understand how this will impact the development of multi-unit housing it is valuable to look at how space is used and the interior dimensions. These are based on a 40' by 90' lot which is actually larger than most lots on Munjoy Hill but the 40' width is one of, if not the most, common lot widths.

Lot SF	3600	
Allowable SF	2160	60% Lot Coverage (FAR)
Actual Allowable SF	1675	proposed setbacks 25' by 67'
18" Walls SF	267	
Egress 1	140	
Egress 2	140	
Entry way	25	
<u>Elevator Shaft</u>	<u>80</u>	
Interior SF/Floor	1023	Usable living Interior SF

This allows a footprint of 25' by 67' which equals a 1,675 SF footprint versus the 2160 SF that is allowed with a FAR of 60%. This means that the setbacks restrict the footprint by 485 SF. This will translate into some very harmful outcomes in terms of design and limiting the creation of new housing units. To achieve energy efficient homes wall thicknesses and roof thicknesses are increasing to achieve higher R-values and air-tightness. Wall thickness is increasing to 14" and 18" which significantly impacts interior floor area. Additionally, if a project wants to implement underground parking which is very beneficial to aesthetics, removing cars from street parking and improving street engagement a 25' wide structure will prevent this option in multi-units. In a multi-unit that is 4 stories plus underground parking (5 levels) will need to offer an elevator or significantly limit the number of people interested in purchasing the top units. Additionally the units will sell for considerably less. These consequences matter and impose practical limitations in terms of how a building is designed and constructed and again will prevent investment in better quality building practices such as adding more architectural detailing, using better, more robust and attractive exterior materials, etc. Additionally, these limitations will mean a rectangle is the only form that will be utilized because the FAR has already been decreased by 15%. They act as a disincentive to add bump-outs, interesting windows nooks and other designs that provide so much character to a building and neighborhood. Adding these interesting details would further cut into footprint SF that simply will not be financially feasible for a multi-unit project in the current environment. Another option that 30% or 40% of the side of a structure could have less side yard setback. This would allow for better utilization of the lot, not encroach upon neighbors and add design variation that would enhance the property and neighborhood.

I think it would be very helpful to understand land utilization for current structures on Munjoy Hill to fully appreciate the impact. Showing the FAR or lot coverage of current multi-units versus single family homes on lots between 2000 and 5000SF would be very helpful data to study. I quickly took a few random examples:

	<u>Lot Size(SF)</u>	<u>Bldg Footprint(SF)</u>	<u>FAR (lot coverage)</u>
49 Morning Street	5725	4350	76%
53 Morning Street	5778	3520	61%
79 Vesper Street	3200	1975	62%
92 Vesper Street	3146	1900	60.5%
47 Congress Street	3920	2250	57.4%
51 Congress Street	3960	2600	65.7%
19 North Street	2785	1455	52.2%
23 North Street	3200	1750	54.6%

When setbacks limit lot coverage below 60% it is going to reduce the development of multiunit projects. This is going to harm housing availability. Even though most of these new units will not be affordable housing the increased availability of housing units will add to supply and as supply increases there is price moderation. Additionally added housing stock leads to economic robustness, growth and stability on top of adding to city revenues. The implications of these setbacks is considerable.

Drawings would be incredible helpful but I simply don't have time to include them.

2a. I believe that it is beneficial to allow the city and property owners more flexibility about placement of additions and new construction to better fit the specific lot and to better fit in with respect to current adjacent buildings. Because Munjoy Hill is already a built environment and many lots are sloping, allowing flexibility in judgement on placement through a process of approval by professionals will yield the best results in improving, enhancing the current built environment. It will benefit neighbors and property owners alike.

3a. Decreasing the creation of housing units impacts the city budget. It is feasible that the current changes could result in the loss of 60 to 120 units of housing over the next 5-10 years. On average these units will contribute \$10k to \$12k in property taxes or \$600K to \$1.44 million annually to the city budget. I think the current shortfall in our school budget and not being able to afford the PSO to perform at the July 4th celebration highlights the need for Portland to increase revenues. It impacts the city's ability to pay current bonds, credit rating, the cost of borrowing, etc. etc.

4a. 15% is still an increase in rear setback over current rules but will have less damaging results in limiting design, density and potential loss of housing. 15% is more than adequate in protecting light access (mitigating shadowing), life safety access, fire spread, etc. and providing room for gardening, outdoor patios and the like.

5a. The side setbacks will mean that houses are closer together in many cases. Currently many homes on MH are built on the lot line with a driveway in between the homes. This was done to allow the maximum distance between homes on very narrow lots. So if someone chooses to tear down a home that is built in a neighborhood laid out this way they will now have to move the new home 5' closer to neighboring home. It will be out of balance. On one side it will have a 5' strip of land that is totally useless. The neighbor on one side will gain 5' of space and the neighbor on the other side will lose 5'. The property owner will have 5' of useless land and a very narrow 10' driveway. The driveway will not be able to be plowed without risk of damage to both houses. Snow removal will be difficult and while this may only be an inconvenience to younger people, older people or people who want to age in place will find this more than an inconvenience. It may also increase damage to cars from falling snow sliding off roofs. We must remember that the new rules make it more difficult to incorporate car storage into designs. While I personally feel it is beneficial for the city to promote underground parking and move us toward less reliance on automobiles we are in that awkward period where the city does not have the mass transportation alternatives or the mixed use neighborhoods that allow many people to walk to work and be willing to let go of their car. The city also does not have the money to overcome the transit limitations offered to residents and Federal funds look more likely to be cut than increased.

In summary the current proposals basically allow almost no discretion in design or development options. In fact, they promote only the building of rectangles and single family housing. While R6 rules allow for a FAR (Floor Area Ratio or lot coverage) of 60% this is unachievable on most lots because of the minimum required setbacks. Flexibility is key to balancing housing needs, design considerations, economic requirements and creating a great, livable neighborhood.

Thank you for your consideration,

Tim Wells



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 11:20 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Pamela Day <pday2304@gmail.com>
Date: Wed, May 2, 2018 at 10:58 AM
Subject: Munjoy Hill Neighborhood Conservation Overlay District
To: "Planningboard@portlandmaine.gov" <Planningboard@portlandmaine.gov>,
"jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>,
"bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org"
<info@munjoyhill.org>

We appreciate the good work that has been done by Planning Staff to address the concerns that brought about the moratorium on Munjoy Hill. However, we are concerned that the proposed text amendments will not prevent continued speculation, unnecessary teardowns, and construction of more big box buildings that dwarf the streetscapes and further reduce affordable housing on the Hill.

We urge the Planning Board to amend the proposed codes as follows:

1: Strengthen the Demolition Language by:

- a. Adding the requirement of public signage to announce proposed demolitions
- b. Adding the requirement of a public hearing on proposed demolitions
- c. Adding the requirement of affordable housing units to new construction
- d. Providing the option for proactive Planning Department review of properties proposed for demolition to identify those with landmark/contributing status
- e. Providing clarification and a description of the term, "preferable preservation"

2: Providing additional language to ensure that the Design Standards will be enforced so that more out-of-context and neighborhood dwarfing buildings are not built on the hill.

3: Providing a specific time line for proposed historic district designation, initially using the Greater Portland Landmarks two proposed districts.

Thank you for your consideration of these needed enhancements to the code revision. Without them we fear it will be business as usual.

Respectfully,

Pamela Day & Michael Petit

25 Waterville Street

Portland, Maine 04101

Fwd: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 11:41 AM

I think I missed this one. For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Mon, Apr 23, 2018 at 11:52 AM
Subject: R-6 Munjoy Hill Neighborhood Conservation Overlay District
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>
Cc: "Martica S. Douglas" <tica1529@gmail.com>, Maggy W <mwnola@gmail.com>, peter murray <pmurray@gwi.net>, Karen S <karsny@yahoo.com>

Hello Jeff, Deb, Caitlin and Chris. ne,

During a meeting with Jeff on April 18th, he stated his intent to make it clear in the proposed amendments that zoning will control over design review. He stated that if it is the intent to require a proposed development to meet both requirements, that the design standard language needs to be brought into the zoning ordinance and adopted by the City Council as part of the zoning ordinance.

We believe that it is critically important for proposed new development on Munjoy Hill to reflect and be harmonious with the context of the surrounding development. A new structure should not be allowed to build to the zoning ordinance maximum height if that height is not compatible with the context.

Concerned citizens are being told that the design standards will be used to control the scale and impact of new development. But the design standards are not up to that task if they are, by definition, "trumped" by zoning maximums. That would tie the hands of Boards in applying design standards to critical issues of scale and mass.

The staff research found that the average building height on Munjoy Hill is 2.4 stories. A proposed maximum height limit of 45' is greatly out of scale with the existing intensity of development. If it is allowed to control, without a consideration of context, it encourages tear downs and rebuilding at a scale that is not respectful of or harmonious with its neighbors. That is not conducive to the vibrant neighborhood and community stability identified as a goal of the City.

To integrate the scale and massing standards of the design standards into the zoning ordinance, the Munjoy Hill Conservation Collaborative and I propose the following amendment to the zoning ordinance as currently proposed (with text changes underlined):

Dimensional Standards

Maximum Height: up to 35'; up to 45' for developments of 3 units or more on a lot over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale" with a permanent deed restriction as defined elsewhere in this ordinance, provided that, as to each building, the maximum height is allowed only if the building meets both of the following requirements: (1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the neighborhood, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.

This has the effect of pulling three design standards into the zoning ordinance so that being approved for maximum height is conditional upon also being able to meet these design standards. This proposed amendment is based upon the existing design standards, and merely repeats principles A and B and identifies how they are to be measured. If a city attorney recommends a less verbose way to achieve the same result, I am open to considering that.

Regards,

Barbara

--

Barbara A. Vestal, Esq.
Chester & Vestal, PA
[107 Congress Street](#)
[Portland, Maine 04101](#)
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: Munjoy Hill Moratorium request

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 2:28 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
[@portlandplan](http://www.portlandmaine.gov/planning)

----- Forwarded message -----
From: Anna Medina <fruity.gemini@gmail.com>
Date: Wed, May 2, 2018 at 2:15 PM
Subject: Munjoy Hill Moratorium request
To:

Dear Planning Department and Planing Board,

As a resident of Munjoy Hill and a supporter of the MHCC (Munjoy Hill Conservation Collaborative), I would like to request the following for the Munjoy Hill Moratorium :

- #1:** Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
- #2:** Additional language to ensure that the design standards will be enforced so these big box buildings don't continue being built.
- #3:** Provide specific time line for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you,
Anna Medina
[6 Cumberland Avenue, Portland, ME](#)

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, May 3, 2018 at 2:21 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Linda Tyler <ltyler8@gmail.com>
Date: Thu, May 3, 2018 at 2:16 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov

Please adopt:

- #1:** Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
- #2:** Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.
- #3:** Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you for your careful consideration of these matters.

Linda P. Tyler
52 Saint Lawrence Street
Portland, ME 04101

Fwd: Planning Department Zoning proposal for Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, May 3, 2018 at 2:53 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
[portlandplan](mailto:portlandplan@portlandmaine.gov)

----- Forwarded message -----

From: EJ Koch <ejkoch@gmail.com>
Date: Thu, May 3, 2018 at 2:52 PM
Subject: Planning Department Zoning proposal for Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>

Hello and thank you,

I support responsible and clear zoning regulation that will adequately preserve the historic character of Munjoy Hill. While the Hill has traditionally been a place where working people have lived and raised families, that historic character is rapidly being compromised by speculative development of "big box" condo-type housing. The housing thus added is far out of the financial reach of most Maine residents. It is opposed by most property owners and residents of Munjoy Hill for this reason, and because it is not compatible or consistent with the type, design, and scale of housing here.

The Planning Dept Recommendations are a good start, but are not yet specific enough to provide adequate protection for our neighborhoods, and clear guidance to redevelopers.

Specifically, I support measures, including but not limited to the following:

Stronger language regarding demolition incorporating:

- a) addition of required public signage noticing teardown application,
- b) addition of public hearing on each demolition proposal,
- d) proactive review by the planning dept for landmark/contributing status on each,
- e) Clarification and a clear description of "preferable preservation"

Specific design standards incorporated as part of the Zoning ordinance that ensure and clarify compatible scale/mass and architecture. Redevelopers should be clearly on notice of what is and is not permissible, without "discretionary" application of zoning. The design standards that have been in place recently have failed to accomplish these goals, and have led to erection of incongruous developments now permanently standing on the Hill.

Specific timeline for designation of proposed historic district(s) initially using the two districts outlined by Greater Portland Landmarks. (Fall 2018 or later)

Yours Truly,

Erna Koch

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101

Telephone (207) 772-7426 Fax (207) 761-5822

EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON
CAITLIN ROSS WAHRER

chester@chesterandvestal.com
vestal@chesterandvestal.com
dixon@chesterandvestal.com
wahrer@chesterandvestal.com

May 3, 2018

Chair Dundon and Members
Portland Planning Board
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members:

I continue to believe that the package before you does not go far enough to protect the existing Munjoy Hill neighborhood from being overwhelmed by out-of-scale new development. The treasured architectural and social fabric of Munjoy Hill is being threatened by a growing number of teardowns. Perfectly serviceable, compatible structures are being razed, to be replaced by oversized luxury housing. This is a significant threat to the neighborhood, and something that the City can and should fix.

Let us be clear. This is not simply market forces at work. The City set these destructive forces into action in 2015 with an ill-conceived package of R-6 zoning amendments. While billed as a means to encourage infill development on small, scattered vacant lots, the impact of the 2015 amendments was much broader. By not limiting the infill incentives to then-vacant lots (as the zoning had prior to 2015), it made almost every structure a potential target for demolition and new construction. To add even more incentive for demolition, it allows new structures to be constructed on the razed site that are almost twice as tall as most Munjoy Hill homes.

INTEGRATE DESIGN STANDARDS INTO THE ZONING ORDINANCE:

One way to slow the destruction is to limit the height of new construction to something that is compatible with the context of the immediate neighborhood. The design standards have been touted by the City as a way to make new construction respond to its context. In accordance with the design standards, scale and massing of proposed new construction is to be responsive to the predominant development patterns within a two block radius.

BUT at the same time as it is touting the sensitivity of the design standards, the staff's proposed draft contains the statement that the zoning will control over the design standards. This has the effect of granting maximum heights **as of right**, with the design standards left to affect only less important characteristics.

The only way to counteract this is to incorporate the most important design standards (those on scale and mass) into the zoning ordinance itself, and to require proposed development to meet both the key design standards and to be less than the dimensional caps. If a proposed development needs to reduce the scale and/or mass to be found to meet the design standards, then it should only be approved for that reduced scale or mass, not for the dimensional maximums otherwise allowed by zoning. In particular, the maximum heights have to be conditioned upon also meeting enforceable design standards so that, for example, a 4-story building may not be shoehorned into an area of 2-story homes. Design standards do absolutely nothing to control the out-of-scale growth if the ordinance is structured, as it is currently, so that zoning always "trumps" design standards.

ALTERNATE ACTION: ONLY ALLOW NEW CONSTRUCTION ON VACANT LOTS, NON-RESIDENTIAL LOTS, OR LOTS IN EXCESS OF 4,500 AS WE DID PRE-2015:

If the City is not willing or able to impose enforceable, contextual size limits as part of the zoning, then new construction on smaller lots (e.g., lots of less than 4,500 square feet) must be limited so that new construction is only allowed on lots which were already vacant as of January 1, 2018 or were in non-residential use as of January 1, 2018, as the zoning was structured prior to 2015. A return to the approach that existed pre-2015 at least relieves the pressure, now felt by every existing residential structure, to be razed to become a potential building site for a newly constructed building which can be built out to a much greater scale than the existing building.

ENDORSE AN 18-MONTH DEMOLITION DELAY, BUT MAKE THE PROCESS MORE TRANSPARENT AND ACKNOWLEDGE THE VALUE OF AFFORDABLE HOUSING:

The theory of an 18-month demolition delay for residential structures is good. It would be strengthened by a process that requires the owner to post required information if the owner applies for a demolition permit. Similarly, there should be a process which would allow neighbors and other interested parties to request a hearing in a timely manner should they disagree with a determination that a structure does not meet any of the exceptions but is not "preferably preserved." There should also be an acknowledgement that in addition to architectural/historic value, existing affordable housing is a public good that should be given consideration during the proposed demolition review process.

Portland Planning Board
May 3, 2018
Page Three

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THE PLANNING BOARD AND CITY COUNCIL SHOULD ENDORSE PROCEEDING WITH TIMELY NOMINATION OF APPROPRIATE HISTORIC DISTRICTS ON MUNJOY HILL

For areas that qualify as historic districts, there are much better demolition protections and much better processes for review of new construction within an historic district than exist in non-districts. Parts of Munjoy Hill are every bit as architecturally valuable as other parts of the City, yet they have not yet been designated for historic preservation protections. Moreover, preserving existing historically-significant housing is likely to have the dual benefit of retaining important housing stock that is more affordable than any housing units that are likely to be created through unsubsidized new construction.

Much of the survey work has already been completed by Greater Portland Landmarks, subject to review by the City. The Planning Board and City Council should encourage staff to give priority in its work program to completing what needs to be done so that proper nominations may be initiated by early Fall. Delay in completing this work deprives these areas of interim protections which will attach once a formal nomination is initiated. Of course designations will need to proceed through the Historic Preservation Board, Planning Board and City Council, with due process at each level.

SET ASIDE PROPOSED AMENDMENTS TO BUILDING EXTENSIONS FOR LATER REVIEW.

I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. The proposed amendments would apply City-wide, not just in the R-6. As drafted, it seems like the amendments could make significant changes which have not really been discussed.

The current ordinance only allows certain building extensions within the existing building footprint. As drafted, as I read it, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what the proposed language would allow is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the % expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure. These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial.

Portland Planning Board
May 3, 2018
Page Four

CONCLUSION:

It goes against many of the core principles the City espouses – support for affordable housing, vibrant neighborhoods, and environmentally sustainable practices -- to set up the regulatory incentives to encourage perfectly serviceable workforce housing to be demolished and replaced by out-of-scale luxury units. The effect of the 2015 amendments was to make every structure in the R-6 zone expendable, and to make every lot of at least 2,000 square feet a potential building site for new construction, regardless of whether an existing residential structure would need to be razed. The incentives are further driven in the wrong direction by zoning dimensional limits that are much more generous than the existing pattern of development. Staff analysis found the average structure is 2.4 stories. The proposed zoning would allow 45 feet (4.5 stories) as of right for one unit plus a “workforce” unit, or for 3 units.

The regulatory incentives are all wrong. The City should be encouraging highly selective demolition and rebuilding where it won't harm the existing neighborhood and might strengthen the overall housing stock (e.g. post-1930s houses, non-residential structures, dangerous structures). But new construction should be restricted to a scale, mass and design that will enhance the neighborhood. And the City's primary focus, to be reinforced by zoning which only allows rebuilding at the scale and mass of existing development, should be on maintaining and rehabilitating the already existing housing stock, which is historic, compatible, reflective of patterns that emerged organically over time, and more affordable than any unsubsidized new construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Vestal". The signature is fluid and cursive, with the first name "Barbara" and last name "Vestal" clearly distinguishable.

Barbara A. Vestal

Changes Requested to Planning Dept Proposal for Munjoy Hill Overlay District

Karen Snyder <karsny@yahoo.com>

May 4, 2018 9:01 AM

Posted in group: Planning Board

May 4, 2018

Portland Planning Department
Planning Board Chair and Members
389 Congress Street
Portland, ME 04101

Re: Changes Requested for R-6 Munjoy Hill Overlay District

Dear Planning Board Chair Dundon and Planning Board Members:

There is overwhelming amount of support and transparent evidence from the listening sessions, to Planning Board workshop, to the public comments sent to Planning Board, to petitions signed by Munjoy Hill Residents, and finally a multi-group support from **MHNO, Greater Portland Landmarks**, and the grassroots group **MHCC** (Munjoy Hill Conservation Collaborative), to ensure that there is balance between development and preservation of Munjoy Hill by the following recommended changes to the Planning Department proposal made at the 4/10 Planning Board workshop.

The proposed recommended changes to the R-6 Munjoy Hill Overlay District are the following:

- 1) Planning Board Needs To Ensure the Design Standards are Enforced
 - The fact is the current design standard are not effectively enforced and certain developers/property owners are outrageously ignoring these design standards. Example: 24 St. Lawrence, 30 Merrill, 5 Cumberland, 25 Monument, etc.
 - The only way to enforce these design standards is to insert them into the R-6 overlay zoning ordinance.
 - Incorporate the language of compatible scale/mass into the zoning ordinance and to require developers to meet BOTH the key design standards and to be less than the dimensional caps.
 - This specific language to incorporate into the design standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.
- 2) Planning Board Should Strengthen the Demolition Standard
 - a) Keep the 18 month demolition delay.
 - b) Require the owner to post required information if the owner applies for a demolition permit. Other Maine cities are doing this. Why not Portland?
 - c) There should be also a public hearing to allow neighbors and other interested parties to be notified if there a disagreement between not meeting the exceptions but yet not considered "preferably preserved".
 - d) There should be a deed clause for real "affordable" housing and considerably lower than the AMI level which is currently < 80K/annual income. This current level excludes basically all Portlanders and their families and only rich retirees can "afford" this.
 - e) This specific language to incorporate into the demolition standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.
- 3) Planning Board Should Endorse Proceeding in a Timely Manner a Munjoy Hill Historic District
 - Unlike what the developers have said with only razing and profiteering in mind and most do not live on the Hill, Munjoy Hill does have much historic fabric and architecture that is needed to urgently be protected.
 - Our neighborhood is being razed, TRUE affordable housing for working class/middle class is disappearing and NOT being replaced.
 - Greater Portland Landmarks has done significant survey work and have initially proposed Munjoy Hill Historic Districts.

-There is also additional effort being made now to gather petition signatures from property owners in this proposed Munjoy Hill Historic District by Greater Portland Landmarks. Munjoy Hill Property Owners are now understanding that Munjoy Hill is needing additional protections.
-Both MHNO in letter sent this past Monday, 4/30/2018 and also Greater Portland Landmarks letter to Planning Board are advocating initially using Greater Portland Landmarks survey work and initiating Munjoy Hill Historic Districts by Fall 2018. In addition, MHCC letter sent on 4/27/2018 also aligns with MHNO and Greater Portland Landmarks.

4) Planning Board Should Make Additional Modifications to the R-6 Dimensions to the Overlay District

- a) Min Side Yard Setback: No single side yard should be less than 5 feet.
- b) Rear Yard Setback: Change back to 10 feet.
- c) Height Maximum: Exclude the HVAC equipment to be above height maximum.
- d) Height Maximum: Only Allow New Construction on vacant lots greater than 4,500 sq ft.
- e) Structure Setbacks: Put back to pre-2015. Boxes are being built with no structure setbacks.

5) Planning Board Should Postpone the Amendments to 14-436 Building Extension Review

- There has been no study or previous effort to analyze the 14-436 Building Extension change ramifications.
- This would be a city-wide impact and not just Munjoy Hill Overlay.
- There is also no transparency as to who is advocating this amendment change without any due diligence efforts being made.
- As a result of the above concerns, this amendment change needs to be postponed.

In conclusion, the R-6 zoning changes made in 2015 completely goes against the supposed core principles of this City and the Comprehensive Plan which was to maintain affordable housing, vibrant neighborhoods, and environmental sustainable practices. In fact, it accelerated the exact opposite.

If the above proposed changes are not approved by Planning Board in next week's 5/8 Planning Board meeting, then it will be clear that the Planning Board is not serving the overall public good. It would be allowing Munjoy Hill neighborhood, community, and history to continue to be erased for a short term profit gain at the expense of Portland Munjoy Hill residents and future generations.

Regards,

Karen Snyder
72 Waterville St

Dear Planning Board Member,

May 3, 2018

As a property owner and long time resident of Munjoy Hill, I am an invested stakeholder in the future of the neighborhood. Recent events here in the real estate developer's market have raised my concerns regarding the projected quality of life for the future of the Hill and its residents. The rampant "tear down and build a money-maker trend," has reached extraordinary proportions, threatening the very essence of the culture and community of the neighborhood. Destruction, in some cases, of soundly built and strong-standing buildings has been allowed, and sadly will continue after the moratorium ends. This practice needs close scrutiny and much more study to create a reasonable process that considers the demolition and construction within the context of historical significance and everyday neighborly life on the Hill.

I am appalled by some of the aesthetically deficient box style constructions, adorned with ice-cold corrugated metal, scrawny stick-like supports, crayola color discord, and no heartbeat at all. Dead boxes plopped offensively to the margin of long existing family homes and apartments. How many more little green growing spaces will be compromised? What about the bright sky, ample air space, broad views of the water, established trees, sunlight not shadow? What ordinance, judgement or persuasion has allowed the planning board to bypass sensible standards of design? What happened to the guidelines that require decision-makers to consider architectural compatibility...mass, scale, design? Those aspects of the design standards seem to have been ignored.

Munjoy Hill is a rich natural, cultural and historic resource, the very essence of which is illustrated in the many historic family homes, apartment houses, former school buildings, gardens, and public lands. It is a gem to be cared for, protected and shared for perpetuity. It should not be carved up, torn down and jammed to the limit with cold box buildings and oversized condos casting shadows on their neighbors. Please consider the fragile balance between planned development and protecting the character of this unique community.

I support the The Top 3 Planning Dept Recommendation proposed changes that MHCC (Munjoy Hill Conservation Collaborative) and now MHNO are requesting, and ask that you do the same. They are as follows:

#1: Demolition Language needing to be strengthened by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?

#2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.

#3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

.....

Regards,

Carol M. Connor

12 Montreal Street Portland, Maine 04101

Google Groups

Yes to R- 6 Zoning Recommendations of MHCC

May 4, 2018 9:44 AM

Liz Hays <lizchays@gmail.com>

Posted in group: Planning Board

Dear City of Portland Planning Board

I am a new resident of Munjoy Hill, having bought a single family home in the R-6 zone one year ago. One reason I choose this area is because of the unique historic architectural character of the surrounding homes and businesses. This is what draws people to invest in this area. I am very concerned about the recent tear downs and the incongruent architecture that is being built to replace them. I do not want to see Munjoy Hill ruined by development that is short sighted and driven by profit without consideration of the the entire community that lives there.

This is why I am strongly encouraging you to vote in favor of the top three proposed changes requested by the Munjoy Hill Conservation Collaborative to the Planning Department recommendations. I also am in favor of moving in the direction of making R-6 zone an historic district.

Thank you for considering my request.

Liz Hays
107 North Street
Portland ME 04101

Munjoy Hill Neighborhood Org. Repsonse & Requests to Planning Board on Overlay Zone to R6

Munjoy Hill Neighborhood Organization Portland <jay.norris@munjoyhill.org> Fri, May 4, 2018 at 10:41 AM
To: Jennifer Munson <jmy@portlandmaine.gov>, planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

Good morning Jennifer & Councilors,

Please see the attached document submitted on behalf of the Munjoy Hill Neighborhood Organization. It represents our work, response, and requests regarding the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood.

We're deeply grateful to Jeff Levine, City staff and the council for the amount of work conducted, and over such a brief period of time.

We've worked with a wide cross-section of the community, even prior to the moratorium, and appreciate the Board's review and consideration for the recommendations we have here.

Thank you all again for all you've done in helping to protect and grow the Munjoy Hill community.

Best to all of you!

Jay Norris



Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG





The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

May 4, 2018

To the chairpersons and members of the City of Portland Planning Board; Sean Dundon, Chair; Brandon Mazer, Vice-Chair; Lisa Whited, Maggie Stanley, Austin Smith, David Eaton, David Silk

Dear Sean and Board members,

Attached herein is a brief response and position of the Munjoy Hill Neighborhood Organization relating to the matter of the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood. We submit this having conducted our own community outreach and having worked with Jeff Levine over the past several months in hopes of representing a cross section of the community.

In December, 2017, a small number of our members asked Councilor Belinda Ray to consider a moratorium on demolitions and site-plan permits in order for our community, the center of growth and gentrification within the Portland area, to "tap the brakes" on the rapid changes taking effect. We worked with our neighbors and the City to determine the best path forward while keeping all interests in mind as we did so. We were grateful for the pause the City Council granted, and for the amount of work Jeff and his staff have conducted and completed within such a brief period of time.

For several months, even prior to the moratorium, our organization has conducted outreach and public gatherings of community members to gauge their concerns, hopes and opinions surrounding both the development within our community, and how demolitions may be impacting the historic fabric of one of our area's most historic communities. During that time, we hosted discussions and public gatherings with architectural groups, private property owners, developers, community collaboratives, business owners and everyday people. The result of those conversations and outreach is reflected here, and we hope very much you will consider our response, and recommendations not solely as those of a neighborhood association, but as of an entire community that is diverse with varying opinions, but all with one common thread - the love and care for such a special neighborhood which belongs not only to us, but to all of Portland.

Thank you for the work you've conducted and for welcoming the feedback you've received from those across the City. We ask for your review and considerations of our recommendations when determining your final response to the Portland City Council.

Warmly,

Jay Norris, president
The Munjoy Hill Neighborhood Organization



The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

City of Portland Planning Board &
Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

**Our Position on, Requests & Recommendations for Amendments to
the Proposed R-6 Neighborhood Overlay District**

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant. We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District, (MHNCOD)*. We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

- a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;

- b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.
- c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a "significant building" include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the

determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff's proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization

Board of Directors

April 30, 2018

Fwd: Preserving Munjoy Hill: a Citizen's Plea

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, May 4, 2018 at 10:38 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Edward Fiske Mooney <efmooney@syr.edu>
Date: Fri, May 4, 2018 at 10:37 AM
Subject: Preserving Munjoy Hill: a Citizen's Plea
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org" <info@munjoyhill.org>

Friday Morning well before Noon

Greetings to the Planning Commission,

I support zoning regulation that will preserve the historic character of Munjoy Hill, a character that is being eroded by speculative development of "big box" condo-type housing.

This new housing is out of financial reach for most Maine residents and destroys the turn-of-the-century feel of the streets and classic homes. The invasion of "Big Box" structures is a blight on the design and scale of housing here, and tilts the neighborhood toward "big money" residents.

We need a) stronger language regarding demolition, including public hearings on demolition requests; b) design standards that ensure compatible scale/mass new architecture, and c) a timeline for final "historic district" designations now under consideration.

I live on Munjoy Hill in a modest turn-of-the-century condo and am of modest financial means. I love the neighborly feel of the blocks around me that seem slowly to be dominated by big box construction. This irrevocably alters the historic look and feel of this special landmark community.

Ed Mooney, PhD
77 Vesper Street

May 4, 2018

Portland Planning Board
City of Portland
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members,

Thank you for your efforts to maintain and protect the special qualities that make Munjoy Hill such a valuable part of our city. In the face of zoning changes in 2015 that have resulted in incentivizing tear downs of existing building stock and new construction of out of scale buildings containing high end condos unaffordable for most Hill residents, we appreciate your considering carefully how best to balance the City's goals of preserving historic areas of buildings that have architectural significance and tell the story of Portland's early development, with goals to provide affordable housing and to encourage new development in a manner that fits the context of the Hill.

We encourage you to recommend to the City Council to direct the Planning Department to initiate the historic designation process for the two historic districts identified by Greater Portland Landmarks. Both Landmarks and the City staff are deeply engaged in meetings with neighborhood stakeholders to provide education and information about the potential impact of such designations.

If designation reports for the two districts can be completed by the end of August, 2018, interim protections can be put in place, and designations should be completed by the end of December, 2018. These designations can help with maintaining affordable housing, addressing the City's goals of environmental sustainability and strengthening the brand of Portland that depends importantly on the historic character and ambiance of our City.

We support establishing an 18 month demolition delay that includes a process for public notice and public comment.

Additionally we urge you to discourage demolitions by amending the dimensional standards so that the scale, form and massing of a project's context is taken into account when determining the maximum dimensions allowed. Inserting language into the ordinance as is currently proposed that has the effect of granting maximum heights as of right with design standards as a secondary consideration, will result in

increased pressures for teardowns and in new structures that will likely be incompatible with the scale and mass of others in the neighborhood.

Finally, while we have had strong concerns about the results of reviews under the previous system of providing an Alternative Design Review option, the proposal to allow alternative design review with reviews conducted by the City's Historic Preservation Board seems a reasonable approach.

Thank you for considering these views as you make your recommendations to the City Council.

Sincerely,

Sally & Ted Oldham
25 Vaughan Street
Portland, ME 04102

May 4, 2018

To: Chair Sean Dundon, Planning Board Members and Planning Director Jeff Levine

Greater Portland Landmarks appreciates the work that the Planning Staff has done over the past several months to achieve a balance among preservation, renovation of existing buildings, and new construction so that Munjoy Hill may retain its key characteristics while it grows and changes.

1) Historic Designations on Munjoy Hill

To this end Greater Portland Landmarks requests that the Planning Board recommend and that the City Council direct the Planning Department to compile existing research and additional materials as needed in order to assemble historic district designation reports and initiate nomination of the following by September 1, 2018:

- a North Street Historic District
- an Eastern Promenade and Worker Housing Historic District
- a multiple resource nomination for historic buildings located outside the boundaries of the potential historic districts outlined above.

This timeline should allow designations to be completed by the City Council by the end of 2018.

Munjoy Hill's historic buildings are significant features of the neighborhood's streetscapes and help make the area a desirable and attractive place to live, work and play. It is necessary to preserve the character defining buildings that reflect the neighborhood's development over a broad period of time and the role the buildings' residents played in the social and cultural history of the neighborhood, before more of the Hill's historic identity is lost.

Historic preservation is a key part of the City's 2017 Comprehensive Plan. In addition, in many cases these historic buildings include existing affordable housing units and their preservation is an important means to meeting affordable housing needs on Munjoy Hill. Also, the preservation of these buildings and their embodied energy fulfills City Comprehensive Plan goals to adopt sustainable building and land use policies.

2) R-6 Dimensional Standards

The existing buildings in the neighborhood represent a range of scale and massing from one to four stories. Therefore, the subordination of the R-6 design standards to zoning dimensional standards as proposed by staff could result in buildings that meet the zoning ordinance for maximum height or set back, but are out of scale with the neighboring buildings. We believe that the maximum height standards as proposed will continue to be an incentive for demolition. Therefore, we urge the City to incorporate some of the design standards, especially those for scale, form and massing, into the dimensional standards of the zoning ordinance or that another means be incorporated to ensure that new designs are compatible with the neighborhood context.

We appreciate the portions of the current design standards that contain overarching principles in support of contextual new design on Munjoy Hill. We believe that the prescriptive standards are unnecessarily detailed and limiting. Revised design standards should focus on the high

May 4, 2018

level goal of allowing new construction that responds to and fits into the Hill's eclectic neighborhood context without dictating specific details.

3) Alternative Design Review

We support an Alternative Design Review only if it incorporates a public process that establishes the review authority as the Historic Preservation Board. The Historic Preservation Board has a proven track record of reviewing new residential construction for compatibility to its context, including the approval of modern designs.

4) Demolition Delay

We support the proposed 18-month demolition delay. While a demolition delay in the overlay zone is an important step to protect important neighborhood buildings, applications for demolition should require a public posting or signage on the site and a public hearing or public comment period so that the public may participate in the demolition decision process to prevent the demolition of a preferably preserved building with historic, architectural or community value.

5) Non-conforming Building Extensions

Lastly we urge the Planning Board to remove the language on non-conforming building extensions that would apply city wide until further study of the ramifications of these changes can be understood and to allow time for substantive public review and comment.

Thank you for considering our views.

Sincerely,

Hilary Bassett
Executive Director



Google Groups

Munjoy Hill for Munjoy Hill residents

May 4, 2018 11:57 AM

KE Smith <kesmith328@gmail.com>

Posted in group: Planning Board

I am writing to ask you to please accept the changes that our Munjoy Hill Conservation Collaborative as well as the MHNO is suggesting.

I live on the corner of Quebec and Lafayette Streets in a house that is being considered for Historic Preservation, and I am all for it. In my thirteen years on the Hill, I have seen appalling changes. I am not against change itself, and I am not against modern architecture. But I am against willy-nilly tearing down of old houses and replacing them with unimaginative, soul killing monoliths. And I am against tiny green spaces being taken over by developers for so-called in-fill. At the moment, on Quebec, I can count three monoliths, disproportionate and ill-suited to the neighborhood, that are either sited on properties where older buildings were demolished or that took advantage of the R-6 zoning change that allowed tiny green spaces to be built on. On Lafayette there are two more.

What is particularly distressing about the Hill's takeover by developers is the dwindling of families with small children. They can no longer afford to stay here. When I first moved in, the single-family house next door was home to a family with four children. They moved, and a young couple moved in who eventually had three daughters. But when they sold, prices had soared, and the next residents were doctors. Now it's for sale again, and my fingers are crossed that it doesn't fall prey to the current trend of demolition and quick replacement.

We need specific design standards in the zoning ordinance, and developers need to be held accountable for following those standards. We need housing affordable for young families, and we need specific demolition procedures and strengthening of the language in the zoning. No more "discretionary" application of zoning!

Please consider the residents of Munjoy Hill when making your decisions.

K. E. Smith
80 Quebec St
Portland
207.232.6413

Sent from my iPad

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, May 4, 2018 at 1:52 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Susan Yandell <sueyandell@gmail.com>
Date: Fri, May 4, 2018 at 1:45 PM
Subject: Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, bsr@portlandmaine.gov

I am a property owner on Munjoy Hill next door to a proposed tear down. I'd like to express my support for the MHCC (Munjoy Hill Conservation Collaborative) initiative.

- #1: Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
- #2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently , some of the developers are outrageously ignoring it.
- #3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Many thanks ,

Sue Yandell
51 Monument Street



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Proposed Conservation Overlay District Comments

Fri, May 4, 2018 at 4:16 PM

Jeff Levine <jlevine@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Is it too late to post this?

Jeff Levine, AICP
 Director
 Planning & Urban Development Department
 389 Congress Street 4th Floor
 Portland, Maine 04101
 Phone (207)874-8720
 Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
 @portlandplan

----- Forwarded message -----

From: Lori Rounds <lori.j.rounds@gmail.com>
 Date: Fri, May 4, 2018 at 4:14 PM
 Subject: Munjoy Hill Proposed Conservation Overlay District Comments
 To: planningboard@portlandmaine.gov
 Cc: Jeff Levine <jlevine@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, cdg@portlandmaine.gov,
bsr@portlandmaine.gov, sthobodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov,
kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov,
estrimling@portlandmaine.gov

To the Portland City Planning Board, Mayor, City Council and Planning Department:

We want to thank Jeff Levine and his staff for their months of work spent researching housing activity and trends on Munjoy Hill, holding multiple public forums and meeting individually with residents to discuss R-6 changes and the impact of past and future demolition and building on Munjoy Hill.

We are directly impacted by the IPOD and the proposed permanent changes to R-6 rules via the Conservation Overlay District. We bought the one and a half story house at 47 Monument Street in November 2017. The house is old (circa 1870) but it is not historic. It has been neglected for many years, is derelict, and according to three contractors is structurally unsound and beyond repair. We intend to demolish the house and build a single family home in which we will reside. We have been caught up in the six-month demolition moratorium and are unable to apply for a demolition permit until after June 4.

In the meantime we are working to design a home that meets IPOD dimensional and design requirements, is energy efficient, meets all applicable building and life safety codes (including a sprinkler system), contributes to the fabric of the neighborhood and is intended for 21st century living. Unlike the current structure, there will be living space on the first floor with eyes on the street.

The proposed Munjoy Hill Conservation Overlay District Demolition Review rules add further delay and uncertainty and potentially cost to our plans to rebuild on the lot, and we know of at least one other property owner in a virtually identical situation with a derelict structure who seeks to demo and rebuild a single family home. We are concerned that the proposed Demolition Review rules focus on preserving and protecting historic buildings ("any building constructed before 1930 and determined to be significant based on association with historic persons or events, or architecturally significant") but do not contain any language regarding the physical condition of properties such as structural integrity, compliance with post-19th century building and fire codes, and an assessment of functionality for current lifestyles.

Although data is not available, we suspect that many of the 13 demolitions that occurred on Munjoy Hill from 2015-2017 were of properties that had outlived their useful lives and were structurally and functionally obsolete. Any determination of Significance for Demolition Review must include criteria for evaluation of the physical integrity of the structure, fire and life safety conditions, and suitability for 21st century living. Although a structure may meet the broad "historic" criteria, the building frame, foundation and/or interior may be unsound and/or the structure may be functionally obsolete. The property owner should be able to decide if the costs and timeline to demolish and rebuild the structure (within code requirements) to meet the owner's needs are preferable to the cost and timeline of rehabilitating the structure.

Additionally, the proposed demolition delay of up to 18 months is arbitrary and unreasonable and is in addition to the six months currently imposed by the moratorium, resulting in a potential delay of up to 24 months for certain property owners. There should be published, objective demolition review criteria with a reasonable timeline for evaluating the condition of properties requested to be demolished. Property owners should expect a timely review by City personnel, such as 15 days for non-significant buildings and 45 days for significant buildings. The proposed arbitrary and unreasonable 18 month delay is intended to discourage property owners from

utilizing their property to the highest level if that utilization includes demolition. Let's not forget that the majority of Munjoy Hill property owners include residents who live in their buildings and seek to contribute to and enhance the fabric and character of the neighborhood. Objective demolition review criteria and a reasonable timeline for City review are a sensible approach to addressing demolition and development on Munjoy Hill.

As for designating one or more Historic Preservation Districts on Munjoy Hill, there is a very vocal group of residents in favor of the HPD's but that group does not represent the majority of property owners. There are many Munjoy Hill property owners who are not in favor of an HPD, and some property owners who are not aware of the push to designate sections of Munjoy Hill as an HPD. We appreciate that the City has planned an Historic District informational session on May 7th and hopefully many Munjoy Hill property owners will attend. Every property owner must know the proposed HPD designation of their property and the pros and cons in order to make an informed decision on HPD, and to ensure that all voices are heard rather than just the loudest voices being heard.

Thank you for the opportunity to communicate our concerns.

Regards,

Lori Rounds
Tim Mayo
47 Monument Street

5/7/2018

Munjoy Hill and plans - Google Groups

Google Groups

Munjoy Hill and plans

May 5, 2018 10:20 AM

Delene Perley <deleneperley@gmail.com>

Posted in group: Planning Board

I live at the foot of Munjoy Hill and so appreciate the wonderful architecture of the hill as I explore its neighborhoods on my walks. Portland is attractive to people because of its heritage. I was on the Portland Freedom Trail Board, which shows you my commitment. If all the buildings turn into the uninspiring buildings that are going up around me, it will lose its attractiveness, history, livability and inspiration. Please do everything you can to preserve our town. We are trusting you to do the right thing: begin the historic designation, discourage demolitions, have reviews by the Historic Preservation Board, permit full discussion throughout the city about what we want to happen here BEFORE IT IS TOO LATE!! Look at what we have lost from the past. Don't let that happen again.

Delene Perley
Middle Street
Portland

5/7/2018

MUNJOY HILL - Google Groups

Google Groups

MUNJOY HILL

May 5, 2018 10:30 AM

Don Head <donhead66@gmail.com>

Posted in group: Planning Board

Mr. Dundon and colleagues:

As a resident of Munjoy Hill I have been very much in favor of the IPOD overlay to the Hill's R-6 zone. As you move toward making permanent changes I offer my thoughts on a few points.

I appreciate the reduced height limits and the phrasing on mass, scale, etc., but I think the exceptions to the height limits are unnecessary. Let's continue the chimneys only exception.

I am most troubled by the eighteen month demolition delay. This is an such an undue imposition on property owner rights that it borders on confiscation. Any process of review should be quick and simple, subject only to specific written rules. The public should not have a say on a property owner's wishes as to the use of his/her property.

Don Head
118 Congress Street

Google Groups

City's zoning change proposal

May 5, 2018 11:32 AM

Elizabeth Streeter <streeter.beth@gmail.com>

Posted in group: Planning Board

Dear Mr. Dundon,

I live on Quebec Street on Munjoy Hill and I am appalled at the ugly, oversized buildings destroying the beauty, liveability and environment here. Trees, green spaces, and beautiful old buildings are being destroyed. My neighboring Merrill Street seems to be a "throw away" street! Have you walked the streets here? Do you see for yourself what is happening?

I completely agree with the Greater Portland Landmarks carefully, professionally examined points.

1. Begin the historic designation process.
2. Discourage demolitions - amend the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed (remembering that just because one building is tall does not mean that all the buildings in the area should be tall, and block out light and views!)
3. Have an alternative design option with the reviews conducted by the Historic Preservation Board.
4. Have an 18 month demolition delay that includes public notice and comment (which should be listened to and influential).
5. Remove language on non-conforming building extensions that would apply citywide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

Thank you for your consideration to these points. I know that the job before you is difficult and I appreciate your serious, thoughtful, and sensitive examination of the issues.

Sincerely
Elizabeth Streeter

Google Groups

Construction planning

JERI SCHROEDER <jschroe2@maine.rr.com>

May 7, 2018 7:41 AM

Posted in group: Planning Board

As a Munjoy Hill resident, I agree with responses that Munjoy Hill Neighborhood Association has commented on as follows:

- Recommend that the Planning Department begin the historic designation process.
- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.
- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.
- Support an 18 month demolition delay that includes public notice and comment.
- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

May I also recommend that the entire planning board read "The Biophilia Effect, A Scientific and Spiritual Exploration of the Healing Bond Between Humans and Nature by Clemens Arvay. Here is a quote that is so important to pay attention to: "Biological Communication Plants communicate directly with our immune system and unconscious without us even needing to touch, much less swallow them. This fascination interaction between human and plant is hugely significant for medicine and psychotherapy and is just starting to be understood by science. It keeps us physically and mentally healthy and prevents illness. In the future, contact with plants has to play an important role in treating physical illness and mental disorders. There simply must not be clinics without a garden or access to a meadow and forest, no new neighborhoods without vegetation and no cities without wilderness."

And to add a mention of two areas of examples negating the above quote, the construction currently taking place near Ocean Gateway and the replacement condo construction that went up on the corner of Fore and Waterville street are not in consideration of the above quote in any way. The beautiful lawn/garden on Fore and Waterville was replaced by a 4 story building and roof drainage abutting the sidewalk. As person who walks by that on a regular basis, my body notices. And now there is another proposal for Shipyard to squeeze even more green space from the area. The city has lost or maybe never had a healthy human vision. My request is that you start to wake up and listen to local residents so that money and the interest of out of state

wealth stops trumping a healthy community and vibrant community on this beautiful peninsula.

Respectfully,
Jeri Schroeder

P.S. Since my husband and I purchased our building 20 some years ago, I plant beautiful flowers on every square inch of green space that we own. I cannot tell you how many folks have share their appreciation of this beauty and health add quality as they walk by.

Jeri Lynn Schroeder LCPC
jeris4765@gmail.com
www.jerilcpc.com
207-415-3733

Important, please note:

Never rely on email for urgent or sensitive communications or to cancel appointments. It is important to remember that email is not always timely or dependable and may not be secure. If you do not receive a reply within a day or two, please call me at 207-415-3733

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Google Groups

Preservation/Management of Munjoy Hill Development

Berry Manter <berrymanter@yahoo.com>

May 5, 2018 6:32 AM

Posted in group: Planning Board

Dear members of the Portland Planning Board, Jeff Levine and Belinda Ray.

I'm writing to express my concern regarding the trends on the currently vulnerable Munjoy Hill. Your responsibility in determining the future of one of Portland's oldest neighborhoods can't be underestimated. Thank you, in advance, for taking time to read this.

I had to look up the definition for "gentrification". Its happening here. Change and development of the hill is certain, and compels the need to wisely manage and keep the longterm picture vs. short term ephemeral gains in focus. Your decisions determine the face of Portland for centuries beyond our lifetime .

I have the right metaphor, I think, to put this into tangible size. It came to me this morning as I stepped out of my PJ's into yesterday's jeans — a daily uniform exchange similar to your own. Clothes and our homes are mirrors of us, each subject to whims of our culture, survival, fashion, identity. Each the vital indicator of an era. We pinpoint a date of a photo by the clothing worn or the details of architecture.

My mother born during the depression valued quality clothing and said a well made garment held its value and was money well spent. I still wear clothing she purchased in the 1940's, items a young working woman had stretched her budget to buy. She wore her timeless classics all her life. You cannot find the tailoring details or quality of material and construction in today's garments.

Our old working class New England architecture is also timeless, classic and enduring. The exterior details of trim, windows, porches and overhangs are nearly impossible to recreate today. Timbers from the bones of old buildings were harvested from old growth trees that no longer exist. While many old buildings are outwardly simple, a good architect can point at the precision of lines and pitch of a roof, the ascending and diminishing window size creating perception of height and lightness, the humble elegance of side lit front entries. Early residents took pride in their homes. It spoke of who lived inside.

Take time for this: stop and notice how you feel when you pass by our older properties with intentional placement on their lot, a sense of continuity within the context of their neighborhood, the intentional welcoming entry way, porch, gardens. Notice just which buildings in Portland the tourists capture on their smartphones as they wander about recording what brought them here. This is identity, a sense of place that makes Portland what it is. Too much of the new construction fails to honor this.

Return to the metaphor in clothing: How old are your clothes? Fast change fashion and inferior construction generate our current era of insatiable consumption and disposable clothing — the precise intention of an industry seeking cheap product and high profit. Bales of obsolete clothes are shipped to the third world. More lie compressed in landfills. The vintage pieces in my own closet hold their rich history and will live on because someone sewed them to endure and I care enough to ensure they live on long beyond me.

This mirrors the trend in our housing stock here. The places developers insist need tearing down are actually still "young" when compared to the bloated cement board and synthetic covered boxes of questionable design and materials — how will this new construction stand the test of time? To what longterm environmental trade off?

Most importantly, ask yourself how you feel when you stand and really look at what's currently being built across the city, because this feeling is the vital test of human values and our culture. Does much of the new construction look like cheesy schlock? Does it mirror what's packed on the fashion clothing racks at the Mall?

I sincerely implore all of you to look favorably on granting sweeping protective historic districts across the Hill. Is the rash of new construction at the expense of one of Portland's oldest neighborhoods yet another Trojan horse of an "urban renewal" of our century? Will our grandchildren sigh and shake their heads just as we all currently do looking at the scheme of prior generations and the regretful destruction of the '60's? Please do not trade fleeting profit for centuries of regret. "New" is not necessarily better. The real cost of the losing Munjoy Hill's heritage is great. And, its in your hands.

Please, support the protection of the housing stock of Munjoy Hill as outlined and supported by MHNO (Munjoy Hill Neighborhood Assoc.), Greater Portland Landmarks, and MHCC (Munjoy Hill Conservation Collaborative).

5/7/2018

Preservation/Management of Munjoy Hill Development - Google Groups

Sincerely,

Berry Manter
46 Eastern Prom
Portland, ME 04101

May 8th public hearing on Munjoy Hill R-6 zoning

May 7, 2018 4:51 PM

Julie Larry <jlarry@portlandlandmarks.org>

Posted in group: Planning Board

Jeff, Chair Dundon, and Members of the Planning Board,

After reviewing the report and attached materials posted by the city on May 5th Greater Portland Landmarks has a couple of additional questions and comments on the R-6 changes.

1) 14-140.5.5.(b). Definitions

Reducing the number of definitions helps make the document clearer, but we were concerned about the removal of language defining a preferably preserved building as a building significant to social, cultural or other areas of history. The removal of this language also seems to be in conflict with 14-140.5.5.(d).f. Final Determination of Preferably Preserved Building where the "architectural, cultural, or social heritage of Munjoy Hill" would be considered in a final determination. Particularly in the absence of any historic districts on the hill to protect vernacular resources associated with minority communities or significant persons, we urge you to reintroduce language into a fourth bullet point within the definition of a Preferably Preserved Building:

4. It is associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of Munjoy Hill or the City of Portland.

2) 2) R-6 Infill Development Design Standards, Section IV Alternative Design Review

Does the use of "building type" or "type" in the first two paragraphs of the section refer to use (apartment house e.g.) or form (rowhouse e.g.)?

3) 3) R-6 Infill Development Design Standards, Section IV Alternative Design Review

At the end of the fourth paragraph it states "The final decision whether to issue an Alternative Design Review Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board." The previous draft stated a HPB decision may not be appealed. What is the proposed appeals procedure for the HPB to reconsider a previous decision on whether to issue an Alternative Design Review Certificate?

Thank you.

Julie Larry

Director of Advocacy

Greater Portland Landmarks

93 High Street

Portland, ME 04101

207-774-5561 ext. 102



**GREATER
PORTLAND
LANDMARKS**

Google Groups

attn Sean Dundon - Munjoy Hill

Francine O'Donnell <maineviews@gmail.com>

May 8, 2018 7:39 AM

Posted in group: Planning Board

Sean et al...

Enough is enough. It's time the planning board takes a solid stance and protects the beautiful historic architecture of Munjoy Hill. It's a travesty to see perfectly good homes being demolished to make room for pricey 'modern' structures devoid of character and dwarfing the neighborhood homes that have made Munjoy Hill so special for generations.

The precedent was set with the obnoxious 118 Congress that should serve as a symbol for all that is NOT in keeping with the character of the neighborhood.

I encourage you to pay thoughtful attention to the history & character of this once working class neighborhood. Preserve the architecture, adhere to height restrictions, encourage historic restoration and maintain the character & charm of Munjoy Hill.

My grandparents settled here in the early 20thc, I was born here, I live here now. The time for you to act to save the hill is now. Throughout my lifetime we've mourned the loss of structures like Union Station. Do what's right to ensure that the character of the hill remains and that we won't someday be lamenting about what once was.

Thank you for your thoughtful consideration and positive actions.

Francine O'Donnell

Google Groups

Public Comment re: proposed R-6 amendments

George Rheault <george.rheault@gmail.com>

May 8, 2018 7:51 AM

Posted in group: Planning Board

I urge the Planning Board to vote no on the further downzoning of Munjoy Hill as reflected in the package of amendments that the planning staff has been facilitating since October.

The existing R-6 status quo should be allowed to stand for at least 5 years before it can be properly evaluated.

To do otherwise will not be looked at kindly by history.

Attached is a great example from May 2001 (from the now defunct Casco Bay Weekly) of when our City pushed past irrational NIMBY tendencies.

Let's show some spine again.

Casco Bay Weekly

greater portland's weekly journal of news, arts & opinion
cascobayweekly.com

FREE

vol. 13 #18
MAY 3, 2001

It's the sickness that strikes when neighbors oppose development in their own backyard and end up encouraging sprawl. The state's cure for this condition appears to be too bitter for Greater Portland residents to swallow. Greg Williams' story starts on page 12.

WATCH OUT, it's ...

Munjoy Hill DISEASE!



ILLUSTRATION/COREY PANDOLPH

Portland cop has ties to towing company page 8
Portland cops crack down on performance art page 10
Exposing circus elephants so-called lives page 20
National Nurses Week Special Recruitment Section SEE PAGE 38

3 MAY 2001

Watch out, it's...

Munjoy Hill DISEASE!



The Munjoy Hill area is a small, hilly neighborhood in Portland, Maine, known for its historic architecture and scenic views. The area is bounded by the city of Portland to the west and the city of Scarborough to the east. The hill itself is a prominent feature, with several streets leading up to the summit. The area is home to many historic homes, including the famous "Munjoy Hill House" which is a National Historic Landmark. The hill is also known for its views of the city and the harbor. The area is a popular destination for residents and visitors alike, offering a mix of historic charm and modern amenities.

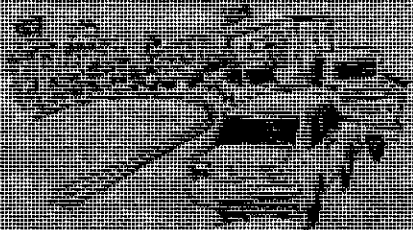
Why should we care?

The Munjoy Hill area is a small, hilly neighborhood in Portland, Maine, known for its historic architecture and scenic views. The area is bounded by the city of Portland to the west and the city of Scarborough to the east. The hill itself is a prominent feature, with several streets leading up to the summit. The area is home to many historic homes, including the famous "Munjoy Hill House" which is a National Historic Landmark. The hill is also known for its views of the city and the harbor. The area is a popular destination for residents and visitors alike, offering a mix of historic charm and modern amenities.

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How can we help?

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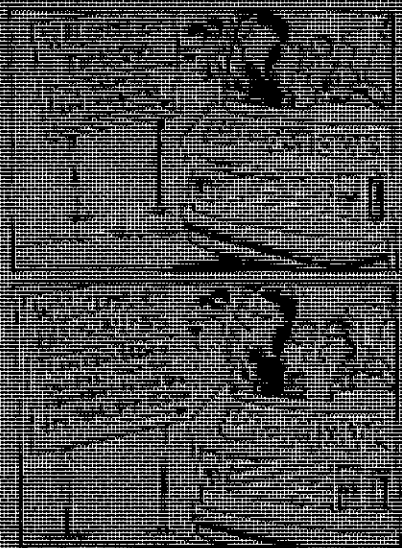
There are many ways to get your hands on the information you need. You can call the toll-free number 1-800-368-2746 or visit our website at www.portsantafenmuseums.org.

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Port of San Antonio
 1000 N. 1st St., San Antonio, TX 78205
 Tel: 214-348-2746

The Port of San Antonio is a major transportation hub for the city. It is located on the San Antonio River and is one of the busiest ports in the state. The port handles a variety of cargo, including grain, oil, and coal. It also serves as a major center for the distribution of goods to and from the city.

The Port of San Antonio is a major employer in the city. It employs over 1,000 people and is a major source of revenue for the city. The port is also a major source of tax revenue for the city. The port is a major part of the city's economy and is a major source of pride for the city.



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YATES IN THE MIRROR

Yates, the first of the Mirrors, is a major exhibit at the Port of San Antonio. It is a large, ornate building that is a major source of pride for the city. The exhibit is a major part of the city's history and is a major source of revenue for the city.

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Google Groups

Historic Preservation

Eric Dexter <edexter@herbery.com>

May 8, 2018 12:31 PM

Posted in group: Planning Board

Sean

I'm certain you are seeing a lot on this, so apologies in advance. I'm writing to encourage the planning board to give significant consideration to historic preservation as it works to plan for the city. We just don't get two chances when a historic building is in the line. So much of what makes Portland a destination, is this careful, careful consideration.

Thanks,
Eric Dexter

The City's proposal does not begin the historic designation process. We need you to ask the planning board to:

- Recommend that the Planning Department begin the historic designation process.

The Planning Board Proposal still encourages demolitions by potentially allowing new buildings to be larger than their neighbors. We need you to urge the planning board to:

- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.

The City's proposal institutes a new process for alternative design review that includes approval by the Historic Preservation Board. We need you to tell the Planning Board that:

- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.

The City's demolition delay proposal allows for approval without public comment. We need you to tell the planning board that you :

- Support an 18 month demolition delay that includes public notice and comment.

The City's proposal allows for the expansion of non-conforming buildings through-out the city , not just on Munjoy Hill. We need you to ask the planning board to:

- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

Fwd: Munjoy Hill housing development

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, May 8, 2018 at 4:38 PM

For the Munjoy Hill file.

----- Forwarded message -----

From: Lisa Morris <lisa.morris@maine.edu>
Date: Tue, May 8, 2018 at 4:17 PM
Subject: Munjoy Hill housing development
To: Belinda Ray <bsr@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>

Hi Belinda, Hi Jeff

I can't come to planning board meeting tonight but I want to weigh in....I share the concerns of many Munjoy Hill residents and would like to see the City make some tweaks to the zoning and design standards. I'm not sure what I think of the historic conservation idea - it sounds too complicated for the Hill given its make-up of housing types - but I definitely think changes to set-backs and building to plot ratio and some design stipulations would be a really good idea. The oversized box-like condominium complexes - and, frankly, even some of the oversized nonconforming single family buildings - are really changing the look and feel of the neighborhood. Their design and size is decidedly unneighborly. Their over-size, flat facades and lack of porches make them look fortresses. The condo complex proposed for St. Lawrence is particularly awful going up on Merrill and Cumberland. I think those kinds of buildings belong on main thoroughfares like Congress and India, not on smaller side streets where their size dwarfs everything else. I also support ways (incentives via tax breaks) that encourage rehabilitation of existing buildings where feasible, especially if its a multi-unit and owner-occupied. Too many multi-units with more affordable rentals units are being torn down and replaced with high-priced condos. We really want the Hill to remain a neighborhood where all types of people live, not just rich retirees and part-time residents.

After I read the notes from tonight's meeting, I'll probably have more information and more opinions ;)

Thanks.

Lisa

--
Lisa Morris, PhD
University of Southern Maine
lisa.morris@maine.edu
(207)-780-5036

--
Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

Fwd: R-6 zoning changes and historic district designation

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, May 8, 2018 at 5:55 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Stephen Gaal <steve@gaal.com>
Date: Tue, May 8, 2018 at 4:42 PM
Subject: R-6 zoning changes and historic district designation
To: planningboard@portlandmaine.gov
Cc: Jeff Levine <jlevine@portlandmaine.gov>

To the Portland, ME Planning Board:

I had hoped to attend this evening's meeting and speak on the issue of zoning changes and historic district designation but I am unable to attend and wanted to communicate my feelings on the issues.

1. Although the proposed changes to R-6 zoning to correct the misstep of the 2015 changes is a step in the right direction, it does not go far enough. Demolitions are still too easy to do and the dimensional standards need to be amended so that the scale and mass of a project is in keeping with its neighbors when determining the maximum dimensions.
2. The alternative design review process needs to be strengthened and loopholes closed. I support review by the Historic Preservation Board.
3. I support an 18 month delay on demolitions that includes public notice and comment.
4. Whatever changes you are contemplating re non-conforming building expansion should be city-wide, not just Munjoy Hill. I know you want to increase density on the peninsula, particularly the East End, but there are many other neighborhoods that should also be included in any changes to increase density.
5. Finally, as a home owner in what is the proposed historic district overlay (176 Eastern Promenade), I strongly support the creation of such an historic district and would like to see a date certain for such a designation and to have the process begin now.

Thank you for including my thoughts in your decision making process.

Stephen Gaal
176 Eastern Promenade
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

Google Groups

Munjoy Hill zoning

Jerry Marx <jerrydmarx77@gmail.com>

May 8, 2018 6:55 PM

Posted in group: Planning Board

Dear Sean Dundon:

I am a resident of Portland, Maine and would like to provide some input on the city's proposal regarding Munjoy Hill. I have lived in this neighborhood several times in my life and wish to preserve the character and diversity of residents living in the neighborhood in the face of rapid new housing construction. More specifically, I support an 18 month demolition delay that includes public notice and a chance for the public to comment. I also feel that the dimensional standards being used by the city should consider the scale and mass of any new building projects on the immediate neighborhood context. New projects shouldn't tower over other existing housing in the immediate neighborhood vicinity. In terms of preserving the character of Munjoy Hill, I applaud the city's proposal to include the Historic Preservation Board in any alternative design reviews.

Thank you and the other members of the Planning Board for considering my input.

Sincerely,
Jerry D. Marx
77 Randall St. #3
Portland, Maine 04103

Munjoy Hill development

Lisa Morris <lisa.morris@maine.edu>

May 9, 2018 4:58 PM

Posted in group: Planning Board

Dear Planning Board and Housing Committee members, I am writing to because I share the concerns of many Munjoy Hill residents and would like to see the City make some changes to the zoning and design standards. The 2015 changes to zoning meant to encourage much needed housing development on the Hill are changing the neighborhood in ways that may do lasting damage to the community. Too many multi-units with more affordable rentals units are being torn down and replaced with high-priced condos or single family homes. The oversized box-like condominium complexes built right up to the edge of the plot lines are changing the look and feel of the neighborhood. Their imposing size, flat facades and lack of porches make them look fortresses. These large condo complexes are fine on main thoroughfares like Congress and India but not on smaller side streets where their size dwarfs surrounding structures. Set-backs and building scales that respect the light flow and open air of neighboring properties creates respect for each other's spaces, which in turn creates good neighbors and fosters community. Porches and ground floors that are living spaces and not parking garages creates more opportunities for neighbors to interact with each other. I realize that what is considered beautiful is subjective and that some Munjoy Hill homes are in such bad condition that tearing it down is the only practical solution. While I prefer when developers rehab a building in such a way as to make it fit in in terms of scale and style - for example, 44 Quebec, a 2-unit that has been redeveloped into a 3 condo building was thoughtfully designed to fit in in terms of style, scale and mass - there are a few new nonconforming single families in my neighborhood that are fine --71 Quebec and 39 Lafayette, for example - because they are set back and have porches and aren't so imposing in size. Changes to the zoning and design rules combined with expanded housing assistance targeting rehabilitation of existing homes, especially owner-occupied multi-units, is needed to help the Hill to remain a strong, vibrant neighborhood where all types of people live, not just rich retirees and part-time residents. We need rich retirees living in fancy condos who pay higher property taxes, frequent local restaurants and donate money to local theaters like the St. Lawrence Arts Center but we also need families with kids who care about and are actively involved in the East End Community School; working class families and New Mainers building assets through ownership of multi-units; students and artists living in affordable apartments; local fire fighters, police, and teachers able to buy a home in the community in which they work; full-time residents who are invested in the community and stay for the long haul, who turn-up for clean-up days, concerts in the park, and serve on neighborhood watch committees; and older residents helped to remain in their home - maybe using a property tax break or assistance to turn unused space into an apartment they can rent -- so they can help us remember the history of the Hill.

Thank you,

--

Lisa Morris
26 Lafayette Street



Planning Board
389 Congress Street
Portland, ME 04101

May 8, 2018

Re: Munjoy Hill R6 Amendments, Design Manual Changes, etc.

Dear Members of the Planning Board:

The Portland Society for Architecture has a mission to 'help Portland build better'. We reflect a multi-disciplinary commitment to issues that shape Portland's future and engage not only with architects, but with engineers, landscape architects, preservationists, contractors, suppliers, developers and individuals to advocate, educate and promote quality and value of good urban design and architecture in Portland.

PSA has followed the Munjoy Hill R-6 moratorium process with an understanding that what is unfolding in one small neighborhood is likely the beginning of a larger city-wide debate. Our focus, since December, has been toward the institution of a design review process to vet, in a public forum, building design and construction.

When the idea to eliminate 'Alternative Design' for smaller projects on Munjoy Hill was raised, we advocated the process of Design Review be extended to individuals seeking the Alternative Design path. We are grateful the city planning staff has agreed to allow for that, but we feel offering this path "at the discretion of staff" is an incomplete idea that needs further clarity.

The challenge, overall, is to create a mechanism city-wide that is a fair and transparent process that supports and encourages the best in design quality, while being predictable for the developer and designer. Adopting prescriptive design standards will not reach that goal. Prescriptive standards are easy for architects and developers to "game" and demonstrate they have followed the rules. PSA advocates for broader based standards that can be judged in the context of good design by Planning Staff and design professionals. This forum could be held either through the existing Historic Preservation board, or through the creation of a new Design Review panel.

We strongly support efforts for the City to consider how to encourage contemporary design with distinction. New policy and procedure should be considered as the city begins the rewrite of the land use code. During this period, PSA representatives are ready to collaborate with the City, neighborhoods, and other non-profit organizations to inform this dialogue and develop solutions.

Sincerely,

Alyssa Keating
PSA Board President

Addy Smith-Reiman
PSA Executive Director

Board of Directors

Alyssa Keating,
President

Paul Stevens,
Vice President

Lynn Shaffer,
Secretary

Sasha Salzberg,
Treasurer

Paul Becker
Michael Boucher, ASLA
Evan Carroll
Patrick Costin
Alex Jaegerman, FAICP
Alyssa Phanitdasak
Judy Schneider
Cathy Streifel
Scott Tompkins
Russ Tyson
Graham Vickers, AIA

Executive Director
Addy Smith-Reiman,
AICP

Portland Society for Architecture
PO BOX 5321
Portland, Maine 04101
www.portlandarchitects.org

*Order 242-17/18
Tab 26 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER EXPANDING THE GEOGRAPHIC AREA
OF PORTLAND DOWNTOWN**

ORDERED, that pursuant to 30-A M.R.S. §5226 (1) and 30-A M.R.S. §5223 (1), after public hearing thereon, the boundaries of the Downtown Improvement District, Inc., doing business as Portland Downtown, be and hereby are expanded to include the area within the written description set forth on Exhibit A and depicted on the map which is Exhibit B, each of which is attached hereto.

*Order 243-17/18
Tab 27 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (S)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADOPTING DEVELOPMENT PROGRAM FOR
PORTLAND DOWNTOWN
FOR FISCAL YEAR 2018-2019**

ORDERED, pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Downtown Improvement District, Inc. doing business as Portland Downtown for fiscal year 2018-2019.

*Order 244-17/18
Tab 28 6-4-18*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ASSESSING MAINTENANCE AND IMPLEMENTATION
ASSESSMENTS FOR PORTLAND DOWNTOWN
FOR FISCAL YEAR 2018-2019**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$932,702 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown to fund maintenance and implementation costs for such district for the period beginning July 1, 2018 and ending on June 30, 2019; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Downtown Improvement District in the amounts set forth on the "List of Maintenance and Implementation assessments" which is attached hereto; and

BE IT FURTHER ORDERED, that the said assessments shall be due July 1, 2018 and payable to the City of Portland at the same time that taxes on other real estate are due; and

BE IT FURTHER ORDERED, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

BE IT FURTHER ORDERED, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S.A. § 5228(5); and

BE IT FURTHER ORDERED, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

Order 245-17/18
Tab 29 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AND AUTHORIZING
THE FISCAL YEAR 2019 MASTER AGREEMENT AND SUPPLEMENTAL
SERVICES AGREEMENT WITH PORTLAND DOWNTOWN**

ORDERED, that the Downtown Improvement District, Inc. doing business as Portland Downtown Master Agreement is hereby approved, and the City Manager is hereby authorized to enter into said Agreement, with the Baseline Services provided in Exhibit B, to carry out the Development Plan for the Downtown Improvement District, Inc. for the period from and after July 1, 2018 and ending June 30, 2019, in substantially in the form attached; and

BE IT FURTHER ORDERED, that Downtown Improvement District, Inc. doing business as Portland Downtown Supplemental Services Agreement is hereby approved, and the City Manager is authorized to enter into said Agreement, substantially in the form attached, to implement Supplemental Public Works Services as approved in the Fiscal Year 2019 Appropriation Resolve.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director

DATE: May 18, 2018

SUBJECT: Portland Downtown (PD)/Annual Assessment Documents for FY2019

1. Order Expanding the Geographic Area of PD;
2. Order Adopting Development Program for PD;
3. Order Establishing Special Assessment; and,
4. Order Authorizing Master Agreement and Supplemental Services Agreement

SPONSOR: Economic Development Committee/Councilor Justin Costa, Chair – for
Item #1: Order Expanding the Geographic Area of PD, meeting
held 5/15/2018 and vote was unanimous (3-0);
Jon P. Jennings, City Manager, for Remaining Orders 2 through 4
above.

COUNCIL MEETING DATE ACTION IS REQUESTED:

June 4, 2018, for a first reading; June 18, 2018 for a second reading, public hearing, and vote.

Can action be taken at a later date? No

If no, why not? This item needs to be acted upon prior to the start of the City's FY2019; public notice has been given for the public hearing to be held on June 18, 2018.

PRESENTATION: Casey Gilbert, Portland Downtown Executive Director/5 Minutes

I. ONE SENTENCE SUMMARY

Annually each June, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District); FY2019 also includes a request for an expansion of the current geographic area.

II. AGENDA DESCRIPTION

City Council authorization of the expansion of the PD business improvement district and annual documents for FY2019 are needed for the continued operation of Portland Downtown (PD). This includes: (1) Authorizing the proposed expansion; (2) Adopting Development Program for the PD; (3) Assessing Maintenance and Implementation Assessment in the PD District; (4) authorizing the Master Agreement for work to be done by PD; and (5) authorizing the Supplemental Services Agreement for work to be done by the City.

PD's FY2019 budget is funded from special assessments on all real estate in the current and/or expanded District to fund the PD development program expenses for FY2019.

The proposed mill rate to raise this assessment is \$1.11 cents per \$1,000 of property value for the current district, or a total FY2019 budget of \$932,702. Should the City Council approve of the district expansion, the proposed mill rate would be reduced to \$1.03 per \$1,000 of property value for both the current and expanded area, or a total FY2019 budget of \$962,162. The prior mill rate of \$.92 per \$1,000 of property value had been the same rate for the past nine (9) years.

Included in the City Council meeting packet is PD's 2018/2019 work plan, along with the Supplemental Services Agreement between PD and the City to contract with the City to provide specified Police public safety services and Public Works services to support downtown cleanliness such as sidewalk snow plowing and sweeping and Summer clean-up.

III. BACKGROUND

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of these documents is needed.

IV. INTENDED RESULT OR COUNCIL GOAL ADDRESSED

The intended result is for the PD to have an expanded geographic area, a yearly development program adopted by the City Council, authorize the annual special assessment levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize agreements between the PD and the City for services. The City departments, which are involved in the provision of services to the PD, have reviewed and approved this year's Master Agreement and Supplemental Services Agreement.

V. FINANCIAL IMPACT

This year's assessment will be funded from special assessments on all real estate in the current district for a total of \$932,702, or, if the expansion is approved, a total of \$962,162 from all real estate in the current and expanded district of PD to fund PD Development Program expenses for the period July 1, 2018 to June 30, 2019. ***The proposed mill rate to raise this assessment is \$1.11 cents per \$1,000 of property value in the current district; or \$1.03 cents per \$1,000 of property value in the current and expanded district. It is noted that for the prior nine (9) years, the PD mill rate had been the same rate of \$.92 center per \$1,000 of property value in the current district.***

VI. STAFF ANALYSIS AND RECOMMENDATION THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

City staff have reviewed the documents and recommend City Council approval.

VII. RECOMMENDATION

City Staff recommends the City Council approve the Orders as presented.

The Portland Downtown Board of Directors voted to recommend approval for the original geographic District expansion per the provided map that was included in the recommendations by the Growth Ad-Hoc Committee in its Recommendations Report of February 13, 2018.

The Portland Downtown Board of Directors voted on May 17, 2018, to approve the geographic expansion per the provided Revised Expansion Map, attached hereto as Attachment 1, and the 2018/2019 budget.

In addition, the Economic Development Committee reviewed the proposed expansion of PD's geographic area at its meeting held on May 15, 2018, and unanimously voted to recommend to the City Council approval.

VIII. LIST OF ATTACHMENTS

1. Revised map of proposed expansion;
2. Perimeter description of PD District, incorporating proposed expansion;
3. PD Development Program for FY19;
4. PD FY2019 budget without expansion;
5. PD FY2019 budget with expansion;
6. Listing of Property Owners and Assessment in the current and proposed expanded PD District;
7. Master Agreement;
8. Supplemental Services Agreement; and,
9. Portland Downtown's Growth Ad-Hoc Committee Recommendations Report of February 13, 2018.

**Portland
Downtown District
Boundary Map**
May 11, 2018



Legend

- Downtown Existing District
- Proposed Downtown District

The following is a written description of the perimeter of Portland's Downtown District as of July 1, 2018:

Congress Street, both sides - State Street to High Street (including the lots fronting on the southwesterly corner of the intersection with State Street);

High Street, both sides - Congress Street to Deering Street;

High Street, northeasterly side - Deering Street to Cumberland Avenue;

Cumberland Avenue, southeasterly side - High Street to Franklin Arterial;

Franklin Arterial, southwesterly side - Cumberland Avenue to Commercial Street;

Commercial Street, both sides - Franklin Arterial to High Street (excluding Portland Fish Pier)

High Street, northeasterly side - Commercial Street to Pleasant Street;

Pleasant Street, northwesterly side - High Street to Park Street;

Park Street, northeasterly side - Pleasant Street to Congress Street.

All as shown on a map dated 5/11/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

ATTACHMENT 3

May 23, 2018

To City Manager Jennings, City Councilors, and Mayor Strimling:

On behalf of the Portland Downtown Board of Directors, we are pleased to present to you our development letter for fiscal year 2019. Each year, we enter into a partnership with the City of Portland that is bound by two agreements: a Master Contract and Supplemental Services Agreement. Since these enhanced services are in addition to what the City provides for Baseline Services, downtown property owners collectively leverage a supplemental tax, which provides funding for the additional public works operations, programs, and services of Portland Downtown, a 501(c)4 nonprofit organization. The mission of Portland Downtown is to ensure that downtown is clean, safe, and vibrant. This is a mighty task, which cannot be achieved by one organization, but requires the cooperation and collaboration with not only the City of Portland, but with other partner organizations, which include the Portland Police Department, Learning Works, the Milestone Foundation, Amistad, and Visit Portland – to name a few.

Portland Downtown was established in 1992 and has spent the past 25 years working towards establishing programs and services that are in line with our mission and provide value to our stakeholders. Over the past three years, we have focused on executing initiatives in our five-year strategic plan, which include four focus areas: Vitality, Experience, Growth, and Advocacy. We have also increased our staff to add a full-time Marketing and Communications Coordinator and a Downtown Experience Liaison. Our Marketing & Communications Coordinator, Adam MacDonald, helped to see us through our rebranding – from Portland's Downtown District, to Portland Downtown – and to amplify our mission and impact. Our Downtown Experience Liaison, Amy Geren, has brought a data-savvy approach to our programs – establishing data collection tools and metrics for success to evaluate the Supplemental Services that are provided over and above what the City would traditionally provide. For example, because of Amy's Supplemental Services Agreement tracker, we know that our Downtown Public Works crew spent 2,848 hours on litter patrol, collection, and disposal, while our Downtown Police Cadets had 649 business visits and 275 Special Attention (SA) checks in 2017. Our small but mighty staff is working 24/7 to ensure that all who live, work, visit, and own property in the downtown district receive value from our programs and see Portland Downtown as their advocate.

Advocacy was an area that our Board found most rewarding – delivering three letters in two years to the City of Portland on the following issues: Sound, Parking & Transportation, and Panhandling. Our advocacy issues were vetted through our organizational Advocacy Policy, to ensure that they met the criteria for further

exploration. Once approved by the Board, Ad-Hoc Committees were established to convene public forums, research best practices, and to find feasible recommendations and solutions that we could get behind and work with the City on together. As a result, the Sound Oversight Committee was reinvigorated and meets monthly with public comment, the sound ordinance is under review by city staff, and recommendations for changes will be brought to the Health & Human Services Committee. With regard to parking and transportation, Portland Downtown partnered financially with the City of Portland on both a Parking Study and a Multi-Modal Transportation Marketing Campaign. The Panhandling Ad-Hoc Committee compassionately focused on addressing the greatest needs in downtown, which are issues around safety, homelessness, poverty, and social service need. As a result of the findings of the committee, combined with data collected through the Downtown Police Cadet program, Portland Downtown developed a Peer Outreach Worker (POW) Program in partnership with Amistad and was awarded a Community Development Block Grant for FY19. We also hosted, in partnership with Preble Street and Homeless Voices for Justice a two-part workshop, called "Cultivating Compassion: A Workshop on Homelessness". The workshop was promoted as "A workshop for the business community to explore the causes & impacts of homelessness and how we can work together to effect change through advocacy in action." Portland Public Library graciously hosted the workshop and Portland Buy Local, the Portland Community Chamber of Commerce, and Visit Portland were event partners. Finally, Portland Downtown created a "Helpful Community Resources" rack card, to help identify local organizations that provide food, shelter, and other resources, as well as quick links to the Police Non-Emergency number, the HOME Team, and the POW Program. Our Board of Directors takes their role in advocacy seriously, understands fully that we must be part of the solution, and is willing to continually work towards better outcomes for all – in order to support a thriving, economically healthy downtown.

With 25 years of history and three intense years of strategic advocacy and partnerships behind us, we now turn to the final two years of our current 5-year strategic plan. Realizing that the definition of downtown is changing and expanding and that the demands on our organization are also growing, our Board established a Growth Ad-Hoc Committee to explore the possibilities of district expansion and to evaluate our organizational capacity. What the committee discovered, was a demand for our supplemental services in an area adjacent to downtown, which was also experiencing new commercial development and where Baseline Services have not been enough. Through a data driven process, which included weekly meetings, walking the District and adjacent areas, public outreach, and numerous meetings with our property owners,

adjacent property owners, city staff and councilors, the committee put forth a recommendation for a conservative expansion of the district. The recommendation was approved by our Board of Directors and received unanimous support from the Economic Development Committee. Members of the Economic Development Committee encouraged Portland Downtown to consider further geographic expansions in future, and our Board will make that a priority for consideration as we embark on our next strategic planning process in the next 12-18 months. Council will be asked to vote on the proposed expansion in June, in addition to renewing our Master and Supplemental Services contracts, with a budget to support implementation of programs and services to a level of quality that our stakeholders have come to expect.

In the coming years, our organization wants to further improve upon the implementation of our Supplemental Services, our internal operations, and on our communication and outreach to stakeholders. In FY19, the Board will establish a Finance Committee and will work closely with the Marketing & Events Committee to find ways that we can improve communications about the implementation of our vital programs and Supplemental Services, in addition to our beloved community events, such as the Tree Lighting in Monument Square, Merry Madness, Downtown Worker Appreciation Day and Summer Kick-Off Weekend.

Portland Downtown, which is self-governed by the very individuals and organizations that provide its annual operating budget, takes its mission seriously and aims every year to develop a fiscally-conservative budget, which will provide the greatest return on investment to its stakeholders and the broader community. Continuous improvement, with a mission-driven approach is how our Board of Directors sees their role in the management and oversight of Portland Downtown. The volunteer Board, full-time staff, program staff, and organizational volunteers all believe that a vibrant downtown translates to a sustainable, successful, livable city. We look forward to continuing our well-established, mutually beneficial partnership with the City of Portland and eagerly embark on our next fiscal year, ready to provide a continued, enhanced value to a clean, safe, and vibrant downtown.

All the best,



Kim Volk
Chair, Board of Directors

Casey Gilbert
Executive Director

**PORTLAND DOWNTOWN DRAFT BUDGET FY19
NO EXPANSION**

Current mil rate	0.92
Proposed new mil rate (current district)	1.11

FY19

INCOME

ASSESSMENT INCOME \$ 932,702

EVENT INCOME**LIGHT UP YOUR HOLIDAYS**

TREE LIGHTING SPONSORSHIPS	\$ 7,500
WINDOW DISPLAY CONTEST SPONSOR	\$ 500
HORSE + WAGON RIDE SPONSORSHIPS	\$ 5,000
SHOP FOR A CAUSE SPONSORSHIP	\$ 1,500
MERRY MADNESS TICKET SALES	\$ 16,500
MERRY MADNESS SPONSORSHIP	\$ 5,000

Total Light Up Your Holidays \$ 36,000

POLICE AWARDS BANQUET \$ 5,000

DOWNTOWN WORKER APPRECIATION DAY \$ 3,000

SUMMER KICK OFF WEEKEND

SQUARE HOP SPONSORSHIP	\$ 2,000
OPF SPONSORSHIPS	\$ 2,500
OPF INCOME	\$ 47,500
Total Summer Kick Off Weekend	\$ 52,000

Total EVENT INCOME \$ 96,000

DIRECTORY PARTNERSHIP/CONTRIBUTION \$ 5,000

GRANT INCOME \$ 5,000

CONTRIBUTIONS INCOME \$ 1,000

PARK & WORK INCOME \$ 1,000

Total Income \$ 1,040,702

Expense**CLEAN INITIATIVES**

SUPPLEMENTAL SERVICES CONTRACT	\$	363,000
DID TAX POSTAGE & COLLECTION FEES	\$	5,000
REPAIRS & IMPROVEMENTS	\$	15,000
Total Clean Initiatives	\$	383,000

EMPLOYEE COSTS

PAYROLL	\$	250,000
HEALTH & DENTAL	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200
PAYROLL TAX EXPENSE	\$	17,500
EMPLOYEE PARKING & BUS	\$	5,000
SIMPLE IRA MATCH	\$	4,000
Total Employee Costs	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	48,000
VISITOR INFORMATION BOOTH/VISIT PORTLAND	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	32,500
LEARNING WORKS	\$	14,000
MILESTONE HOMETEAM	\$	6,500
Total Programs & Partnerships	\$	111,000

RENT & UTILITIES

RENT	\$	20,000
CAM CHARGES	\$	10,200
TAXES- PERSONAL PROPERTY	\$	900
ELECTRIC	\$	1,700
GAS	\$	1,500
TELEPHONE & INTERNET	\$	4,000
Total Rent & Utilities	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100
CLEANING	\$	4,000
COPIER	\$	3,000

IT SUPPORT	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000
EQUIPMENT EXPENSE	\$	3,500
POSTAGE	\$	4,500
SUPPLIES	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250
SUBCONTRACTORS	\$	3,500
MISCELLANEOUS EXPENSE	\$	2,000
RESERVE FUND	\$	15,000
Total Operations	\$	45,100

MARKETING

GENERAL MARKETING	\$	20,000
DIRECTORY DISTRIBUTION	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000
Total Marketing	\$	28,000

INSURANCE

DIRECTORS & OFFICERS	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000
WORKERS COMPENSATION	\$	1,100
Total Insurance	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500
ANNUAL ELECTIONS	\$	2,500
LEGAL	\$	4,000
Total Professional Fees	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,000
MEETINGS	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	6,000
Total Organizational Activities	\$	10,000

EVENTS**LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	5,000
TREE LIGHTING: MARKETING	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	4,000
TREE LIGHTING: SECURITY	\$	1,500
TREE LIGHTING: STAGE	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	1,000
RETAIL EVENTS	\$	1,500
WAGON RIDES	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000
MERRY MADNESS: EVENT	\$	13,500
MERRY MADNESS EVENTBRITE FEES	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,200
TOY FUND DONATION	\$	1,200
Total Light Up Your Holidays	\$	47,400
POLICE AWARDS BREAKFAST	\$	4,250
DOWNTOWN WORKER APPRECIATION DAY	\$	2,500

SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000
SQUARE HOP MARKETING	\$	1,000
OPF MARKETING	\$	5,000
OPF PERMITS	\$	10,000
OPF SECURITY	\$	3,000
OPF ELECTRICIAN	\$	7,000
OPF EVENTBRITE FEES	\$	3,500
OPF EVENTS MANAGER	\$	6,000
OPF MISC (golf carts, etc)	\$	3,500
Total Summer Kick Off Weekend	\$	41,000

TOTAL EVENTS	\$	95,150
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PARK AND WORK	\$	1,000
TOTAL EXPENSE	\$	1,040,500

NET INCOME (LOSS)	\$	202
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PORTLAND DOWNTOWN DRAFT BUDGET FY19 WITH EXPANSION

Current mil rate	0.92
Proposed new mil rate (with expansion)	1.03

FY19

INCOME

ASSESSMENT INCOME \$ 962,162

EVENT INCOME**LIGHT UP YOUR HOLIDAYS**

TREE LIGHTING SPONSORSHIPS \$ 8,000

WINDOW DISPLAY CONTEST SPONSOR \$ 500

HORSE + WAGON RIDE SPONSORSHIPS \$ 6,000

SHOP FOR A CAUSE SPONSORSHIP \$ 1,500

MERRY MADNESS TICKET SALES \$ 17,500

MERRY MADNESS SPONSORSHIP \$ 5,000

Total Light Up Your Holidays **\$ 38,500**

POLICE AWARDS BANQUET **\$ 5,000**

DOWNTOWN WORKER APPRECIATION DAY **\$ 3,000**

SUMMER KICK OFF WEEKEND

SQUARE HOP SPONSORSHIP \$ 2,000

OPF SPONSORSHIPS \$ 2,500

OPF INCOME \$ 47,500

Total Summer Kick Off Weekend **\$ 52,000**

Total EVENT INCOME **\$ 98,500**

DIRECTORY PARTNERSHIP/CONTRIBUTION **\$ 5,000**

GRANT INCOME **\$ 5,000**

CONTRIBUTIONS INCOME **\$ 1,000**

PARK & WORK INCOME **\$ 1,000**

Total Income **\$ 1,072,662**

Expense**CLEAN INITIATIVES**

SUPPLEMENTAL SERVICES CONTRACT	\$	380,000
DID TAX POSTAGE & COLLECTION FEES	\$	5,000
REPAIRS & IMPROVEMENTS	\$	15,000
Total Clean Initiatives	\$	400,000

EMPLOYEE COSTS

PAYROLL	\$	250,000
HEALTH & DENTAL	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200
PAYROLL TAX EXPENSE	\$	17,500
EMPLOYEE PARKING & BUS	\$	5,000
SIMPLE IRA MATCH	\$	4,000
Total Employee Costs	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	57,500
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	32,500
LEARNING WORKS	\$	14,000
MILESTONE HOMETEAM	\$	6,500
Total Programs & Partnerships	\$	120,500

RENT & UTILITIES

RENT	\$	20,000
CAM CHARGES	\$	10,200
TAXES- PERSONAL PROPERTY	\$	900
ELECTRIC	\$	1,700
GAS	\$	1,500
TELEPHONE & INTERNET	\$	4,000
Total Rent & Utilities	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100
CLEANING	\$	4,000
COPIER	\$	3,000

IT SUPPORT	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000
EQUIPMENT EXPENSE	\$	3,500
POSTAGE	\$	4,500
SUPPLIES	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250
SUBCONTRACTORS	\$	3,500
MISCELLANEOUS EXPENSE	\$	2,000
RESERVE FUND	\$	15,000
Total Operations	\$	45,100

MARKETING

GENERAL MARKETING	\$	25,000
DIRECTORY DISTRIBUTION	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000
Total Marketing	\$	33,000

INSURANCE

DIRECTORS & OFFICERS	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000
WORKERS COMPENSATION	\$	1,100
Total Insurance	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500
ANNUAL ELECTIONS	\$	2,500
LEGAL	\$	4,000
Total Professional Fees	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,000
MEETINGS	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	6,500
Total Organizational Activities	\$	10,500

EVENTS

LIGHT UP YOUR HOLIDAYS

LUYH GENERAL MARKETING	\$	5,000
TREE LIGHTING: MARKETING	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	4,000
TREE LIGHTING: SECURITY	\$	1,500
TREE LIGHTING: STAGE	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	1,000
RETAIL EVENTS	\$	1,500
WAGON RIDES	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000
MERRY MADNESS: EVENT	\$	13,500
MERRY MADNESS EVENTBRITE FEES	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,200
TOY FUND DONATION	\$	1,200

Total Light Up Your Holidays	\$	47,400
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POLICE AWARDS BREAKFAST	\$	4,250
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DOWNTOWN WORKER APPRECIATION DAY	\$	2,500
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SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000
SQUARE HOP MARKETING	\$	1,000
OPF MARKETING	\$	5,000
OPF PERMITS	\$	10,000
OPF SECURITY	\$	3,000
OPF ELECTRICIAN	\$	7,000
OPF EVENTBRITE FEES	\$	3,500
OPF EVENTS MANAGER	\$	6,000
OPF MISC (golf carts, etc)	\$	3,500

Total Summer Kick Off Weekend	\$	41,000
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TOTAL EVENTS	\$	95,150
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PARK AND WORK	\$	1,000
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TOTAL EXPENSE	\$	1,072,500
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NET INCOME (LOSS)	\$	162
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ATTACHMENT 6

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
021 A001001	25	119	PEARL ST	PEARL CUMBERLAND LLC	\$ 4,181,700	\$ 84,200	\$ 4,265,900	\$ -	\$ -	\$ 4,265,900	\$ 3,924.63	\$ 4,393.88	\$ 4,735.15
027 A001001	22	320	CUMBERLAND AVE	25 PREBLE STREET LLC	\$ 1,104,500	\$ 5,155,000	\$ 6,259,500	\$ -	\$ -	\$ 6,259,500	\$ 5,758.74	\$ 6,447.29	\$ 6,948.05
027 A012001	56	5	MONUMENT SQ	CITY OF PORTLAND	\$ 1,465,000	\$ 11,374,100	\$ 12,839,100	\$ -	\$ 12,839,100	\$ -	\$ -	\$ -	\$ -
027 A014001	25	7	PREBLE ST	5 MONUMENT SQUARE LLC	\$ 37,200	\$ 19,850	\$ 57,050	\$ -	\$ -	\$ 57,050	\$ 52.49	\$ 58.76	\$ 63.33
027 A015001	22	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 327,900	\$ 3,538,400	\$ 3,866,300	\$ -	\$ -	\$ 3,866,300	\$ 3,557.00	\$ 3,982.29	\$ 4,291.59
027 B001001	56	284	CUMBERLAND AVE	CITY OF PORTLAND	\$ 1,423,800	\$ 17,231,300	\$ 18,655,100	\$ -	\$ 18,655,100	\$ -	\$ -	\$ -	\$ -
027 B002001	22	443	CONGRESS ST	JJR 443 CONGRESS LLC	\$ 369,100	\$ 3,427,500	\$ 3,796,600	\$ -	\$ -	\$ 3,796,600	\$ 3,492.87	\$ 3,910.50	\$ 4,214.23
027 B003001	56	9	ELM ST	CITY OF PORTLAND	\$ 123,800	\$ -	\$ 123,800	\$ -	\$ 123,800	\$ -	\$ -	\$ -	\$ -
027 B004001	27	439	CONGRESS ST	METROPOLITAN APARTMENTS LLC	\$ 533,000	\$ 3,201,300	\$ 3,734,300	\$ -	\$ -	\$ 3,734,300	\$ 3,435.56	\$ 3,846.33	\$ 4,145.07
027 B005001	53	425	CONGRESS ST	FIRST PARISH IN PORTLAND	\$ 749,000	\$ 959,400	\$ 1,708,400	\$ -	\$ 1,708,400	\$ -	\$ -	\$ -	\$ -
027 B007001	22	415	CONGRESS ST	ASHBY TEAM LLC	\$ 362,600	\$ 1,406,500	\$ 1,769,100	\$ -	\$ -	\$ 1,769,100	\$ 1,627.57	\$ 1,822.17	\$ 1,963.70
027 B009001	57	8	CHESTNUT ST	MASONIC TRUSTEES OF PORTLAND	\$ 458,500	\$ 4,408,400	\$ 4,866,900	\$ -	\$ 4,866,900	\$ -	\$ -	\$ -	\$ -
027 C002001	27	17	CHESTNUT ST	17 CHESTNUT STREET LLC	\$ 104,500	\$ 121,900	\$ 226,400	\$ -	\$ -	\$ 226,400	\$ 208.29	\$ 233.19	\$ 251.30
027 C010001	20	21	CHESTNUT ST	HAIR ETC LLC	\$ 32,800	\$ 131,000	\$ 163,800	\$ -	\$ -	\$ 163,800	\$ 150.70	\$ 168.71	\$ 181.82
027 C010002	20	21	CHESTNUT ST	CHESTNUT STREET LOFTS LLC	\$ 39,800	\$ 159,200	\$ 199,000	\$ -	\$ -	\$ 199,000	\$ 183.08	\$ 204.97	\$ 220.89
027 C01002E	10	21	CHESTNUT ST	JORDAN CARA A	\$ 32,200	\$ 128,900	\$ 161,100	\$ 17,800	\$ -	\$ 143,300	\$ 131.84	\$ 147.60	\$ 159.06
027 C01002N	10	21	CHESTNUT ST	FLETCHER JEFFREY A &	\$ 33,900	\$ 135,600	\$ 169,500	\$ -	\$ -	\$ 169,500	\$ 155.94	\$ 174.59	\$ 188.15
027 C01002S	10	21	CHESTNUT ST	MORREL VICTOR &	\$ 32,200	\$ 128,900	\$ 161,100	\$ -	\$ -	\$ 161,100	\$ 148.21	\$ 165.93	\$ 178.82
027 C01002W	10	21	CHESTNUT ST	TISZENKEL KEITH	\$ 33,900	\$ 135,600	\$ 169,500	\$ -	\$ -	\$ 169,500	\$ 155.94	\$ 174.59	\$ 188.15
027 C01003E	10	21	CHESTNUT ST	CATANEA PRIME LLC	\$ 32,900	\$ 131,500	\$ 164,400	\$ -	\$ -	\$ 164,400	\$ 151.25	\$ 169.33	\$ 182.48
027 C01003N	10	21	CHESTNUT ST	TILTON GARRETT K &	\$ 37,100	\$ 148,400	\$ 185,500	\$ 17,800	\$ -	\$ 167,700	\$ 154.28	\$ 172.73	\$ 186.15
027 C01003S	10	21	CHESTNUT ST	OGDEN JOANNE &	\$ 32,900	\$ 131,500	\$ 164,400	\$ 17,800	\$ -	\$ 146,600	\$ 134.87	\$ 151.00	\$ 162.73
027 C01003W	10	21	CHESTNUT ST	VANHOEWYK JOHN VN VET &	\$ 37,100	\$ 148,400	\$ 185,500	\$ 23,140	\$ -	\$ 162,360	\$ 149.37	\$ 167.23	\$ 180.22
027 C01004E	10	21	CHESTNUT ST	SMITH MICHAEL SARGENT	\$ 36,100	\$ 144,400	\$ 180,500	\$ -	\$ -	\$ 180,500	\$ 166.06	\$ 185.92	\$ 200.36
027 C01004N	10	21	CHESTNUT ST	SEARS STEPHEN D &	\$ 40,300	\$ 161,300	\$ 201,600	\$ -	\$ -	\$ 201,600	\$ 185.47	\$ 207.65	\$ 223.78
027 C01004S	10	21	CHESTNUT ST	KAUFMANN CHARLES L	\$ 36,100	\$ 144,400	\$ 180,500	\$ -	\$ -	\$ 180,500	\$ 166.06	\$ 185.92	\$ 200.36
027 C01004W	10	21	CHESTNUT ST	NYGAARD DANTON D &	\$ 40,300	\$ 161,300	\$ 201,600	\$ 17,800	\$ -	\$ 183,800	\$ 169.10	\$ 189.31	\$ 204.02
027 C01005E	10	21	CHESTNUT ST	GRAF JENNIFER	\$ 38,700	\$ 154,700	\$ 193,400	\$ -	\$ -	\$ 193,400	\$ 177.93	\$ 199.20	\$ 214.67
027 C01005N	10	21	CHESTNUT ST	YINDRA SARA R	\$ 44,600	\$ 178,400	\$ 223,000	\$ 17,800	\$ -	\$ 205,200	\$ 188.78	\$ 211.36	\$ 227.77
027 C01005S	10	21	CHESTNUT ST	NAQUI MUNIRA Z	\$ 38,700	\$ 154,700	\$ 193,400	\$ -	\$ -	\$ 193,400	\$ 177.93	\$ 199.20	\$ 214.67
027 C01005W	10	21	CHESTNUT ST	CURTIN TERESA ANN &	\$ 44,600	\$ 178,400	\$ 223,000	\$ -	\$ -	\$ 223,000	\$ 205.16	\$ 229.69	\$ 247.53
027 C01006E	10	21	CHESTNUT ST	HAMM LARRY F &	\$ 41,300	\$ 165,000	\$ 206,300	\$ -	\$ -	\$ 206,300	\$ 189.80	\$ 212.49	\$ 228.99
027 C01006N	10	21	CHESTNUT ST	KRUG ROBERT E WWII VET BLIND &	\$ 45,300	\$ 181,300	\$ 226,600	\$ 26,700	\$ -	\$ 199,900	\$ 183.91	\$ 205.90	\$ 221.89
027 C01006S	10	21	CHESTNUT ST	SCHWELLENBACH JAMES C &	\$ 41,300	\$ 165,000	\$ 206,300	\$ 17,800	\$ -	\$ 188,500	\$ 173.42	\$ 194.16	\$ 209.24
027 C01006W	10	21	CHESTNUT ST	BARRY PRUDENCE B	\$ 45,300	\$ 181,300	\$ 226,600	\$ 17,800	\$ -	\$ 208,800	\$ 192.10	\$ 215.06	\$ 231.77
027 C01007E	10	21	CHESTNUT ST	HARDING ALICIA &	\$ 50,200	\$ 201,200	\$ 251,400	\$ -	\$ -	\$ 251,400	\$ 231.29	\$ 258.94	\$ 279.05
027 C01007N	10	21	CHESTNUT ST	GREENLEAF NANCY P	\$ 45,300	\$ 181,200	\$ 226,500	\$ 17,800	\$ -	\$ 208,700	\$ 192.00	\$ 214.96	\$ 231.66
027 C01007S	10	21	CHESTNUT ST	KELLY MARILYN E TRUSTEE	\$ 49,300	\$ 197,000	\$ 246,300	\$ -	\$ -	\$ 246,300	\$ 226.60	\$ 253.69	\$ 273.39
027 C01007W	10	21	CHESTNUT ST	MOORE TERRANCE O &	\$ 53,300	\$ 213,300	\$ 266,600	\$ 17,800	\$ -	\$ 248,800	\$ 228.90	\$ 256.26	\$ 276.17

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
027 C01008N	10	21	CHESTNUT ST	COTSIRILOS STEPHANIE G	\$ 67,000	\$ 268,100	\$ 335,100	\$ 17,800	\$ -	\$ 317,300	\$ 291.92	\$ 326.82	\$ 352.20
027 C01008S	10	21	CHESTNUT ST	WILLIAMS JAN &	\$ 65,000	\$ 260,000	\$ 325,000	\$ -	\$ -	\$ 325,000	\$ 299.00	\$ 334.75	\$ 360.75
027 C01008W	10	21	CHESTNUT ST	BUSQUE PETER J	\$ 62,600	\$ 250,300	\$ 312,900	\$ -	\$ -	\$ 312,900	\$ 287.87	\$ 322.29	\$ 347.32
027 C0102NW	10	21	CHESTNUT ST	DUNDAR ERGUN	\$ 32,900	\$ 131,400	\$ 164,300	\$ -	\$ -	\$ 164,300	\$ 151.16	\$ 169.23	\$ 182.37
027 C01025E	10	21	CHESTNUT ST	DEVAN WILLIAM JOSEPH	\$ 31,400	\$ 125,400	\$ 156,800	\$ -	\$ -	\$ 156,800	\$ 144.26	\$ 161.50	\$ 174.05
027 C0103NW	10	21	CHESTNUT ST	MCCALLY MICHAEL &	\$ 36,300	\$ 145,100	\$ 181,400	\$ -	\$ -	\$ 181,400	\$ 166.89	\$ 186.84	\$ 201.35
027 C0103SE	10	21	CHESTNUT ST	CASTANEA PRIME LLC	\$ 32,900	\$ 131,600	\$ 164,500	\$ -	\$ -	\$ 164,500	\$ 151.34	\$ 169.44	\$ 182.60
027 C0104NW	10	21	CHESTNUT ST	FRAZER LORINDA JANE TRUSTEE	\$ 39,400	\$ 157,400	\$ 196,800	\$ -	\$ -	\$ 196,800	\$ 181.06	\$ 202.70	\$ 218.45
027 C0104SE	10	21	CHESTNUT ST	MCEACHERN LAURIE A	\$ 33,900	\$ 135,400	\$ 169,300	\$ -	\$ -	\$ 169,300	\$ 155.76	\$ 174.38	\$ 187.92
027 C0105NW	10	21	CHESTNUT ST	FULLAM CHARLOTTE	\$ 43,800	\$ 175,200	\$ 219,000	\$ -	\$ -	\$ 219,000	\$ 201.48	\$ 225.57	\$ 243.09
027 C0105SE	10	21	CHESTNUT ST	MASON PHILIP C JR &	\$ 36,400	\$ 145,400	\$ 181,800	\$ -	\$ -	\$ 181,800	\$ 167.26	\$ 187.25	\$ 201.80
027 C0106NW	10	21	CHESTNUT ST	141 PLEASANT STREET LLC	\$ 44,500	\$ 177,900	\$ 222,400	\$ -	\$ -	\$ 222,400	\$ 204.61	\$ 229.07	\$ 246.86
027 C0106SE	10	21	CHESTNUT ST	EISENBERG AVNER &	\$ 37,900	\$ 151,700	\$ 189,600	\$ -	\$ -	\$ 189,600	\$ 174.43	\$ 195.29	\$ 210.46
027 C011001	27	15	CHESTNUT ST	BOODILLY LLC	\$ 164,800	\$ 1,645,000	\$ 1,809,800	\$ -	\$ -	\$ 1,809,800	\$ 1,665.02	\$ 1,864.09	\$ 2,008.88
027 C012001	56	389	CONGRESS ST	CITY OF PORTLAND	\$ 1,897,800	\$ 16,881,800	\$ 18,779,600	\$ -	\$ 18,779,600	\$ -	\$ -	\$ -	\$ -
027 D001001	32	385	CONGRESS ST	385 CONGRESS LLC	\$ 1,405,600	\$ 943,940	\$ 2,349,540	\$ -	\$ -	\$ 2,349,540	\$ 2,161.58	\$ 2,420.03	\$ 2,607.99
027 F001001	22	50	MONUMENT SQ	50 MONUMENT LLC	\$ 309,300	\$ 2,857,100	\$ 3,166,400	\$ -	\$ -	\$ 3,166,400	\$ 2,913.09	\$ 3,261.39	\$ 3,514.70
027 F002001	10	28	MONUMENT SQ	BUDDE SCOTT &	\$ 154,200	\$ 616,700	\$ 770,900	\$ 17,800	\$ -	\$ 753,100	\$ 692.85	\$ 775.69	\$ 835.94
027 F002002	10	28	MONUMENT SQ	STODDARD ROBERT B &	\$ 113,300	\$ 453,300	\$ 566,600	\$ 17,800	\$ -	\$ 548,800	\$ 504.90	\$ 565.26	\$ 609.17
027 F002003	20	28	MONUMENT SQ	28 MSQ LLC	\$ 46,500	\$ 185,800	\$ 232,300	\$ -	\$ -	\$ 232,300	\$ 213.72	\$ 239.27	\$ 257.85
027 F002004	20	28	MONUMENT SQ	28 MSQ LLC	\$ 49,300	\$ 197,000	\$ 246,300	\$ -	\$ -	\$ 246,300	\$ 226.60	\$ 253.69	\$ 273.39
027 F002005	20	28	MONUMENT SQ	28 MSQ LLC	\$ 23,300	\$ 93,000	\$ 116,300	\$ -	\$ -	\$ 116,300	\$ 107.00	\$ 119.79	\$ 129.09
027 F003001	21	22	MONUMENT SQ	STORREY INDUSTRIES LLC	\$ 205,800	\$ 1,473,900	\$ 1,679,700	\$ -	\$ -	\$ 1,679,700	\$ 1,545.32	\$ 1,730.09	\$ 1,864.47
027 F004001	25	6	MONUMENT SQ	PARCHEGGIO LLC	\$ 180,500	\$ 6,500	\$ 187,000	\$ -	\$ -	\$ 187,000	\$ 172.04	\$ 192.61	\$ 207.57
027 F005001	27	18	MONUMENT SQ	18 MONUMENT PLACE LLC	\$ 139,600	\$ 435,100	\$ 574,700	\$ -	\$ -	\$ 574,700	\$ 528.72	\$ 591.94	\$ 637.92
027 F006001	21	16	MONUMENT SQ	MCCURTAIN BRADLEY C	\$ 162,700	\$ 544,000	\$ 706,700	\$ -	\$ -	\$ 706,700	\$ 650.16	\$ 727.90	\$ 784.44
027 F009001	21	121	CENTER ST	TEDLUM ASSOCIATES LLC	\$ 452,600	\$ 3,367,400	\$ 3,820,000	\$ -	\$ -	\$ 3,820,000	\$ 3,514.40	\$ 3,934.60	\$ 4,240.20
027 F011001	21	1	MONUMENT WAY	EAST END CORP	\$ 513,300	\$ 2,952,200	\$ 3,465,500	\$ -	\$ -	\$ 3,465,500	\$ 3,188.26	\$ 3,569.47	\$ 3,846.71
027 F014001	19	0	MONUMENT SQ	TWO MONUMENT WAY ASSOCIATES	\$ 30,100	\$ 1,600	\$ 31,700	\$ -	\$ -	\$ 31,700	\$ 29.16	\$ 32.65	\$ 35.19
027 F023001	27	30	CITY CTR	RODWAY PETER E &	\$ 133,900	\$ 196,000	\$ 329,900	\$ -	\$ -	\$ 329,900	\$ 303.51	\$ 339.80	\$ 366.19
027 F024001	21	28	CITY CTR	BROWN J B & SONS	\$ 134,200	\$ 189,400	\$ 323,600	\$ -	\$ -	\$ 323,600	\$ 297.71	\$ 333.31	\$ 359.20
027 F026001	21	26	CITY CTR	BROWN J B & SONS	\$ 160,900	\$ 466,800	\$ 627,700	\$ -	\$ -	\$ 627,700	\$ 577.48	\$ 646.53	\$ 696.75
027 F027001	22	24	CITY CTR	BROWN J B & SONS	\$ 165,200	\$ 741,600	\$ 906,800	\$ -	\$ -	\$ 906,800	\$ 834.26	\$ 934.00	\$ 1,006.55
027 F028001	25	41	FREE ST	TEDLUM ASSOCIATES LLC	\$ 113,700	\$ 4,220	\$ 117,920	\$ -	\$ -	\$ 117,920	\$ 108.49	\$ 121.46	\$ 130.89
027 F029001	25	23	FREE ST	ONE CITY CENTER ASSOCIATES LLC	\$ 1,002,300	\$ 5,582,400	\$ 6,584,700	\$ -	\$ -	\$ 6,584,700	\$ 6,057.92	\$ 6,782.24	\$ 7,309.02
027 G001001	58	456	CONGRESS ST	CITY OF PORTLAND	\$ 470,400	\$ -	\$ 470,400	\$ -	\$ 470,400	\$ -	\$ -	\$ -	\$ -
028 K001001	21	77	MARKET ST	85 MARKET STREET LLC	\$ 308,300	\$ 1,399,200	\$ 1,647,500	\$ -	\$ -	\$ 1,647,500	\$ 1,515.70	\$ 1,696.93	\$ 1,828.73
028 K002001	22	66	PEARL ST	LEADER PROPERTIES LLC	\$ 927,200	\$ 3,317,600	\$ 4,244,800	\$ -	\$ -	\$ 4,244,800	\$ 3,905.22	\$ 4,372.14	\$ 4,711.73
028 K003001	22	75	MARKET ST	WHOLLY COW LLC	\$ 424,600	\$ 3,219,300	\$ 3,643,900	\$ -	\$ -	\$ 3,643,900	\$ 3,352.39	\$ 3,753.22	\$ 4,044.73

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
028 L005001	20	75	PEARL ST	WBFM LLC	\$ 125,000	\$ 895,700	\$ 1,020,700	\$ -	\$ -	\$ 1,020,700	\$ 939.04	\$ 1,051.32	\$ 1,132.98
028 L00502A	20	75	PEARL ST	WOODMAN BUILDING	\$ 64,000	\$ 507,300	\$ 571,300	\$ -	\$ -	\$ 571,300	\$ 525.60	\$ 588.44	\$ 634.14
028 L00502B	20	75	PEARL ST	WOODMAN BUILDING	\$ 50,000	\$ 399,000	\$ 449,000	\$ -	\$ -	\$ 449,000	\$ 413.08	\$ 462.47	\$ 498.39
028 L00503A	20	75	PEARL ST	WOODMAN BUILDING	\$ 40,000	\$ 312,000	\$ 352,000	\$ -	\$ -	\$ 352,000	\$ 323.84	\$ 362.56	\$ 390.72
028 L00503B	20	75	PEARL ST	WOODMAN BUILDING	\$ 52,000	\$ 409,900	\$ 461,900	\$ -	\$ -	\$ 461,900	\$ 424.95	\$ 475.76	\$ 512.71
028 L00504A	20	75	PEARL ST	WOODMAN BUILDING	\$ 40,000	\$ 312,000	\$ 352,000	\$ -	\$ -	\$ 352,000	\$ 323.84	\$ 362.56	\$ 390.72
028 L00504B	20	75	PEARL ST	WOODMAN BUILDING	\$ 65,000	\$ 506,300	\$ 571,300	\$ -	\$ -	\$ 571,300	\$ 525.60	\$ 588.44	\$ 634.14
028 L007001	24	131	MIDDLE ST	RACKLEFF BLOCK LLC	\$ 399,500	\$ 1,769,300	\$ 2,168,800	\$ -	\$ -	\$ 2,168,800	\$ 1,995.30	\$ 2,233.86	\$ 2,407.37
028 M005001	21	121	MIDDLE ST	123 LLC	\$ 408,200	\$ 2,330,100	\$ 2,738,300	\$ -	\$ -	\$ 2,738,300	\$ 2,519.24	\$ 2,820.45	\$ 3,039.51
028 N001001	56	109	MIDDLE ST	CITY OF PORTLAND	\$ 1,490,700	\$ 5,716,700	\$ 7,207,400	\$ -	\$ 7,207,400	\$ -	\$ -	\$ -	\$ -
028 N009001	21	115	MIDDLE ST	BROTHERS THREE LLC	\$ 244,700	\$ 403,600	\$ 648,300	\$ -	\$ -	\$ 648,300	\$ 596.44	\$ 667.75	\$ 719.61
028 N010001	21	111	MIDDLE ST	VENTURE III HOLDINGS LLC	\$ 134,300	\$ 65,800	\$ 200,100	\$ -	\$ -	\$ 200,100	\$ 184.09	\$ 206.10	\$ 222.11
029 A00101A	20	150	MIDDLE ST	RELM REALTY LLC	\$ 40,000	\$ 288,300	\$ 328,300	\$ -	\$ -	\$ 328,300	\$ 302.04	\$ 338.15	\$ 364.41
029 A00101B	20	150	MIDDLE ST	PEG REALTY LLC	\$ 36,000	\$ 293,700	\$ 329,700	\$ -	\$ -	\$ 329,700	\$ 303.32	\$ 339.59	\$ 365.97
029 A00101C	20	150	MIDDLE ST	IN FIRM GROUP THE	\$ 32,500	\$ 258,200	\$ 290,700	\$ -	\$ -	\$ 290,700	\$ 267.44	\$ 299.42	\$ 322.68
029 A00101D	20	150	MIDDLE ST	IN FIRM GROUP THE	\$ 32,500	\$ 258,200	\$ 290,700	\$ -	\$ -	\$ 290,700	\$ 267.44	\$ 299.42	\$ 322.68
029 A00102A	10	150	MIDDLE ST	FRANK PATRICK J JR	\$ 35,700	\$ 142,700	\$ 178,400	\$ 17,800	\$ -	\$ 160,600	\$ 147.75	\$ 165.42	\$ 178.27
029 A00102B	10	150	MIDDLE ST	SAVATTEI SALVATORE JR &	\$ 30,200	\$ 120,600	\$ 150,800	\$ -	\$ -	\$ 150,800	\$ 138.74	\$ 155.32	\$ 167.39
029 A00102C	10	150	MIDDLE ST	MEILJOAN F &	\$ 31,800	\$ 127,100	\$ 158,900	\$ -	\$ -	\$ 158,900	\$ 146.19	\$ 163.67	\$ 176.38
029 A00102D	10	150	MIDDLE ST	TREGONING DAVID C TRUSTEE	\$ 30,700	\$ 122,700	\$ 153,400	\$ -	\$ -	\$ 153,400	\$ 141.13	\$ 158.00	\$ 170.27
029 A00102E	10	150	MIDDLE ST	ERNEST PAUL W &	\$ 33,500	\$ 133,900	\$ 167,400	\$ -	\$ -	\$ 167,400	\$ 154.01	\$ 172.42	\$ 185.81
029 A00102F	10	150	MIDDLE ST	BOEPPLE ELIZABETH ANN	\$ 35,000	\$ 140,200	\$ 175,200	\$ 17,800	\$ -	\$ 157,400	\$ 144.81	\$ 162.12	\$ 174.71
029 A00102G	10	150	MIDDLE ST	KIRK CHARLES M	\$ 28,700	\$ 114,600	\$ 143,300	\$ -	\$ -	\$ 143,300	\$ 131.84	\$ 147.60	\$ 159.06
029 A00102H	10	150	MIDDLE ST	JOHNS F ARTHUR T	\$ 35,700	\$ 142,700	\$ 178,400	\$ 17,800	\$ -	\$ 160,600	\$ 147.75	\$ 165.42	\$ 178.27
029 A00102I	10	150	MIDDLE ST	MAVROUDIS DEBORAH A	\$ 29,900	\$ 119,700	\$ 149,600	\$ -	\$ -	\$ 149,600	\$ 137.63	\$ 154.09	\$ 166.06
029 A00102J	10	150	MIDDLE ST	MILLS S PETER	\$ 27,400	\$ 109,700	\$ 137,100	\$ -	\$ -	\$ 137,100	\$ 126.13	\$ 141.21	\$ 152.18
029 A00102K	10	150	MIDDLE ST	MILLS S PETER	\$ 32,200	\$ 128,700	\$ 160,900	\$ -	\$ -	\$ 160,900	\$ 148.03	\$ 165.73	\$ 178.60
029 A00103A	10	150	MIDDLE ST	WEINBERG DIANE L TRUSTEE	\$ 35,700	\$ 142,700	\$ 178,400	\$ -	\$ -	\$ 178,400	\$ 164.13	\$ 183.75	\$ 198.02
029 A00103B	10	150	MIDDLE ST	LINDQUIST PETER R &	\$ 30,200	\$ 120,600	\$ 150,800	\$ -	\$ -	\$ 150,800	\$ 138.74	\$ 155.32	\$ 167.39
029 A00103C	10	150	MIDDLE ST	BELL KEVIN P &	\$ 31,800	\$ 127,100	\$ 158,900	\$ -	\$ -	\$ 158,900	\$ 146.19	\$ 163.67	\$ 176.38
029 A00103D	10	150	MIDDLE ST	THORNTON JAMES M	\$ 30,700	\$ 122,700	\$ 153,400	\$ -	\$ -	\$ 153,400	\$ 141.13	\$ 158.00	\$ 170.27
029 A00103E	10	150	MIDDLE ST	ROBERTS MATTHEW	\$ 33,500	\$ 133,900	\$ 167,400	\$ -	\$ -	\$ 167,400	\$ 154.01	\$ 172.42	\$ 185.81
029 A00103F	10	150	MIDDLE ST	M & B 101 INC	\$ 33,400	\$ 133,400	\$ 166,800	\$ -	\$ -	\$ 166,800	\$ 153.46	\$ 171.80	\$ 185.15
029 A00103G	10	150	MIDDLE ST	M & B 101 INC	\$ 28,700	\$ 114,600	\$ 143,300	\$ -	\$ -	\$ 143,300	\$ 131.84	\$ 147.60	\$ 159.06
029 A00103H	10	150	MIDDLE ST	HENDERSON HAROLD L &	\$ 31,200	\$ 124,600	\$ 155,800	\$ 17,800	\$ -	\$ 138,000	\$ 126.96	\$ 142.14	\$ 153.18
029 A00103I	10	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 29,900	\$ 119,700	\$ 149,600	\$ -	\$ -	\$ 149,600	\$ 137.63	\$ 154.09	\$ 166.06
029 A00103J	10	150	MIDDLE ST	WALTER MARIA L TRUSTEE	\$ 27,400	\$ 109,700	\$ 137,100	\$ -	\$ -	\$ 137,100	\$ 126.13	\$ 141.21	\$ 152.18
029 A00103K	10	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 32,200	\$ 128,700	\$ 160,900	\$ -	\$ -	\$ 160,900	\$ 148.03	\$ 165.73	\$ 178.60
029 A00104A	10	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 35,700	\$ 142,700	\$ 178,400	\$ -	\$ -	\$ 178,400	\$ 164.13	\$ 183.75	\$ 198.02

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
029 A00104B	10	150	MIDDLE ST	TURNER SCOTT H &	\$ 30,200	\$ 120,600	\$ 150,800	\$ -	\$ -	\$ 150,800	\$ 138.74	\$ 155.32	\$ 167.39
029 A00104C	10	150	MIDDLE ST	CAMP PETER S	\$ 31,800	\$ 127,100	\$ 158,900	\$ -	\$ -	\$ 158,900	\$ 146.19	\$ 163.67	\$ 176.38
029 A00104D	10	150	MIDDLE ST	GUTWIN JOHN D &	\$ 30,700	\$ 122,700	\$ 153,400	\$ 17,800	\$ -	\$ 135,600	\$ 124.75	\$ 139.67	\$ 150.52
029 A00104E	10	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 33,500	\$ 133,900	\$ 167,400	\$ -	\$ -	\$ 167,400	\$ 154.01	\$ 172.42	\$ 185.81
029 A00104F	10	150	MIDDLE ST	GUILLAUME RAYMOND	\$ 33,400	\$ 133,400	\$ 166,800	\$ -	\$ -	\$ 166,800	\$ 153.46	\$ 171.80	\$ 185.15
029 A00104G	10	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 28,700	\$ 114,600	\$ 143,300	\$ -	\$ -	\$ 143,300	\$ 131.84	\$ 147.60	\$ 159.06
029 A00104H	10	150	MIDDLE ST	150 MIDDLE LLC	\$ 31,200	\$ 124,600	\$ 155,800	\$ -	\$ -	\$ 155,800	\$ 143.34	\$ 160.47	\$ 172.94
029 A00104I	10	150	MIDDLE ST	KOSTA KATHERINE C	\$ 29,900	\$ 119,700	\$ 149,600	\$ -	\$ -	\$ 149,600	\$ 137.63	\$ 154.09	\$ 166.06
029 A00104J	10	150	MIDDLE ST	GREENZWEIG NEIL TRUSTEE	\$ 27,400	\$ 109,700	\$ 137,100	\$ -	\$ -	\$ 137,100	\$ 126.13	\$ 141.21	\$ 152.18
029 A00104K	10	150	MIDDLE ST	ZANARDI MARIAGRAZIA	\$ 32,200	\$ 128,700	\$ 160,900	\$ -	\$ -	\$ 160,900	\$ 148.03	\$ 165.73	\$ 178.60
029 A00105A	20	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 159,900	\$ 639,400	\$ 799,300	\$ -	\$ -	\$ 799,300	\$ 735.36	\$ 823.28	\$ 887.22
029 A00105B	10	150	MIDDLE ST	DUNKERLY ALLAN S TRUSTEE	\$ 80,600	\$ 322,300	\$ 402,900	\$ -	\$ -	\$ 402,900	\$ 370.67	\$ 414.99	\$ 447.22
029 A00108A	20	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 21,000	\$ 167,500	\$ 188,500	\$ -	\$ -	\$ 188,500	\$ 173.42	\$ 194.16	\$ 209.24
029 A00108B	20	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 21,000	\$ 167,500	\$ 188,500	\$ -	\$ -	\$ 188,500	\$ 173.42	\$ 194.16	\$ 209.24
029 A001P01	10	150	MIDDLE ST	DUNKERLY MARY V	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P02	10	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 500	\$ 4,600	\$ 5,100	\$ -	\$ -	\$ 5,100	\$ 4.69	\$ 5.25	\$ 5.66
029 A001P03	10	150	MIDDLE ST	LINDQUIST PETER R &	\$ 1,000	\$ 9,400	\$ 10,400	\$ -	\$ -	\$ 10,400	\$ 9.57	\$ 10.71	\$ 11.54
029 A001P04	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P05	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P06	10	150	MIDDLE ST	IN FIRM GROUP THE	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P07	10	150	MIDDLE ST	IN FIRM GROUP THE	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P08	10	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P09	10	150	MIDDLE ST	MCGOLDRICK RICHARD J	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P10	10	150	MIDDLE ST	FRANK PATRICK J JR	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P11	10	150	MIDDLE ST	FRANK PATRICK J JR	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P12	10	150	MIDDLE ST	INFIRM GROUP	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P13	10	150	MIDDLE ST	MILLS S PETER	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P14	10	150	MIDDLE ST	ERNEST PAUL W &	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P15	10	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P16	10	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P17	10	150	MIDDLE ST	CAMP PETER S	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P18	10	150	MIDDLE ST	RELM REALTY LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P19	10	150	MIDDLE ST	RELM REALTY LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P20	10	150	MIDDLE ST	THORNTON JAMES M	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P21	10	150	MIDDLE ST	DUNKERLY ALLAN S &	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P22	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P23	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P24	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P25	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .52 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
029 A001P26	10	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P27	10	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P28	10	150	MIDDLE ST	SHIPYARD INC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A001P29	10	150	MIDDLE ST	SHIPYARD INC	\$ 1,000	\$ 9,100	\$ 10,100	\$ -	\$ -	\$ 10,100	\$ 9.29	\$ 10.40	\$ 11.21
029 A003001	22	5	MILK ST	5 MILK STREET LLC	\$ 350,400	\$ 2,211,500	\$ 2,561,900	\$ -	\$ -	\$ 2,561,900	\$ 2,356.95	\$ 2,638.76	\$ 2,843.71
029 B001001	21	37	SILVER ST	WITT-T LLC	\$ 165,000	\$ 355,400	\$ 520,400	\$ -	\$ -	\$ 520,400	\$ 478.77	\$ 536.01	\$ 577.64
029 B002001	22	4	MILK ST	4 MILK MHR LLC	\$ 312,200	\$ 1,190,100	\$ 1,502,300	\$ -	\$ -	\$ 1,502,300	\$ 1,382.12	\$ 1,547.37	\$ 1,667.55
029 B003001	25	25	SILVER ST	PORTLAND REGENCY INC	\$ 574,300	\$ 26,250	\$ 600,550	\$ -	\$ -	\$ 600,550	\$ 552.51	\$ 618.57	\$ 666.61
029 B004001	10	341	FORE ST	JACKSON MICHAEL	\$ 28,100	\$ 112,600	\$ 140,700	\$ -	\$ -	\$ 140,700	\$ 129.44	\$ 144.92	\$ 156.18
029 B004002	10	341	FORE ST	O'CONNOR DENNIS R III &	\$ 25,500	\$ 101,900	\$ 127,400	\$ -	\$ -	\$ 127,400	\$ 117.21	\$ 131.22	\$ 141.41
029 B004003	10	341	FORE ST	ROSE JOHN &	\$ 29,400	\$ 117,400	\$ 146,800	\$ -	\$ -	\$ 146,800	\$ 135.06	\$ 151.20	\$ 162.95
029 B004004	10	341	FORE ST	CHILDS DONNA W	\$ 28,100	\$ 112,600	\$ 140,700	\$ -	\$ -	\$ 140,700	\$ 129.44	\$ 144.92	\$ 156.18
029 B004005	10	341	FORE ST	PENDERS JOHN F IV	\$ 25,700	\$ 102,900	\$ 128,600	\$ -	\$ -	\$ 128,600	\$ 118.31	\$ 132.46	\$ 142.75
029 B004006	10	341	FORE ST	KELLER BENJAMIN R	\$ 29,800	\$ 119,300	\$ 149,100	\$ 17,800	\$ -	\$ 131,300	\$ 120.80	\$ 135.24	\$ 145.74
029 B004007	10	341	FORE ST	ALAGIC SUAD	\$ 28,100	\$ 112,600	\$ 140,700	\$ 17,800	\$ -	\$ 122,900	\$ 113.07	\$ 126.59	\$ 136.42
029 B004008	10	341	FORE ST	DALTON JENNIFER L	\$ 26,000	\$ 103,900	\$ 129,900	\$ -	\$ -	\$ 129,900	\$ 119.51	\$ 133.80	\$ 144.19
029 B004009	10	341	FORE ST	HAAPALA BRIAN R &	\$ 79,500	\$ 318,000	\$ 397,500	\$ -	\$ -	\$ 397,500	\$ 365.70	\$ 409.43	\$ 441.23
029 B004010	20	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 18,000	\$ 162,000	\$ 180,000	\$ -	\$ -	\$ 180,000	\$ 165.60	\$ 185.40	\$ 199.80
029 B004011	20	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 12,000	\$ 106,100	\$ 118,100	\$ -	\$ -	\$ 118,100	\$ 108.65	\$ 121.64	\$ 131.09
029 C001001	10	340	FORE ST	ADB REATLY LLC	\$ 24,000	\$ 96,000	\$ 120,000	\$ -	\$ -	\$ 120,000	\$ 110.40	\$ 123.60	\$ 133.20
029 C001002	10	340	FORE ST	HAYEK LEE-ANN COLLINS TRUSTEE	\$ 26,000	\$ 102,000	\$ 128,000	\$ -	\$ -	\$ 128,000	\$ 117.76	\$ 131.84	\$ 142.08
029 C001003	10	340	FORE ST	207 INVESTS LLC	\$ 44,000	\$ 176,000	\$ 220,000	\$ -	\$ -	\$ 220,000	\$ 202.40	\$ 226.60	\$ 244.20
029 C001004	20	340	FORE ST	ABD REALTY LLC	\$ 28,300	\$ 113,200	\$ 141,500	\$ -	\$ -	\$ 141,500	\$ 130.18	\$ 145.75	\$ 157.07
029 C001005	20	340	FORE ST	ADB REALTY LLC	\$ 13,200	\$ 52,700	\$ 65,900	\$ -	\$ -	\$ 65,900	\$ 60.63	\$ 67.88	\$ 73.15
029 C002001	21	336	FORE ST	DOCK FORE INC	\$ 101,500	\$ 246,500	\$ 348,000	\$ -	\$ -	\$ 348,000	\$ 320.16	\$ 358.44	\$ 386.28
029 C003001	21	334	FORE ST	PORT CITY APARTMENTS	\$ 131,300	\$ 269,800	\$ 401,100	\$ -	\$ -	\$ 401,100	\$ 369.01	\$ 413.13	\$ 445.22
029 C005001	21	330	FORE ST	J & R VENTURES LLC	\$ 129,300	\$ 316,400	\$ 445,700	\$ -	\$ -	\$ 445,700	\$ 410.04	\$ 459.07	\$ 494.73
029 C006001	20	3	GOLD ST	MAINE BODYWORKS LLC	\$ 31,400	\$ 125,600	\$ 157,000	\$ -	\$ -	\$ 157,000	\$ 144.44	\$ 161.71	\$ 174.27
029 C006002	20	1	GOLD ST	ADNERB PROPERTIES LLC	\$ 30,900	\$ 123,900	\$ 154,800	\$ -	\$ -	\$ 154,800	\$ 142.42	\$ 159.44	\$ 171.83
029 C006003	20	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 32,400	\$ 129,700	\$ 162,100	\$ -	\$ -	\$ 162,100	\$ 149.13	\$ 166.96	\$ 179.93
029 C006004	20	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 33,500	\$ 134,200	\$ 167,700	\$ -	\$ -	\$ 167,700	\$ 154.28	\$ 172.73	\$ 186.15
029 C006005	20	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 24,400	\$ 97,700	\$ 122,100	\$ -	\$ -	\$ 122,100	\$ 112.33	\$ 125.76	\$ 135.53
029 C006006	20	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 27,600	\$ 110,600	\$ 138,200	\$ -	\$ -	\$ 138,200	\$ 127.14	\$ 142.35	\$ 153.40
029 C006007	20	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 78,400	\$ 313,700	\$ 392,100	\$ -	\$ -	\$ 392,100	\$ 360.73	\$ 403.86	\$ 435.23
029 D001001	21	129	COMMERCIAL ST	RSB LIMITED LIABILITY COMPANY	\$ 210,000	\$ 571,200	\$ 781,200	\$ -	\$ -	\$ 781,200	\$ 718.70	\$ 804.64	\$ 867.13
029 D002001	22	121	COMMERCIAL ST	MAD COW LLC	\$ 173,000	\$ 228,200	\$ 401,200	\$ -	\$ -	\$ 401,200	\$ 369.10	\$ 413.24	\$ 445.33
029 D003001	22	111	COMMERCIAL ST	BLANCHARD BLOCK LLC	\$ 207,500	\$ 1,566,000	\$ 1,773,500	\$ -	\$ -	\$ 1,773,500	\$ 1,631.62	\$ 1,826.71	\$ 1,968.59
029 E001001	22	130	MIDDLE ST	ELC LIMITED LIABILITY COMPANY	\$ 2,254,800	\$ 3,508,400	\$ 5,763,200	\$ -	\$ -	\$ 5,763,200	\$ 5,302.14	\$ 5,936.10	\$ 6,397.15
029 E006001	22	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 1,241,200	\$ 16,197,400	\$ 17,438,600	\$ -	\$ -	\$ 17,438,600	\$ 16,043.51	\$ 17,961.76	\$ 19,356.85

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
029 E007001	21	291	FORE ST	291 FORE STREET LLC	\$ 371,400	\$ 440,600	\$ 812,000	\$ -	\$ -	\$ 812,000	\$ 747.04	\$ 836.36	\$ 901.32
029 E009001	27	25	PEARL ST	25 PEARL MHR LLC	\$ 1,349,700	\$ 13,238,900	\$ 14,588,600	\$ -	\$ -	\$ 14,588,600	\$ 13,421.51	\$ 15,026.26	\$ 16,193.35
029 E012001	25	277	FORE ST	287 FORE STREET LLC	\$ 303,900	\$ 17,680	\$ 321,580	\$ -	\$ -	\$ 321,580	\$ 295.85	\$ 331.23	\$ 356.95
029 E016001	22	31	PEARL ST	130 LIMITED LIABILITY COMPAMY	\$ 784,300	\$ 4,006,400	\$ 4,790,700	\$ -	\$ -	\$ 4,790,700	\$ 4,407.44	\$ 4,934.42	\$ 5,317.68
029 E026001	22	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 1,314,800	\$ 15,154,700	\$ 16,469,500	\$ -	\$ -	\$ 16,469,500	\$ 15,151.94	\$ 16,963.59	\$ 18,281.15
029 G001001	56	99	COMMERCIAL ST	UNITED STATES	\$ 490,600	\$ 2,230,100	\$ 2,720,700	\$ -	\$ 2,720,700	\$ -	\$ -	\$ -	\$ -
029 K001001	22	7	CUSTOM HOUSE ST	OLYMPIA EQUITY	\$ 473,300	\$ 5,429,000	\$ 5,902,300	\$ -	\$ -	\$ 5,902,300	\$ 5,430.12	\$ 6,079.37	\$ 6,551.55
029 K002001	21	288	FORE ST	EAST BROWN COW LIMITED	\$ 738,600	\$ 364,400	\$ 1,103,000	\$ -	\$ -	\$ 1,103,000	\$ 1,014.76	\$ 1,136.09	\$ 1,224.33
029 K003001	23	57	COMMERCIAL ST	OLYMPIA EQUITY INVESTORS V LLC	\$ 1,396,000	\$ 9,321,000	\$ 10,717,000	\$ -	\$ -	\$ 10,717,000	\$ 9,859.64	\$ 11,038.51	\$ 11,895.87
029 K005001	22	280	FORE ST	BANGOR SAVINGS BANK	\$ 829,900	\$ 12,050,900	\$ 12,880,800	\$ -	\$ -	\$ 12,880,800	\$ 11,850.34	\$ 13,267.22	\$ 14,297.69
029 K006001	40	300	FORE ST	OLYMPIA EQUITY	\$ 497,800	\$ -	\$ 497,800	\$ -	\$ -	\$ 497,800	\$ 457.98	\$ 512.73	\$ 552.56
029 K006002	55	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ 7,683,500	\$ 7,683,500	\$ -	\$ 7,683,500	\$ -	\$ -	\$ -	\$ -
029 K00601A	55	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ 1,189,900	\$ 1,189,900	\$ -	\$ 1,189,900	\$ -	\$ -	\$ -	\$ -
029 K00601B	55	300	FORE ST	CIEE INC	\$ -	\$ 229,300	\$ 229,300	\$ -	\$ 229,300	\$ -	\$ -	\$ -	\$ -
029 K0060B2	20	300	FORE ST	OLYMPIA EQUITY	\$ -	\$ 98,000	\$ 98,000	\$ -	\$ -	\$ 98,000	\$ 90.16	\$ 100.94	\$ 108.78
029 K0060B3	20	300	FORE ST	OLYMPIA EQUITY	\$ -	\$ 70,000	\$ 70,000	\$ -	\$ -	\$ 70,000	\$ 64.40	\$ 72.10	\$ 77.70
029 O001011	10	99	SILVER ST	ARENSBERG LEE C TRUSTEE	\$ 24,100	\$ 96,300	\$ 120,400	\$ -	\$ -	\$ 120,400	\$ 110.77	\$ 124.01	\$ 133.64
029 O001012	10	99	SILVER ST	TOZESKI DAVID P	\$ 26,100	\$ 104,500	\$ 130,600	\$ 17,800	\$ -	\$ 112,800	\$ 103.78	\$ 116.18	\$ 125.21
029 O001013	10	99	SILVER ST	HOLSTEIN ERIC B &	\$ 24,200	\$ 96,900	\$ 121,100	\$ -	\$ -	\$ 121,100	\$ 111.41	\$ 124.73	\$ 134.42
029 O001021	10	99	SILVER ST	THOMS DEBORAH L	\$ 25,600	\$ 102,500	\$ 128,100	\$ 17,800	\$ -	\$ 110,300	\$ 101.48	\$ 113.61	\$ 122.43
029 O001023	10	99	SILVER ST	ANYA ROSE LLC	\$ 28,000	\$ 112,200	\$ 140,200	\$ -	\$ -	\$ 140,200	\$ 128.98	\$ 144.41	\$ 155.62
029 O001024	10	99	SILVER ST	ARNDT CHANNING P	\$ 22,900	\$ 91,800	\$ 114,700	\$ -	\$ -	\$ 114,700	\$ 105.52	\$ 118.14	\$ 127.32
029 O001025	10	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 21,400	\$ 85,400	\$ 106,800	\$ -	\$ -	\$ 106,800	\$ 98.26	\$ 110.00	\$ 118.55
029 O001026	10	99	SILVER ST	FISCHER CHRISTOPHER E	\$ 22,000	\$ 88,000	\$ 110,000	\$ -	\$ -	\$ 110,000	\$ 101.20	\$ 113.30	\$ 122.10
029 O001028	10	99	SILVER ST	GOODMAN ISAAC D &	\$ 26,100	\$ 104,400	\$ 130,500	\$ -	\$ -	\$ 130,500	\$ 120.06	\$ 134.42	\$ 144.86
029 O001029	10	99	SILVER ST	COUSINS DAVID A	\$ 25,600	\$ 102,300	\$ 127,900	\$ -	\$ -	\$ 127,900	\$ 117.67	\$ 131.74	\$ 141.97
029 O001031	10	99	SILVER ST	CAB HOLDINGS LLC	\$ 24,800	\$ 99,000	\$ 123,800	\$ -	\$ -	\$ 123,800	\$ 113.90	\$ 127.51	\$ 137.42
029 O001032	10	99	SILVER ST	BOROWSKI ROBERT B	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 O001033	10	99	SILVER ST	MURPHY KAREN &	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 O001034	10	99	SILVER ST	BERG HENRY T TRUSTEE	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 O001035	10	99	SILVER ST	GADBOIS GEORGE A &	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 O001036	10	99	SILVER ST	FINCH ANNIE &	\$ 23,600	\$ 94,300	\$ 117,900	\$ -	\$ -	\$ 117,900	\$ 108.47	\$ 121.44	\$ 130.87
029 O001037	10	99	SILVER ST	KINSMAN JESSICA A	\$ 22,000	\$ 87,900	\$ 109,900	\$ 17,800	\$ -	\$ 92,100	\$ 84.73	\$ 94.86	\$ 102.23
029 O001038	10	99	SILVER ST	ZURKAN WILLIAM K	\$ 23,800	\$ 95,300	\$ 119,100	\$ 17,800	\$ -	\$ 101,300	\$ 93.20	\$ 104.34	\$ 112.44
029 O001039	10	99	SILVER ST	LEDUC SANDRA J & SOREL &	\$ 22,500	\$ 90,100	\$ 112,600	\$ -	\$ -	\$ 112,600	\$ 103.59	\$ 115.98	\$ 124.99
029 O001041	10	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 25,800	\$ 103,300	\$ 129,100	\$ -	\$ -	\$ 129,100	\$ 118.77	\$ 132.97	\$ 143.30
029 O001042	10	99	SILVER ST	KINGRA MICHAEL R &	\$ 25,800	\$ 103,300	\$ 129,100	\$ -	\$ -	\$ 129,100	\$ 118.77	\$ 132.97	\$ 143.30
029 O001043	10	99	SILVER ST	BHANDARI AMEESH M &	\$ 27,700	\$ 110,700	\$ 138,400	\$ -	\$ -	\$ 138,400	\$ 127.33	\$ 142.55	\$ 153.62
029 O001044	10	99	SILVER ST	LITTLEJOHN CLIFTON T	\$ 25,400	\$ 101,500	\$ 126,900	\$ -	\$ -	\$ 126,900	\$ 116.75	\$ 130.71	\$ 140.86

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
029 0001045	10	99	SILVER ST	DG CONDO 4 LLC	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 0001046	10	99	SILVER ST	VAN PEURSEM CORINNE M	\$ 25,100	\$ 100,400	\$ 125,500	\$ -	\$ -	\$ 125,500	\$ 115.46	\$ 129.27	\$ 139.31
029 0001047	10	99	SILVER ST	KASSEL GRANT D	\$ 18,400	\$ 73,500	\$ 91,900	\$ -	\$ -	\$ 91,900	\$ 84.55	\$ 94.66	\$ 102.01
029 0001048	10	99	SILVER ST	PEEL BRUCE H	\$ 20,500	\$ 82,200	\$ 102,700	\$ -	\$ -	\$ 102,700	\$ 94.48	\$ 105.78	\$ 114.00
029 0001049	10	99	SILVER ST	DEVINE DEREK	\$ 19,500	\$ 78,000	\$ 97,500	\$ -	\$ -	\$ 97,500	\$ 89.70	\$ 100.43	\$ 108.23
029 0001210	10	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 21,100	\$ 84,400	\$ 105,500	\$ -	\$ -	\$ 105,500	\$ 97.06	\$ 108.67	\$ 117.11
029 0001211	10	99	SILVER ST	GINTER DAVID R	\$ 20,300	\$ 81,300	\$ 101,600	\$ -	\$ -	\$ 101,600	\$ 93.47	\$ 104.65	\$ 112.78
029 0001212	10	99	SILVER ST	SILVER VICTORIA J	\$ 19,200	\$ 76,900	\$ 96,100	\$ -	\$ -	\$ 96,100	\$ 88.41	\$ 98.98	\$ 106.67
029 0001213	10	99	SILVER ST	PROSSER JAMES G	\$ 21,100	\$ 84,500	\$ 105,600	\$ -	\$ -	\$ 105,600	\$ 97.15	\$ 108.77	\$ 117.22
029 0001310	10	99	SILVER ST	HEALY ROBERT E &	\$ 23,000	\$ 92,100	\$ 115,100	\$ -	\$ -	\$ 115,100	\$ 105.89	\$ 118.55	\$ 127.76
029 0001410	10	99	SILVER ST	SMITH GARY R	\$ 24,800	\$ 99,200	\$ 124,000	\$ -	\$ -	\$ 124,000	\$ 114.08	\$ 127.72	\$ 137.64
029 0001501	10	99	SILVER ST	KATZ JAMES &	\$ 77,900	\$ 311,700	\$ 389,600	\$ -	\$ -	\$ 389,600	\$ 358.43	\$ 401.29	\$ 432.46
029 0001502	20	99	SILVER ST	PEAK 5 EQUITIES LLC	\$ 50,000	\$ 356,200	\$ 406,200	\$ -	\$ -	\$ 406,200	\$ 373.70	\$ 418.39	\$ 450.88
029 0001801	10	99	SILVER ST	CHANDLER BENJAMIN P	\$ 20,000	\$ 80,000	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ 92.00	\$ 103.00	\$ 111.00
029 0001802	10	99	SILVER ST	JOHNSON BEN A	\$ 20,000	\$ 80,000	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ 92.00	\$ 103.00	\$ 111.00
029 0002001	21	164	MIDDLE ST	NDA 164 MIDDLE STREET LLC	\$ 348,300	\$ 1,186,800	\$ 1,535,100	\$ -	\$ -	\$ 1,535,100	\$ 1,412.29	\$ 1,581.15	\$ 1,703.96
029 0003001	25	43	MARKET ST	PORTLAND REGENCY INC	\$ 267,000	\$ 18,520	\$ 285,520	\$ -	\$ -	\$ 285,520	\$ 262.68	\$ 294.09	\$ 316.93
029 0004001	25	11	MILK ST	PORTLAND REGENCY INC	\$ 104,600	\$ 7,480	\$ 112,080	\$ -	\$ -	\$ 112,080	\$ 103.11	\$ 115.44	\$ 124.41
029 R001001	23	20	MILK ST	PORTLAND REGENCY INC	\$ 920,700	\$ 6,981,200	\$ 7,901,900	\$ -	\$ -	\$ 7,901,900	\$ 7,269.75	\$ 8,138.96	\$ 8,771.11
029 S001001	22	145	COMMERCIAL ST	FLEMING CREEK LLC ETALS	\$ 591,700	\$ 5,917,700	\$ 6,509,400	\$ -	\$ -	\$ 6,509,400	\$ 5,988.65	\$ 6,704.68	\$ 7,225.43
029 S002001	56	145	COMMERCIAL ST	CITY OF PORTLAND	\$ 9,400	\$ -	\$ 9,400	\$ -	\$ 9,400	\$ -	\$ -	\$ -	\$ -
030 A005001	21	94	COMMERCIAL ST	BMC INC	\$ 242,500	\$ 884,900	\$ 1,127,400	\$ -	\$ -	\$ 1,127,400	\$ 1,037.21	\$ 1,161.22	\$ 1,251.41
030 A101001	21	90	COMMERCIAL ST	PROPRIETORS OF CUSTOM HOUSE	\$ 100,000	\$ 169,400	\$ 269,400	\$ -	\$ -	\$ 269,400	\$ 247.85	\$ 277.48	\$ 299.03
030 C001001	27	100	COMMERCIAL ST	SOLEY WHARF LLC	\$ 600,900	\$ 4,956,200	\$ 5,557,100	\$ -	\$ -	\$ 5,557,100	\$ 5,112.53	\$ 5,723.81	\$ 6,168.38
030 D005001	21	84	COMMERCIAL ST	84 COMMERCIAL STREET LLC	\$ 236,200	\$ 301,300	\$ 537,500	\$ -	\$ -	\$ 537,500	\$ 494.50	\$ 553.63	\$ 596.63
030 H001001	27	180	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 678,600	\$ 1,481,900	\$ 2,160,500	\$ -	\$ -	\$ 2,160,500	\$ 1,987.66	\$ 2,225.32	\$ 2,398.16
030 H004001	24	136	COMMERCIAL ST	CARROLL BLOCK LLC	\$ 206,200	\$ 2,138,900	\$ 2,345,100	\$ -	\$ -	\$ 2,345,100	\$ 2,157.49	\$ 2,415.45	\$ 2,603.06
031 H001001	25	158	COMMERCIAL ST	DIMILLO STEVEN ETALTRUSTEES	\$ 519,700	\$ 75,600	\$ 595,300	\$ -	\$ -	\$ 595,300	\$ 547.68	\$ 613.16	\$ 660.78
031 H003001	25	144	COMMERCIAL ST	DIMILLO STEVEN ETAL TRUSTEES	\$ 494,400	\$ 73,400	\$ 567,800	\$ -	\$ -	\$ 567,800	\$ 522.38	\$ 584.83	\$ 630.26
031 H004001	27	164	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 221,300	\$ 793,500	\$ 1,014,800	\$ -	\$ -	\$ 1,014,800	\$ 933.62	\$ 1,045.24	\$ 1,126.43
031 K103001	25	218	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 206,300	\$ 32,780	\$ 239,080	\$ -	\$ -	\$ 239,080	\$ 219.95	\$ 246.25	\$ 265.38
031 L034001	31	250	COMMERCIAL ST	CM WATERFRONT PROPERTIES LLC	\$ 149,500	\$ 2,007,300	\$ 2,156,800	\$ -	\$ -	\$ 2,156,800	\$ 1,984.26	\$ 2,221.50	\$ 2,394.05
031 L038001	25	230	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 41,500	\$ 3,630	\$ 45,130	\$ -	\$ -	\$ 45,130	\$ 41.52	\$ 46.48	\$ 50.09
031 L135001	24	1	UNION WHARF	PROPRIETORS OF UNION WHARF	\$ 219,200	\$ 1,131,900	\$ 1,351,100	\$ -	\$ -	\$ 1,351,100	\$ 1,243.01	\$ 1,391.63	\$ 1,499.72
032 C001001	23	390	CONGRESS ST	PRESS HOTEL LLC	\$ 481,700	\$ 10,448,000	\$ 10,929,700	\$ -	\$ -	\$ 10,929,700	\$ 10,055.32	\$ 11,257.59	\$ 12,131.97
032 D001001	22	107	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 191,300	\$ 727,400	\$ 918,700	\$ -	\$ -	\$ 918,700	\$ 845.20	\$ 946.26	\$ 1,019.76
032 D002001	22	97	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 222,200	\$ 1,737,300	\$ 1,959,500	\$ -	\$ -	\$ 1,959,500	\$ 1,802.74	\$ 2,018.29	\$ 2,175.05
032 D003001	22	93	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 197,000	\$ 1,233,600	\$ 1,430,600	\$ -	\$ -	\$ 1,430,600	\$ 1,316.15	\$ 1,473.52	\$ 1,587.97
032 D004001	22	85	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 285,800	\$ 2,262,600	\$ 2,548,400	\$ -	\$ -	\$ 2,548,400	\$ 2,344.53	\$ 2,624.85	\$ 2,828.72

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
032 D005001	58	167	MIDDLE ST	CITY OF PORTLAND	\$ 526,300	\$ 24,820	\$ 551,120	\$ -	\$ 551,120	\$ -	\$ -	\$ -	\$ -
032 E001001	22	57	EXCHANGE ST	57 EXCHANGE STREET LLC	\$ 288,400	\$ 2,618,300	\$ 2,906,700	\$ -	\$ -	\$ 2,906,700	\$ 2,674.16	\$ 2,993.90	\$ 3,226.44
032 E002001	21	53	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 200,600	\$ 976,200	\$ 1,176,800	\$ -	\$ -	\$ 1,176,800	\$ 1,082.66	\$ 1,212.10	\$ 1,306.25
032 E004001	21	49	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 161,100	\$ 406,300	\$ 567,400	\$ -	\$ -	\$ 567,400	\$ 522.01	\$ 584.42	\$ 629.81
032 E005001	22	45	EXCHANGE ST	45 EXCHANGE STREET LLC	\$ 285,500	\$ 1,845,400	\$ 2,130,900	\$ -	\$ -	\$ 2,130,900	\$ 1,960.43	\$ 2,194.83	\$ 2,365.30
032 E008001	22	39	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 223,400	\$ 726,200	\$ 949,600	\$ -	\$ -	\$ 949,600	\$ 873.63	\$ 978.09	\$ 1,054.06
032 E009001	21	31	EXCHANGE ST	B & C LIMITED	\$ 209,900	\$ 817,100	\$ 1,027,000	\$ -	\$ -	\$ 1,027,000	\$ 944.84	\$ 1,057.81	\$ 1,139.97
032 E010001	21	46	MARKET ST	MARKET MILK PARTNERS LLC	\$ 147,700	\$ 740,700	\$ 888,400	\$ -	\$ -	\$ 888,400	\$ 817.33	\$ 915.05	\$ 986.12
032 F001001	21	42	MARKET ST	OCEAN BLOCK ASSOCIATES	\$ 192,600	\$ 617,300	\$ 809,900	\$ -	\$ -	\$ 809,900	\$ 745.11	\$ 834.20	\$ 898.99
032 F002001	24	36	MARKET ST	36 MARKET ST	\$ 173,700	\$ 487,900	\$ 661,600	\$ -	\$ -	\$ 661,600	\$ 608.67	\$ 681.45	\$ 734.38
032 F003001	21	30	MARKET ST	E L C INC	\$ 155,600	\$ 356,000	\$ 511,600	\$ -	\$ -	\$ 511,600	\$ 470.67	\$ 526.95	\$ 567.88
032 F005001	22	363	FORE ST	ELEVEN EXCHANGE LLC	\$ 217,800	\$ 694,800	\$ 912,600	\$ -	\$ -	\$ 912,600	\$ 839.59	\$ 939.98	\$ 1,012.99
032 F007001	21	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 144,600	\$ 322,600	\$ 467,200	\$ -	\$ -	\$ 467,200	\$ 429.82	\$ 481.22	\$ 518.59
032 F008001	21	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 145,800	\$ 305,200	\$ 451,000	\$ -	\$ -	\$ 451,000	\$ 414.92	\$ 464.53	\$ 500.61
032 F009001	22	30	MILK ST	OCEAN BLOCK ASSOCIATES	\$ 168,300	\$ 1,145,400	\$ 1,313,700	\$ -	\$ -	\$ 1,313,700	\$ 1,208.60	\$ 1,353.11	\$ 1,458.21
032 F010001	21	9	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 233,100	\$ 1,188,600	\$ 1,421,700	\$ -	\$ -	\$ 1,421,700	\$ 1,307.96	\$ 1,464.35	\$ 1,578.09
032 F012001	21	5	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 143,600	\$ 475,900	\$ 619,500	\$ -	\$ -	\$ 619,500	\$ 569.94	\$ 638.09	\$ 687.65
032 F013001	22	379	FORE ST	ELEVEN EXCHANGE LLC	\$ 150,000	\$ 498,800	\$ 648,800	\$ -	\$ -	\$ 648,800	\$ 596.90	\$ 668.26	\$ 720.17
032 F014001	21	1	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 143,200	\$ 374,400	\$ 517,600	\$ -	\$ -	\$ 517,600	\$ 476.19	\$ 533.13	\$ 574.54
032 G001001	22	396	CONGRESS ST	A & M PARTNERS INC	\$ 2,058,100	\$ 7,271,800	\$ 9,329,900	\$ -	\$ -	\$ 9,329,900	\$ 8,583.51	\$ 9,609.80	\$ 10,356.19
032 H001001	22	110	EXCHANGE ST	ONETEN EXCHANGE LLC	\$ 180,400	\$ 1,035,900	\$ 1,216,300	\$ -	\$ -	\$ 1,216,300	\$ 1,119.00	\$ 1,252.79	\$ 1,350.09
032 H002001	21	106	EXCHANGE ST	RICH BUILDING LLC	\$ 164,600	\$ 556,900	\$ 721,500	\$ -	\$ -	\$ 721,500	\$ 663.78	\$ 743.15	\$ 800.87
032 H003001	22	102	EXCHANGE ST	PALACCI JOSEPH	\$ 246,100	\$ 642,900	\$ 889,000	\$ -	\$ -	\$ 889,000	\$ 817.88	\$ 915.67	\$ 986.79
032 H004001	56	15	TEMPLE ST	CITY OF PORTLAND	\$ 2,082,400	\$ 3,820,400	\$ 5,902,800	\$ -	\$ 5,902,800	\$ -	\$ -	\$ -	\$ -
032 H005001	56	1	TEMPLE ST	CITY OF PORTLAND	\$ 406,300	\$ -	\$ 406,300	\$ -	\$ 406,300	\$ -	\$ -	\$ -	\$ -
032 H005002	22	1	TEMPLE ST	11 TEMPLE MHR LLC	\$ -	\$ 2,590,200	\$ 2,590,200	\$ -	\$ -	\$ 2,590,200	\$ 2,382.98	\$ 2,667.91	\$ 2,875.12
032 H006001	22	92	EXCHANGE ST	MAINESCAPE PROPERTIES LLC	\$ 166,100	\$ 402,200	\$ 568,300	\$ -	\$ -	\$ 568,300	\$ 522.84	\$ 585.35	\$ 630.81
032 H007001	27	88	EXCHANGE ST	RIVENDILL REAL ESTATE LLC	\$ 185,200	\$ 533,000	\$ 718,200	\$ -	\$ -	\$ 718,200	\$ 660.74	\$ 739.75	\$ 797.20
032 H008001	22	80	EXCHANGE ST	MURAL ASSOCIATES	\$ 238,900	\$ 1,556,400	\$ 1,795,300	\$ -	\$ -	\$ 1,795,300	\$ 1,651.68	\$ 1,849.16	\$ 1,992.78
032 H009001	58	70	EXCHANGE ST	CITY OF PORTLAND	\$ 362,700	\$ 1,960	\$ 364,660	\$ -	\$ 364,660	\$ -	\$ -	\$ -	\$ -
032 H016001	20	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 70,000	\$ 613,900	\$ 683,900	\$ -	\$ -	\$ 683,900	\$ 629.19	\$ 704.42	\$ 759.13
032 H016002	20	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 50,000	\$ 499,700	\$ 549,700	\$ -	\$ -	\$ 549,700	\$ 505.72	\$ 566.19	\$ 610.17
032 H016003	20	183	MIDDLE ST	MORRISWITZER-BUILDING	\$ 50,000	\$ 499,700	\$ 549,700	\$ -	\$ -	\$ 549,700	\$ 505.72	\$ 566.19	\$ 610.17
032 H016004	20	183	MIDDLE ST	SLEEPY HOLLOW DEVELOPMENT INC	\$ 25,840	\$ 232,520	\$ 258,360	\$ -	\$ -	\$ 258,360	\$ 237.69	\$ 266.11	\$ 286.78
032 H016048	20	183	MIDDLE ST	ITM REALTY II LLC	\$ 29,140	\$ 262,200	\$ 291,340	\$ -	\$ -	\$ 291,340	\$ 268.03	\$ 300.08	\$ 323.39
032 H022001	22	193	MIDDLE ST	SAVI REALTY LLC	\$ 428,200	\$ 1,866,100	\$ 2,294,300	\$ -	\$ -	\$ 2,294,300	\$ 2,110.76	\$ 2,363.13	\$ 2,546.67
032 I001001	22	178	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 225,100	\$ 1,738,100	\$ 1,963,200	\$ -	\$ -	\$ 1,963,200	\$ 1,806.14	\$ 2,022.10	\$ 2,179.15
032 I002001	21	52	EXCHANGE ST	OLD PORT ARMS	\$ 218,100	\$ 1,339,100	\$ 1,557,200	\$ -	\$ -	\$ 1,557,200	\$ 1,432.62	\$ 1,603.92	\$ 1,728.49
032 I006001	22	50	EXCHANGE ST	FITZGIBBONS VIRGINIA S &	\$ 161,300	\$ 431,700	\$ 593,000	\$ -	\$ -	\$ 593,000	\$ 545.56	\$ 610.79	\$ 658.23

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
032 1007001	27	0	CANAL PLAZA	COW PLAZA 1 LLC	\$ 18,200	\$ 363,100	\$ 381,300	\$ -	\$ -	\$ 381,300	\$ 350.80	\$ 392.74	\$ 423.24
032 1008001	21	44	EXCHANGE ST	44 EXCHANGE STREET LLC	\$ 313,500	\$ 1,366,400	\$ 1,679,900	\$ -	\$ -	\$ 1,679,900	\$ 1,545.51	\$ 1,730.30	\$ 1,864.69
032 1010001	21	34	EXCHANGE ST	PALACCI SION &	\$ 179,500	\$ 752,500	\$ 932,000	\$ -	\$ -	\$ 932,000	\$ 857.44	\$ 959.96	\$ 1,034.52
032 1011001	21	30	EXCHANGE ST	MAINELAND REAL ESTATE	\$ 103,300	\$ 579,800	\$ 683,100	\$ -	\$ -	\$ 683,100	\$ 628.45	\$ 703.59	\$ 758.24
032 1012100	20	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 264,700	\$ 1,059,000	\$ 1,323,700	\$ -	\$ -	\$ 1,323,700	\$ 1,217.80	\$ 1,363.41	\$ 1,469.31
032 1012200	20	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 180,700	\$ 722,800	\$ 903,500	\$ -	\$ -	\$ 903,500	\$ 831.22	\$ 930.61	\$ 1,002.89
032 1012301	10	10	EXCHANGE ST	PADULA FRANCIS P	\$ 50,700	\$ 202,700	\$ 253,400	\$ -	\$ -	\$ 253,400	\$ 233.13	\$ 261.00	\$ 281.27
032 1012302	10	10	EXCHANGE ST	CURRAN JENNIFER A	\$ 48,200	\$ 192,900	\$ 241,100	\$ -	\$ -	\$ 241,100	\$ 221.81	\$ 248.33	\$ 267.62
032 1012303	10	10	EXCHANGE ST	CULPOVICH ANDREW J &	\$ 23,400	\$ 93,400	\$ 116,800	\$ -	\$ -	\$ 116,800	\$ 107.46	\$ 120.30	\$ 129.65
032 1012304	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 49,600	\$ 198,500	\$ 248,100	\$ -	\$ -	\$ 248,100	\$ 228.25	\$ 255.54	\$ 275.39
032 1012305	10	10	EXCHANGE ST	DRISCOLL ROBERT &	\$ 34,100	\$ 136,500	\$ 170,600	\$ -	\$ -	\$ 170,600	\$ 156.95	\$ 175.72	\$ 189.37
032 1012306	10	10	EXCHANGE ST	POMROY'S PORTLAND	\$ 52,600	\$ 210,300	\$ 262,900	\$ -	\$ -	\$ 262,900	\$ 241.87	\$ 270.79	\$ 291.82
032 1012307	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 43,800	\$ 175,200	\$ 219,000	\$ -	\$ -	\$ 219,000	\$ 201.48	\$ 225.57	\$ 243.09
032 1012308	10	10	EXCHANGE ST	EVANS SHERI CHRISTIENNE	\$ 51,800	\$ 207,200	\$ 259,000	\$ -	\$ -	\$ 259,000	\$ 238.28	\$ 266.77	\$ 287.49
032 1012309	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 43,800	\$ 175,300	\$ 219,100	\$ -	\$ -	\$ 219,100	\$ 201.57	\$ 225.67	\$ 243.20
032 1012310	10	10	EXCHANGE ST	SISU LLC	\$ 51,100	\$ 204,300	\$ 255,400	\$ -	\$ -	\$ 255,400	\$ 234.97	\$ 263.06	\$ 283.49
032 1012311	10	10	EXCHANGE ST	SOLEY JOSHUA	\$ 23,400	\$ 93,400	\$ 116,800	\$ -	\$ -	\$ 116,800	\$ 107.46	\$ 120.30	\$ 129.65
032 1012312	10	10	EXCHANGE ST	FITZGERALD MICHAEL T	\$ 55,400	\$ 221,600	\$ 277,000	\$ -	\$ -	\$ 277,000	\$ 254.84	\$ 285.31	\$ 307.47
032 1012313	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 51,200	\$ 204,700	\$ 255,900	\$ -	\$ -	\$ 255,900	\$ 235.43	\$ 263.58	\$ 284.05
032 1012314	10	10	EXCHANGE ST	GORDON ABIGAIL	\$ 48,200	\$ 192,600	\$ 240,800	\$ -	\$ -	\$ 240,800	\$ 221.54	\$ 248.02	\$ 267.29
032 1012401	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 58,400	\$ 233,700	\$ 292,100	\$ -	\$ -	\$ 292,100	\$ 268.73	\$ 300.86	\$ 324.23
032 1012402	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 61,200	\$ 244,800	\$ 306,100	\$ -	\$ -	\$ 306,100	\$ 281.61	\$ 315.28	\$ 339.77
032 1012404	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 54,000	\$ 215,800	\$ 269,800	\$ -	\$ -	\$ 269,800	\$ 248.22	\$ 277.89	\$ 299.48
032 1012405	10	10	EXCHANGE ST	DOYLE KEVIN F &	\$ 33,600	\$ 134,400	\$ 168,000	\$ -	\$ -	\$ 168,000	\$ 154.56	\$ 173.04	\$ 186.48
032 1012406	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 58,300	\$ 233,200	\$ 291,500	\$ -	\$ -	\$ 291,500	\$ 268.18	\$ 300.25	\$ 323.57
032 1012407	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 51,100	\$ 204,400	\$ 255,500	\$ -	\$ -	\$ 255,500	\$ 235.06	\$ 263.10	\$ 283.61
032 1012408	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 54,000	\$ 216,000	\$ 270,000	\$ -	\$ -	\$ 270,000	\$ 248.40	\$ 278.10	\$ 299.70
032 1012409	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 56,900	\$ 227,500	\$ 284,400	\$ -	\$ -	\$ 284,400	\$ 261.65	\$ 292.93	\$ 315.68
032 1012410	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 55,500	\$ 222,100	\$ 277,600	\$ -	\$ -	\$ 277,600	\$ 255.39	\$ 285.93	\$ 308.14
032 1012411	10	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 48,200	\$ 192,600	\$ 240,800	\$ -	\$ -	\$ 240,800	\$ 221.54	\$ 248.02	\$ 267.29
032 1012412	10	10	EXCHANGE ST	SCOTT STEVEN J	\$ 39,400	\$ 157,700	\$ 197,100	\$ -	\$ -	\$ 197,100	\$ 181.33	\$ 203.01	\$ 218.78
032 1012413	10	10	EXCHANGE ST	WHEELWRIGHT HENRY J TRUSTEE	\$ 55,800	\$ 223,100	\$ 278,900	\$ -	\$ -	\$ 278,900	\$ 256.59	\$ 287.27	\$ 309.58
032 1012414	10	10	EXCHANGE ST	HELL'S BELLS LLC	\$ 51,000	\$ 204,100	\$ 255,100	\$ -	\$ -	\$ 255,100	\$ 234.69	\$ 262.75	\$ 283.16
032 1018001	21	395	FORE ST	395 FORE STREET LLC	\$ 195,400	\$ 716,900	\$ 912,300	\$ -	\$ -	\$ 912,300	\$ 839.32	\$ 939.67	\$ 1,012.65
032 1021001	21	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 526,600	\$ 2,982,000	\$ 3,508,600	\$ -	\$ -	\$ 3,508,600	\$ 3,227.91	\$ 3,613.86	\$ 3,894.55
032 1023001	22	3	CANAL PLAZA	COW PLAZA 3 LLC	\$ 491,300	\$ 6,536,100	\$ 7,027,400	\$ -	\$ -	\$ 7,027,400	\$ 6,465.21	\$ 7,238.22	\$ 7,800.41
032 1033001	22	2	CANAL PLAZA	COW PLAZA 2 LLC	\$ 426,400	\$ 4,223,900	\$ 4,650,300	\$ -	\$ -	\$ 4,650,300	\$ 4,278.28	\$ 4,789.81	\$ 5,161.83
032 1036001	22	1	CANAL PLAZA	COW PLAZA 1 LLC	\$ 915,200	\$ 15,061,600	\$ 15,976,800	\$ -	\$ -	\$ 15,976,800	\$ 14,698.66	\$ 16,456.10	\$ 17,734.25
032 1038001	40	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 53,700	\$ -	\$ 53,700	\$ -	\$ -	\$ 53,700	\$ 49.40	\$ 55.31	\$ 59.61

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
032 1039001	33	40	UNION ST	CENTRAL MAINE POWER CO	\$ 809,300	\$ 479,900	\$ 1,289,200	\$ -	\$ -	\$ 1,289,200	\$ 1,186.06	\$ 1,327.88	\$ 1,431.01
032 1040001	25	44	EXCHANGE ST	COW PLAZA 1 LLC	\$ 197,500	\$ 50,000	\$ 247,500	\$ -	\$ -	\$ 247,500	\$ 227.70	\$ 254.93	\$ 274.73
032 1041001	27	425	FORE ST	COW PLAZA GARAGE LLC	\$ 1,529,200	\$ 4,819,600	\$ 6,348,800	\$ -	\$ -	\$ 6,348,800	\$ 5,840.90	\$ 6,539.26	\$ 7,047.17
032 1041002	27	401	FORE ST	BANGOR SAVINGS BANK	\$ -	\$ 85,000	\$ 85,000	\$ -	\$ -	\$ 85,000	\$ 78.20	\$ 87.55	\$ 94.35
032 1042001	23	433	FORE ST	COW PLAZA HOTEL LLC	\$ 737,100	\$ 11,049,000	\$ 11,786,100	\$ -	\$ -	\$ 11,786,100	\$ 10,843.21	\$ 12,139.68	\$ 13,082.57
032 1001001	21	386	FORE ST	386 FORE STREET LLC	\$ 182,800	\$ 1,015,100	\$ 1,197,900	\$ -	\$ -	\$ 1,197,900	\$ 1,102.07	\$ 1,233.84	\$ 1,329.67
032 1002001	21	392	FORE ST	BEER GUYS LLC	\$ 159,800	\$ 704,800	\$ 864,600	\$ -	\$ -	\$ 864,600	\$ 795.43	\$ 890.54	\$ 959.71
032 1004001	20	396	FORE ST	BEER GUYS LLC	\$ 20,200	\$ 146,200	\$ 166,400	\$ -	\$ -	\$ 166,400	\$ 153.09	\$ 171.39	\$ 184.70
032 1004002	20	396	FORE ST	BEER GUYS LLC	\$ 20,200	\$ 160,100	\$ 180,300	\$ -	\$ -	\$ 180,300	\$ 165.88	\$ 185.71	\$ 200.13
032 1004003	10	396	FORE ST	BEER GUYS LLC	\$ 45,700	\$ 182,600	\$ 228,300	\$ -	\$ -	\$ 228,300	\$ 210.04	\$ 235.15	\$ 253.41
032 1004008	20	396	FORE ST	BEER GUYS LLC	\$ 20,200	\$ 131,400	\$ 151,600	\$ -	\$ -	\$ 151,600	\$ 139.47	\$ 156.15	\$ 168.28
032 1005001	20	398	FORE ST	FORE STREET PARTNERSHIP	\$ 41,600	\$ 333,300	\$ 375,100	\$ -	\$ -	\$ 375,100	\$ 345.09	\$ 386.35	\$ 416.36
032 1005002	20	398	FORE ST	FORE STREET PROPERTIES	\$ 22,500	\$ 277,500	\$ 300,000	\$ -	\$ -	\$ 300,000	\$ 276.00	\$ 309.00	\$ 333.00
032 1005003	20	398	FORE ST	INGALLS ROGER E	\$ 21,500	\$ 250,100	\$ 271,600	\$ -	\$ -	\$ 271,600	\$ 249.87	\$ 279.75	\$ 301.48
032 1005004	20	398	FORE ST	INGALLS ROGER E	\$ 21,500	\$ 250,100	\$ 271,600	\$ -	\$ -	\$ 271,600	\$ 249.87	\$ 279.75	\$ 301.48
032 K001001	22	2	MONUMENT SQ	800 NORTHERN CORP	\$ 1,009,800	\$ 14,098,000	\$ 15,107,800	\$ -	\$ -	\$ 15,107,800	\$ 13,899.18	\$ 15,561.03	\$ 16,769.66
032 K012001	22	1	MONUMENT SQ	FINARD MURRAY W TR	\$ 611,500	\$ 12,447,300	\$ 13,058,800	\$ -	\$ -	\$ 13,058,800	\$ 12,014.10	\$ 13,450.56	\$ 14,495.27
032 L002001	22	1	CITY CTR	ONE CITY CENTER ASSOCIATES LLC	\$ 1,781,800	\$ 27,288,200	\$ 29,070,000	\$ -	\$ -	\$ 29,070,000	\$ 26,744.40	\$ 29,942.10	\$ 32,267.70
032 N009001	21	414	FORE ST	GOULD COMPANY LLC	\$ 140,500	\$ 460,800	\$ 601,300	\$ -	\$ -	\$ 601,300	\$ 553.20	\$ 619.34	\$ 667.44
032 N010001	21	416	FORE ST	416 FORE STREET LLC	\$ 167,000	\$ 678,300	\$ 845,300	\$ -	\$ -	\$ 845,300	\$ 777.68	\$ 870.65	\$ 938.28
032 N011001	21	422	FORE ST	HARDING RICHARD B ETAL	\$ 139,500	\$ 310,600	\$ 450,100	\$ -	\$ -	\$ 450,100	\$ 414.09	\$ 463.60	\$ 499.61
032 N012001	21	424	FORE ST	SOLETSKY LIMITED LIABILITY CO	\$ 164,500	\$ 664,200	\$ 828,700	\$ -	\$ -	\$ 828,700	\$ 762.40	\$ 853.56	\$ 919.86
032 P001001	22	2	CITY CTR	TWO CITY CENTER LLC	\$ 218,900	\$ 3,109,000	\$ 3,327,900	\$ -	\$ -	\$ 3,327,900	\$ 3,061.67	\$ 3,427.74	\$ 3,693.97
032 P003001	21	4	CITY CTR	FOUR CITY CENTER	\$ 178,900	\$ 831,500	\$ 1,010,400	\$ -	\$ -	\$ 1,010,400	\$ 929.57	\$ 1,040.71	\$ 1,121.54
032 P004001	20	6	CITY CTR	SIX CITY CENTER LLC	\$ 387,600	\$ 1,550,500	\$ 1,938,100	\$ -	\$ -	\$ 1,938,100	\$ 1,783.05	\$ 1,996.24	\$ 2,151.29
032 P004002	20	6	CITY CTR	H & A PROPERTY GROUP LLC	\$ 73,600	\$ 294,400	\$ 368,000	\$ -	\$ -	\$ 368,000	\$ 338.56	\$ 379.04	\$ 408.48
032 P017001	22	10	CITY CTR	MINA BUILDING LLC	\$ 236,800	\$ 740,600	\$ 977,400	\$ -	\$ -	\$ 977,400	\$ 899.21	\$ 1,006.72	\$ 1,084.91
032 R001001	21	428	FORE ST	428 FORE STREET LLC	\$ 156,000	\$ 600,200	\$ 756,200	\$ -	\$ -	\$ 756,200	\$ 695.70	\$ 778.89	\$ 839.38
032 R003001	21	432	FORE ST	TERRAPIN PROPERTIES LLC	\$ 138,400	\$ 291,600	\$ 430,000	\$ -	\$ -	\$ 430,000	\$ 395.60	\$ 442.90	\$ 477.30
032 R004001	21	434	FORE ST	TERRAPIN PROPERTIES LLC	\$ 148,200	\$ 345,100	\$ 493,300	\$ -	\$ -	\$ 493,300	\$ 453.84	\$ 508.10	\$ 547.56
032 R007001	21	436	FORE ST	FORE STREET PARTNERS LLC	\$ 233,400	\$ 1,041,600	\$ 1,275,000	\$ -	\$ -	\$ 1,275,000	\$ 1,173.00	\$ 1,313.25	\$ 1,415.25
032 R008001	21	446	FORE ST	446 FORE STREET LLC	\$ 159,800	\$ 840,700	\$ 1,000,500	\$ -	\$ -	\$ 1,000,500	\$ 920.46	\$ 1,030.52	\$ 1,110.56
032 S001001	21	366	FORE ST	MCGEE CHARLES T &	\$ 270,800	\$ 2,050,600	\$ 2,321,400	\$ -	\$ -	\$ 2,321,400	\$ 2,135.69	\$ 2,391.04	\$ 2,576.75
032 S003001	21	7	MOULTON ST	7-9 MOULTON LLC	\$ 180,700	\$ 102,600	\$ 283,300	\$ -	\$ -	\$ 283,300	\$ 260.64	\$ 291.80	\$ 314.46
032 S004001	21	161	COMMERCIAL ST	ROB DOG REALTY LLC	\$ 202,500	\$ 1,063,400	\$ 1,265,900	\$ -	\$ -	\$ 1,265,900	\$ 1,164.63	\$ 1,303.88	\$ 1,405.15
032 S005001	22	5	MOULTON ST	MOULTON STREET REALTY LLC	\$ 201,900	\$ 1,722,300	\$ 1,924,200	\$ -	\$ -	\$ 1,924,200	\$ 1,770.26	\$ 1,981.93	\$ 2,135.86
032 T004001	21	4	MOULTON ST	ADRIENNE-JANE INCORPORATED	\$ 280,800	\$ 3,240,900	\$ 3,521,700	\$ -	\$ -	\$ 3,521,700	\$ 3,239.96	\$ 3,627.35	\$ 3,909.09
032 U003001	25	185	COMMERCIAL ST	COMPARK LLC	\$ 212,300	\$ 4,980	\$ 217,280	\$ -	\$ -	\$ 217,280	\$ 199.90	\$ 223.80	\$ 241.18
032 U004001	22	1	DANA ST	ONE DANA LLC	\$ 172,700	\$ 730,000	\$ 902,700	\$ -	\$ -	\$ 902,700	\$ 830.48	\$ 929.78	\$ 1,002.00

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
032 U005001	21	7	DANA ST	TRANSMATINE	\$ 212,100	\$ 453,600	\$ 665,700	\$ -	\$ -	\$ 665,700	\$ 612.44	\$ 685.67	\$ 738.93
032 V001001	21	10	DANA ST	10 DANA STREET LLC	\$ 199,200	\$ 1,055,300	\$ 1,254,500	\$ -	\$ -	\$ 1,254,500	\$ 1,154.14	\$ 1,292.14	\$ 1,392.50
032 V002001	21	205	COMMERCIAL ST	LANDFALL LLC	\$ 207,600	\$ 488,200	\$ 695,800	\$ -	\$ -	\$ 695,800	\$ 640.14	\$ 716.67	\$ 772.34
032 V004001	22	211	COMMERCIAL ST	GRANITE FACE LLC	\$ 263,600	\$ 1,942,300	\$ 2,205,900	\$ -	\$ -	\$ 2,205,900	\$ 2,029.43	\$ 2,272.08	\$ 2,448.55
032 V005001	22	217	COMMERCIAL ST	217 COMMERCIAL STREET	\$ 296,100	\$ 2,341,400	\$ 2,637,500	\$ -	\$ -	\$ 2,637,500	\$ 2,426.50	\$ 2,716.63	\$ 2,927.63
032 V008001	24	225	COMMERCIAL ST	225 COMMERCIAL ST ASSOC INC	\$ 256,200	\$ 1,787,200	\$ 2,043,400	\$ -	\$ -	\$ 2,043,400	\$ 1,879.93	\$ 2,104.70	\$ 2,268.17
032 V012001	22	1	UNION ST	237 COMMERCIAL STREET LLC	\$ 218,200	\$ 1,498,800	\$ 1,717,000	\$ -	\$ -	\$ 1,717,000	\$ 1,579.64	\$ 1,768.51	\$ 1,905.87
032 V014001	21	50	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 349,200	\$ 453,400	\$ 802,600	\$ -	\$ -	\$ 802,600	\$ 738.39	\$ 826.68	\$ 890.89
032 V015001	24	42	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 228,200	\$ 153,000	\$ 381,200	\$ -	\$ -	\$ 381,200	\$ 350.70	\$ 392.64	\$ 423.13
032 V016001	21	34	WHARF ST	GVF PROPERTIES LLC	\$ 142,600	\$ 227,000	\$ 369,600	\$ -	\$ -	\$ 369,600	\$ 340.03	\$ 380.69	\$ 410.26
037 A001001	33	45	FOREST AVE	NORTHERN NEW ENGLAND	\$ 1,201,900	\$ 9,218,900	\$ 10,420,800	\$ -	\$ -	\$ 10,420,800	\$ 9,587.14	\$ 10,733.42	\$ 11,567.09
037 A012001	22	39	FOREST AVE	39 LLC	\$ 469,600	\$ 2,487,500	\$ 2,957,100	\$ -	\$ -	\$ 2,957,100	\$ 2,720.53	\$ 3,045.81	\$ 3,282.38
037 A022001	21	25	FOREST AVE	PORTLAND STAGE COMPANY	\$ 396,200	\$ 426,700	\$ 822,900	\$ -	\$ -	\$ 822,900	\$ 757.07	\$ 847.59	\$ 913.42
037 A023001	25	84	OAK ST	NORTHEAST REALTY INC	\$ 295,200	\$ 46,300	\$ 341,500	\$ -	\$ -	\$ 341,500	\$ 314.18	\$ 351.75	\$ 379.07
037 A033001	25	11	FOREST AVE	PACHIOS BROTHERS I LLC &	\$ 461,400	\$ 38,080	\$ 499,480	\$ -	\$ -	\$ 499,480	\$ 459.52	\$ 514.46	\$ 554.42
037 A035001	17	72	OAK ST	AVESTA OAK STREET LP	\$ 604,600	\$ 1,591,800	\$ 2,196,400	\$ -	\$ -	\$ 2,196,400	\$ 2,020.69	\$ 2,262.29	\$ 2,438.00
037 A038001	21	565	CONGRESS ST	PACHIOS BROTHERS I LLC &	\$ 490,800	\$ 1,330,500	\$ 1,821,300	\$ -	\$ -	\$ 1,821,300	\$ 1,675.60	\$ 1,875.94	\$ 2,021.64
037 A042001	27	559	CONGRESS ST	HER LLC	\$ 115,300	\$ 172,400	\$ 287,700	\$ -	\$ -	\$ 287,700	\$ 264.68	\$ 296.33	\$ 319.35
037 A043001	21	555	CONGRESS ST	CORRYMORE ZELLERTON LLC	\$ 113,500	\$ 242,100	\$ 355,600	\$ -	\$ -	\$ 355,600	\$ 327.15	\$ 366.27	\$ 394.72
037 A044001	21	553	CONGRESS ST	ROCCO HOLDINGS LLC	\$ 110,700	\$ 214,400	\$ 325,100	\$ -	\$ -	\$ 325,100	\$ 299.09	\$ 334.85	\$ 360.86
037 A045001	21	575	CONGRESS ST	571 ENTERPRISES LLC	\$ 138,700	\$ 263,500	\$ 402,200	\$ -	\$ -	\$ 402,200	\$ 370.02	\$ 414.27	\$ 446.44
037 A046001	22	7	FOREST AVE	D & D PARTNERS LLC	\$ 115,300	\$ 257,200	\$ 372,500	\$ -	\$ -	\$ 372,500	\$ 342.70	\$ 383.68	\$ 413.48
037 B001001	22	380	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 947,200	\$ 859,800	\$ 1,807,000	\$ -	\$ -	\$ 1,807,000	\$ 1,662.44	\$ 1,861.21	\$ 2,005.77
037 B013001	25	95	OAK ST	NORTHERN NEW ENGLAND	\$ 200,500	\$ 9,380	\$ 209,880	\$ -	\$ -	\$ 209,880	\$ 193.09	\$ 216.16	\$ 232.97
037 B014001	55	15	SHEPLEY ST	MAINE COLLEGE OF ART	\$ 75,900	\$ 1,031,900	\$ 1,107,800	\$ -	\$ 1,107,800	\$ -	\$ -	\$ -	\$ -
037 B015001	17	11	SHEPLEY ST	11 SHEPLEY STREET	\$ 70,000	\$ 1,599,800	\$ 1,669,800	\$ -	\$ -	\$ 1,669,800	\$ 1,536.22	\$ 1,719.89	\$ 1,853.48
037 C001001	25	0	SHEPLEY ST	OCEAN GATE LLC	\$ 300,200	\$ 22,500	\$ 322,700	\$ -	\$ -	\$ 322,700	\$ 296.88	\$ 332.38	\$ 358.20
037 C004001	25	0	SHEPLEY ST	OCEAN GATE LLC	\$ 191,500	\$ 13,130	\$ 204,630	\$ -	\$ -	\$ 204,630	\$ 188.26	\$ 210.77	\$ 227.14
037 C006001	17	18	CASCO ST	SHEPLEY LLC	\$ 69,100	\$ 2,560,500	\$ 2,629,600	\$ -	\$ -	\$ 2,629,600	\$ 2,419.23	\$ 2,708.49	\$ 2,918.86
037 C008001	25	83	OAK ST	HEGA REALTY LLC	\$ 252,700	\$ 86,240	\$ 338,940	\$ -	\$ -	\$ 338,940	\$ 311.82	\$ 349.11	\$ 376.22
037 C010001	22	16	CASCO ST	SOMALUZO LLC	\$ 253,300	\$ 487,400	\$ 740,700	\$ -	\$ -	\$ 740,700	\$ 681.44	\$ 762.92	\$ 822.18
037 C014100	20	531	CONGRESS ST	HEGA REALTY LLC	\$ 273,500	\$ 1,115,300	\$ 1,388,800	\$ -	\$ -	\$ 1,388,800	\$ 1,277.70	\$ 1,430.46	\$ 1,541.57
037 C014200	20	531	CONGRESS ST	HEGA REALTY LLC	\$ 411,800	\$ 1,656,300	\$ 2,068,100	\$ -	\$ -	\$ 2,068,100	\$ 1,902.65	\$ 2,130.14	\$ 2,295.59
037 C014300	20	531	CONGRESS ST	HEGA REALTY LLC	\$ 276,500	\$ 1,362,600	\$ 1,639,100	\$ -	\$ -	\$ 1,639,100	\$ 1,507.97	\$ 1,688.27	\$ 1,819.40
037 C014400	20	531	CONGRESS ST	HEGA REALTY LLC	\$ 313,400	\$ 1,440,300	\$ 1,753,700	\$ -	\$ -	\$ 1,753,700	\$ 1,613.40	\$ 1,806.31	\$ 1,946.61
037 C014501	10	531	CONGRESS ST	WILLIAMS DEBORAH J &	\$ 86,700	\$ 346,600	\$ 433,300	\$ -	\$ -	\$ 433,300	\$ 398.64	\$ 446.30	\$ 480.96
037 C014502	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 67,300	\$ 269,200	\$ 336,500	\$ -	\$ -	\$ 336,500	\$ 309.58	\$ 346.60	\$ 373.52
037 C014503	10	531	CONGRESS ST	SHOREY LINDA J &	\$ 98,300	\$ 393,100	\$ 491,400	\$ -	\$ -	\$ 491,400	\$ 452.09	\$ 506.14	\$ 545.45
037 C014504	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 161,300	\$ 645,300	\$ 806,600	\$ -	\$ -	\$ 806,600	\$ 742.07	\$ 830.80	\$ 895.33

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037 C014505	10	531	CONGRESS ST	WALBRIDGE HOYT &	\$ 120,300	\$ 481,200	\$ 601,500	\$ -	\$ -	\$ 601,500	\$ 553.38	\$ 619.55	\$ 667.67
037 C014506	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 79,400	\$ 317,400	\$ 396,800	\$ -	\$ -	\$ 396,800	\$ 365.06	\$ 408.70	\$ 440.45
037 C014507	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 79,500	\$ 318,100	\$ 397,600	\$ -	\$ -	\$ 397,600	\$ 365.79	\$ 409.53	\$ 441.34
037 C014508	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 107,900	\$ 431,600	\$ 539,500	\$ -	\$ -	\$ 539,500	\$ 496.34	\$ 555.69	\$ 598.85
037 C014509	10	531	CONGRESS ST	HEGA REALTY LLC	\$ 62,200	\$ 248,700	\$ 310,900	\$ -	\$ -	\$ 310,900	\$ 286.03	\$ 320.23	\$ 345.10
037 C014510	10	531	CONGRESS ST	SEASIDE PARTNERS LLC	\$ 87,900	\$ 351,700	\$ 439,600	\$ -	\$ -	\$ 439,600	\$ 404.43	\$ 452.79	\$ 487.96
037 C016001	21	551	CONGRESS ST	551 CONGRESS STREET LLC	\$ 197,200	\$ 660,400	\$ 857,600	\$ -	\$ -	\$ 857,600	\$ 788.99	\$ 883.33	\$ 953.94
037 C017006	10	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 92,800	\$ 545,200	\$ 638,000	\$ -	\$ -	\$ 638,000	\$ 586.96	\$ 657.14	\$ 708.18
037 C01701A	20	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 28,500	\$ 114,300	\$ 142,800	\$ -	\$ -	\$ 142,800	\$ 131.38	\$ 147.08	\$ 158.51
037 C01701B	20	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 30,000	\$ 120,900	\$ 150,900	\$ -	\$ -	\$ 150,900	\$ 138.83	\$ 155.43	\$ 167.50
037 C01701C	20	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 32,000	\$ 129,700	\$ 161,700	\$ -	\$ -	\$ 161,700	\$ 148.76	\$ 166.55	\$ 179.49
037 C01702A	10	547	CONGRESS ST	MARTIN ROGER	\$ 26,400	\$ 105,700	\$ 132,100	\$ -	\$ -	\$ 132,100	\$ 121.53	\$ 136.06	\$ 146.63
037 C01702B	10	547	CONGRESS ST	SCULLY JOHN M	\$ 24,800	\$ 99,100	\$ 123,900	\$ -	\$ -	\$ 123,900	\$ 113.99	\$ 127.62	\$ 137.53
037 C01702C	10	547	CONGRESS ST	SARASON JULIE	\$ 31,100	\$ 124,400	\$ 155,500	\$ -	\$ -	\$ 155,500	\$ 143.06	\$ 160.17	\$ 172.61
037 C01702D	10	547	CONGRESS ST	WHEELER-BERTA FRANCES H TRUSTEE	\$ 40,900	\$ 163,800	\$ 204,700	\$ -	\$ -	\$ 204,700	\$ 188.32	\$ 210.84	\$ 227.22
037 C01702E	10	547	CONGRESS ST	MONTMINY SHANE A	\$ 28,700	\$ 114,800	\$ 143,500	\$ 17,800	\$ -	\$ 125,700	\$ 115.64	\$ 129.47	\$ 139.53
037 C01703A	10	547	CONGRESS ST	YANG DAVID I	\$ 40,300	\$ 161,400	\$ 201,700	\$ -	\$ -	\$ 201,700	\$ 185.56	\$ 207.75	\$ 223.89
037 C01703B	10	547	CONGRESS ST	FOREMAN BROCK &	\$ 34,100	\$ 160,300	\$ 194,400	\$ -	\$ -	\$ 194,400	\$ 178.85	\$ 200.23	\$ 215.78
037 C01703C	10	547	CONGRESS ST	PACKARD JEFFREY G &	\$ 53,400	\$ 213,400	\$ 266,800	\$ 17,800	\$ -	\$ 249,000	\$ 229.08	\$ 256.47	\$ 276.39
037 C01704A	10	547	CONGRESS ST	FITZPATRICK SUSAN E	\$ 41,600	\$ 166,300	\$ 207,900	\$ 17,800	\$ -	\$ 190,100	\$ 174.89	\$ 195.80	\$ 211.01
037 C01704B	10	547	CONGRESS ST	GRAND ROBERT C TRUSTEE	\$ 32,100	\$ 128,100	\$ 160,200	\$ -	\$ -	\$ 160,200	\$ 147.38	\$ 165.01	\$ 177.82
037 C01704C	10	547	CONGRESS ST	TYSON BRUCE &	\$ 54,200	\$ 216,600	\$ 270,800	\$ -	\$ -	\$ 270,800	\$ 249.14	\$ 278.92	\$ 300.59
037 C01705A	10	547	CONGRESS ST	HENRY MICHAEL T &	\$ 92,500	\$ 499,900	\$ 592,400	\$ -	\$ -	\$ 592,400	\$ 545.01	\$ 610.17	\$ 657.56
037 C01705B	10	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 41,400	\$ 212,700	\$ 254,100	\$ -	\$ -	\$ 254,100	\$ 233.77	\$ 261.72	\$ 282.05
037 D001001	21	45	CASCO ST	FORTY FIVE CASCO STREET LLC	\$ 213,500	\$ 516,600	\$ 730,100	\$ -	\$ -	\$ 730,100	\$ 671.69	\$ 752.00	\$ 810.41
037 D002001	22	511	CONGRESS ST	OCEAN GATE LLC	\$ 1,557,500	\$ 7,954,000	\$ 9,511,500	\$ -	\$ -	\$ 9,511,500	\$ 8,750.58	\$ 9,796.85	\$ 10,557.77
037 D003001	27	360	CUMBERLAND AVE	CLIFF'S EDGE LLC	\$ 90,000	\$ 375,800	\$ 465,800	\$ -	\$ -	\$ 465,800	\$ 428.54	\$ 479.77	\$ 517.04
037 D004001	25	48	BROWN ST	OCEAN GATE LLC	\$ 737,800	\$ 136,290	\$ 874,090	\$ -	\$ -	\$ 874,090	\$ 804.16	\$ 900.31	\$ 970.24
037 D007001	17	37	CASCO ST	AMBASSADOR LLC	\$ 71,900	\$ 3,131,300	\$ 3,203,200	\$ -	\$ -	\$ 3,203,200	\$ 2,946.94	\$ 3,299.30	\$ 3,555.55
037 D023001	22	15	CASCO ST	15 CASCO STREET LLC	\$ 211,100	\$ 761,900	\$ 973,000	\$ -	\$ -	\$ 973,000	\$ 895.16	\$ 1,002.19	\$ 1,080.03
037 D024001	21	519	CONGRESS ST	MAINE CHARITABLE MECHANIC	\$ 226,100	\$ 232,900	\$ 459,000	\$ -	\$ -	\$ 459,000	\$ 422.28	\$ 472.77	\$ 509.49
037 E001001	58	595	CONGRESS ST	CITY OF PORTLAND	\$ 402,200	\$ 567,600	\$ 969,800	\$ -	\$ 969,800	\$ -	\$ -	\$ -	\$ -
037 E002001	20	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 12,200	\$ 48,700	\$ 60,900	\$ -	\$ -	\$ 60,900	\$ 56.03	\$ 62.73	\$ 67.60
037 E002002	20	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 26,400	\$ 105,700	\$ 132,100	\$ -	\$ -	\$ 132,100	\$ 121.53	\$ 136.06	\$ 146.63
037 E002003	20	585	CONGRESS ST	PAUL'S BOUTIQUE LLC	\$ 117,900	\$ 471,400	\$ 589,300	\$ -	\$ -	\$ 589,300	\$ 542.16	\$ 606.98	\$ 654.12
037 E002004	10	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 153,600	\$ 614,500	\$ 768,100	\$ -	\$ -	\$ 768,100	\$ 706.65	\$ 791.14	\$ 852.59
037 E003001	27	10	CONGRESS SQ	PLAZA ASSOCIATES AT CONGRESS	\$ 1,079,700	\$ 8,950,200	\$ 10,029,900	\$ -	\$ -	\$ 10,029,900	\$ 9,227.51	\$ 10,330.80	\$ 11,133.19
037 E004001	25	28	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 181,300	\$ 16,450	\$ 197,750	\$ -	\$ -	\$ 197,750	\$ 181.93	\$ 203.68	\$ 219.50
037 E005001	40	32	FOREST AVE	RB PORTLAND LLC	\$ 162,900	\$ -	\$ 162,900	\$ -	\$ -	\$ 162,900	\$ 149.87	\$ 167.79	\$ 180.82

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
037 E005002	25	32	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 162,900	\$ 12,660	\$ 175,560	\$ -	\$ -	\$ 175,560	\$ 161.52	\$ 180.83	\$ 194.87
037 E006009	20	173	HIGH ST	181 HIGH STREET LLC	\$ 550,000	\$ 7,759,400	\$ 8,309,400	\$ -	\$ -	\$ 8,309,400	\$ 7,644.65	\$ 8,558.68	\$ 9,223.43
037 E007001	23	157	HIGH ST	RB PORTLAND LLC	\$ 1,162,600	\$ 29,444,800	\$ 30,607,400	\$ -	\$ -	\$ 30,607,400	\$ 28,158.81	\$ 31,525.62	\$ 33,974.21
037 F002001	25	45	BROWN ST	477-481 CONGRESS STREET	\$ 1,192,300	\$ 718,200	\$ 1,910,500	\$ -	\$ -	\$ 1,910,500	\$ 1,757.66	\$ 1,967.82	\$ 2,120.66
037 F005001	27	28	PREBLE ST	EARL APARTMENTS LLC	\$ 255,100	\$ 2,187,300	\$ 2,442,400	\$ -	\$ -	\$ 2,442,400	\$ 2,247.01	\$ 2,515.67	\$ 2,711.06
037 F007001	22	24	PREBLE ST	24 PREBLE STREET PROPERTIES LLC	\$ 119,000	\$ 1,206,500	\$ 1,325,500	\$ -	\$ -	\$ 1,325,500	\$ 1,219.46	\$ 1,365.27	\$ 1,471.31
037 F009001	32	338	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 300,300	\$ 1,511,400	\$ 1,811,700	\$ -	\$ -	\$ 1,811,700	\$ 1,666.76	\$ 1,866.05	\$ 2,010.99
037 F012001	25	41	BROWN ST	MHS INC	\$ 158,000	\$ 13,290	\$ 171,290	\$ -	\$ -	\$ 171,290	\$ 157.59	\$ 176.43	\$ 190.13
037 F014001	54	483	CONGRESS ST	MAINE HISTORICAL SOCIETY	\$ 630,800	\$ 2,857,100	\$ 3,487,900	\$ -	\$ 3,487,900	\$ -	\$ -	\$ -	\$ -
037 F017001	21	489	CONGRESS ST	MHS INC	\$ 513,700	\$ 713,100	\$ 1,226,800	\$ -	\$ -	\$ 1,226,800	\$ 1,128.66	\$ 1,263.60	\$ 1,361.75
037 F018002	22	481	CONGRESS ST	477-481 CONGRESS STREET	\$ 168,300	\$ 668,100	\$ 836,400	\$ -	\$ -	\$ 836,400	\$ 769.49	\$ 861.49	\$ 928.40
037 F020001	54	38	PREBLE ST	PREBLE STREET	\$ 146,700	\$ 1,349,800	\$ 1,496,500	\$ -	\$ 1,496,500	\$ -	\$ -	\$ -	\$ -
037 F022001	22	477	CONGRESS ST	477-481 CONGRESS STREET	\$ 351,000	\$ 4,173,500	\$ 4,524,500	\$ -	\$ -	\$ 4,524,500	\$ 4,162.54	\$ 4,660.24	\$ 5,022.20
037 F023001	22	22	PREBLE ST	477-481 CONGRESS STREET	\$ 520,100	\$ 725,400	\$ 1,245,500	\$ -	\$ -	\$ 1,245,500	\$ 1,145.86	\$ 1,282.87	\$ 1,392.51
037 G001001	21	594	CONGRESS ST	FITZGIBBONS VIRGINIA S &	\$ 179,600	\$ 623,000	\$ 802,600	\$ -	\$ -	\$ 802,600	\$ 738.39	\$ 826.68	\$ 890.89
037 G004001	21	582	CONGRESS ST	CORNER FREAK LLC	\$ 96,700	\$ 201,800	\$ 298,500	\$ -	\$ -	\$ 298,500	\$ 274.62	\$ 307.46	\$ 331.94
037 G005001	21	580	CONGRESS ST	BBB INC	\$ 127,000	\$ 526,900	\$ 653,900	\$ -	\$ -	\$ 653,900	\$ 601.59	\$ 673.52	\$ 725.83
037 G006001	27	578	CONGRESS ST	578 CONGRESS LLC	\$ 90,700	\$ 128,700	\$ 219,400	\$ -	\$ -	\$ 219,400	\$ 201.85	\$ 225.98	\$ 243.53
037 G007001	27	576	CONGRESS ST	574 ASSOCIATES LLC	\$ 135,400	\$ 50,400	\$ 185,800	\$ -	\$ -	\$ 185,800	\$ 170.94	\$ 191.37	\$ 206.24
037 G008001	27	574	CONGRESS ST	574 ASSOCIATES LLC	\$ 94,700	\$ 97,100	\$ 191,800	\$ -	\$ -	\$ 191,800	\$ 176.46	\$ 197.55	\$ 212.90
037 G009001	22	570	CONGRESS ST	PRIDE RALPH H TRUSTEE	\$ 207,200	\$ 335,500	\$ 542,700	\$ -	\$ -	\$ 542,700	\$ 499.28	\$ 558.98	\$ 602.40
037 G010001	27	133	FREE ST	HUBBARD'S APTS INC	\$ 209,400	\$ 323,300	\$ 532,700	\$ -	\$ -	\$ 532,700	\$ 490.08	\$ 548.68	\$ 591.30
037 G012001	21	584	CONGRESS ST	CORNER FREAK LLC	\$ 90,500	\$ 46,500	\$ 137,000	\$ -	\$ -	\$ 137,000	\$ 126.04	\$ 141.11	\$ 152.07
037 G014001	22	562	CONGRESS ST	TERBAX REALTY INC	\$ 719,700	\$ 4,376,100	\$ 5,095,800	\$ -	\$ -	\$ 5,095,800	\$ 4,688.14	\$ 5,248.67	\$ 5,656.34
037 H001001	27	550	CONGRESS ST	NEVERMORE LLC	\$ 140,000	\$ 340,400	\$ 480,400	\$ -	\$ -	\$ 480,400	\$ 441.97	\$ 494.81	\$ 533.24
037 H002001	55	540	CONGRESS ST	MAINE COLLEGE OF ART	\$ 70,000	\$ 623,600	\$ 693,600	\$ -	\$ 693,600	\$ -	\$ -	\$ -	\$ -
037 H002002	20	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 190,000	\$ 1,962,700	\$ 2,152,700	\$ -	\$ -	\$ 2,152,700	\$ 1,980.48	\$ 2,217.28	\$ 2,389.50
037 H002003	10	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 29,000	\$ 113,900	\$ 142,900	\$ -	\$ -	\$ 142,900	\$ 131.47	\$ 147.19	\$ 158.62
037 H002004	10	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 29,000	\$ 116,400	\$ 145,400	\$ -	\$ -	\$ 145,400	\$ 133.77	\$ 149.76	\$ 161.39
037 H002005	10	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 29,000	\$ 113,900	\$ 142,900	\$ -	\$ -	\$ 142,900	\$ 131.47	\$ 147.19	\$ 158.62
037 H002006	10	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 32,000	\$ 128,700	\$ 160,700	\$ -	\$ -	\$ 160,700	\$ 147.84	\$ 165.52	\$ 178.38
037 H005001	54	536	CONGRESS ST	SPACE GALLERY	\$ 100,600	\$ 402,600	\$ 503,200	\$ -	\$ 503,200	\$ -	\$ -	\$ -	\$ -
037 H005003	20	536	CONGRESS ST	SPACE GALLERY	\$ 84,500	\$ 338,100	\$ 422,600	\$ -	\$ -	\$ 422,600	\$ 388.79	\$ 435.28	\$ 469.09
037 H006001	55	522	CONGRESS ST	MAINE COLLEGE OF ART	\$ 935,800	\$ 9,814,900	\$ 10,750,700	\$ -	\$ 10,750,700	\$ -	\$ -	\$ -	\$ -
037 H009001	21	516	CONGRESS ST	PACHIOS BROTHERS II LLC	\$ 484,200	\$ 350,000	\$ 834,200	\$ -	\$ -	\$ 834,200	\$ 767.46	\$ 859.23	\$ 925.96
037 H010001	21	510	CONGRESS ST	CENTER CITY PLAZA ASSOC	\$ 850,500	\$ 2,912,100	\$ 3,762,600	\$ -	\$ -	\$ 3,762,600	\$ 3,461.59	\$ 3,875.48	\$ 4,176.49
037 H011001	20	500	CONGRESS ST	MATERIAL OBJECTS	\$ 18,000	\$ 159,800	\$ 177,800	\$ -	\$ -	\$ 177,800	\$ 163.58	\$ 183.13	\$ 197.36
037 H011002	20	500	CONGRESS ST	BARBA NANCY L &	\$ 15,600	\$ 173,000	\$ 188,600	\$ -	\$ -	\$ 188,600	\$ 173.51	\$ 194.26	\$ 209.35
037 H013001	21	504	CONGRESS ST	KAPLAN 504 LLC	\$ 586,700	\$ 589,500	\$ 1,176,200	\$ -	\$ -	\$ 1,176,200	\$ 1,082.10	\$ 1,211.49	\$ 1,305.58

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037 H014001	20	51	OAK ST	MAINE COLLEGE OF ART	\$ 16,170	\$ 139,260	\$ 155,430	\$ -	\$ -	\$ 155,430	\$ 143.00	\$ 160.09	\$ 172.53
037 H014002	55	51	OAK ST	MAINE COLLEGE OF ART	\$ 8,540	\$ 105,180	\$ 113,720	\$ -	\$ 113,720	\$ -	\$ -	\$ -	\$ -
037 H014003	20	51	OAK ST	MAINE COLLEGE OF ART	\$ 19,430	\$ 139,700	\$ 159,130	\$ -	\$ -	\$ 159,130	\$ 146.40	\$ 163.90	\$ 176.63
037 H014004	55	51	OAK ST	MAINE COLLEGE OF ART	\$ 461,080	\$ 1,844,320	\$ 2,305,400	\$ -	\$ 2,305,400	\$ -	\$ -	\$ -	\$ -
037 H014005	20	51	OAK ST	MAINE COLLEGE OF ART	\$ 19,430	\$ 97,130	\$ 116,560	\$ -	\$ -	\$ 116,560	\$ 107.24	\$ 120.06	\$ 129.38
037 H025001	21	57	OAK ST	NEKOIE BAHMAN &	\$ 50,300	\$ 27,000	\$ 77,300	\$ -	\$ -	\$ 77,300	\$ 71.12	\$ 79.62	\$ 85.80
037 I001001	21	498	CONGRESS ST	BEAVER BLOCK LLC	\$ 193,900	\$ 454,600	\$ 648,500	\$ -	\$ -	\$ 648,500	\$ 596.62	\$ 667.96	\$ 719.84
037 I002101	20	490	CONGRESS ST	GRACE LLC	\$ 46,500	\$ 186,100	\$ 232,600	\$ -	\$ -	\$ 232,600	\$ 213.99	\$ 239.58	\$ 258.19
037 I002102	20	492	CONGRESS ST	ZILKHA MICHAEL S	\$ 52,100	\$ 208,500	\$ 260,600	\$ -	\$ -	\$ 260,600	\$ 239.75	\$ 268.42	\$ 289.27
037 I002103	20	15	BROWN ST	THE DOROTHEA &	\$ 26,400	\$ 105,500	\$ 131,900	\$ -	\$ -	\$ 131,900	\$ 121.35	\$ 135.86	\$ 146.41
037 I002104	10	15	BROWN ST	O'SULLIVAN MICHAEL &	\$ 48,500	\$ 193,900	\$ 242,400	\$ -	\$ -	\$ 242,400	\$ 223.01	\$ 249.67	\$ 269.06
037 I002105	10	15	BROWN ST	ADLER JANICE B	\$ 47,000	\$ 188,200	\$ 235,200	\$ 17,800	\$ -	\$ 217,400	\$ 200.01	\$ 223.92	\$ 241.31
037 I002201	10	15	BROWN ST	HUNTER BEVERLY C &	\$ 40,400	\$ 161,400	\$ 201,800	\$ -	\$ -	\$ 201,800	\$ 185.66	\$ 207.85	\$ 224.00
037 I002202	10	15	BROWN ST	SAUCEDO CHRISTIAN MANUEL	\$ 39,800	\$ 159,300	\$ 199,100	\$ -	\$ -	\$ 199,100	\$ 183.17	\$ 205.07	\$ 221.00
037 I002203	10	15	BROWN ST	HAVEY BENJAMIN M	\$ 53,400	\$ 213,600	\$ 267,000	\$ -	\$ -	\$ 267,000	\$ 245.64	\$ 275.01	\$ 296.37
037 I002204	10	15	BROWN ST	SINGER ROBERT B TRUSTEE	\$ 37,000	\$ 148,100	\$ 185,100	\$ -	\$ -	\$ 185,100	\$ 170.29	\$ 190.65	\$ 205.46
037 I002205	10	15	BROWN ST	207 INVESTS I LLC	\$ 45,900	\$ 183,400	\$ 229,300	\$ -	\$ -	\$ 229,300	\$ 210.96	\$ 236.18	\$ 254.52
037 I002206	10	15	BROWN ST	MCILVAIN JOHN &	\$ 30,700	\$ 122,900	\$ 153,600	\$ -	\$ -	\$ 153,600	\$ 141.31	\$ 158.21	\$ 170.50
037 I002207	10	15	BROWN ST	SOULE GEORGE &	\$ 32,100	\$ 128,300	\$ 160,400	\$ -	\$ -	\$ 160,400	\$ 147.57	\$ 165.21	\$ 178.04
037 I002208	10	15	BROWN ST	DOCTOROFF MARK G	\$ 62,400	\$ 249,400	\$ 311,800	\$ -	\$ -	\$ 311,800	\$ 286.86	\$ 321.15	\$ 346.10
037 I002301	10	15	BROWN ST	BARBERA SUSAN	\$ 38,000	\$ 151,800	\$ 189,800	\$ -	\$ -	\$ 189,800	\$ 174.62	\$ 195.49	\$ 210.68
037 I002302	10	15	BROWN ST	ANDREOLI HELEN L	\$ 41,900	\$ 167,400	\$ 209,300	\$ -	\$ -	\$ 209,300	\$ 192.56	\$ 215.58	\$ 232.32
037 I002303	10	15	BROWN ST	BAUMAN PATRICIA J TRUSTEE	\$ 54,100	\$ 216,200	\$ 270,300	\$ -	\$ -	\$ 270,300	\$ 248.68	\$ 278.41	\$ 300.03
037 I002304	10	15	BROWN ST	MOORE BRIAN D	\$ 44,800	\$ 179,300	\$ 224,100	\$ -	\$ -	\$ 224,100	\$ 206.17	\$ 230.82	\$ 248.75
037 I002305	10	15	BROWN ST	COFFIN KATHLEEN M	\$ 41,200	\$ 164,700	\$ 205,900	\$ -	\$ -	\$ 205,900	\$ 189.43	\$ 212.08	\$ 228.55
037 I002306	10	15	BROWN ST	HUNT RYAN ETAL	\$ 49,300	\$ 197,100	\$ 246,400	\$ -	\$ -	\$ 246,400	\$ 226.69	\$ 253.79	\$ 273.50
037 I002307	10	15	BROWN ST	DOCTOROFF MARK G	\$ 56,600	\$ 226,500	\$ 283,100	\$ -	\$ -	\$ 283,100	\$ 260.45	\$ 291.59	\$ 314.24
037 I002401	10	15	BROWN ST	KIM PAUL ETAL ITS	\$ 70,400	\$ 281,500	\$ 351,900	\$ -	\$ -	\$ 351,900	\$ 323.75	\$ 362.46	\$ 390.61
037 I002402	10	15	BROWN ST	TIEMAN JAMES S	\$ 69,600	\$ 278,300	\$ 347,900	\$ -	\$ -	\$ 347,900	\$ 320.07	\$ 358.34	\$ 386.17
037 I002403	10	15	BROWN ST	LANGDON DARBY TRUSTEE	\$ 83,000	\$ 332,100	\$ 415,100	\$ -	\$ -	\$ 415,100	\$ 381.89	\$ 427.55	\$ 460.76
037 I002404	10	15	BROWN ST	HADIARIS JENNIFER J	\$ 70,300	\$ 281,200	\$ 351,500	\$ -	\$ -	\$ 351,500	\$ 323.38	\$ 362.05	\$ 390.17
037 I002405	10	15	BROWN ST	BARKER KATHARINE M &	\$ 76,900	\$ 307,600	\$ 384,500	\$ -	\$ -	\$ 384,500	\$ 353.74	\$ 396.04	\$ 426.80
037 I002406	10	15	BROWN ST	SANTORO DAVID M	\$ 90,900	\$ 363,400	\$ 454,300	\$ 17,800	\$ -	\$ 436,500	\$ 401.58	\$ 449.60	\$ 484.52
037 I003001	21	482	CONGRESS ST	CENTER CONGRESS LLC	\$ 442,900	\$ 2,682,700	\$ 3,125,600	\$ -	\$ -	\$ 3,125,600	\$ 2,875.55	\$ 3,219.37	\$ 3,469.42
037 I004001	22	480	CONGRESS ST	ASHBY TEAM LLC	\$ 209,500	\$ 774,200	\$ 983,700	\$ -	\$ -	\$ 983,700	\$ 905.00	\$ 1,013.21	\$ 1,091.91
037 I005001	27	486	CONGRESS ST	BARTHE DONNA	\$ 102,400	\$ 213,600	\$ 316,000	\$ -	\$ -	\$ 316,000	\$ 290.72	\$ 325.48	\$ 350.76
037 I00701A	20	11	BROWN ST	PHELPS CRAIG REAL	\$ 88,300	\$ 353,000	\$ 441,300	\$ -	\$ -	\$ 441,300	\$ 406.00	\$ 454.54	\$ 489.84
037 I00702A	10	11	BROWN ST	HARRISON SYDNEY	\$ 52,500	\$ 209,800	\$ 262,300	\$ -	\$ -	\$ 262,300	\$ 241.32	\$ 270.17	\$ 291.15
037 I00702B	10	11	BROWN ST	MODIMAN ALAN &	\$ 60,700	\$ 242,800	\$ 303,500	\$ -	\$ -	\$ 303,500	\$ 279.22	\$ 312.61	\$ 336.89

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037 I00703A	10	11	BROWN ST	ZELENER YAN &	\$ 92,600	\$ 370,500	\$ 463,100	\$ 17,800	\$ -	\$ 445,300	\$ 409.68	\$ 458.66	\$ 494.28
037 I00704A	10	11	BROWN ST	BUECHE ARTHUR J &	\$ 110,800	\$ 443,300	\$ 554,100	\$ -	\$ -	\$ 554,100	\$ 509.77	\$ 570.72	\$ 615.05
037 I009001	25	59	FREE ST	JBG & H ASSOCIATES	\$ 430,600	\$ 17,660	\$ 448,260	\$ -	\$ -	\$ 448,260	\$ 412.40	\$ 461.71	\$ 497.57
037 I012001	25	104	CENTER ST	CENTER CONGRESS LLC	\$ 350,800	\$ 21,560	\$ 372,360	\$ -	\$ -	\$ 372,360	\$ 342.57	\$ 383.53	\$ 413.32
038 A001001	20	10	FREE ST	JBG&H ASSOCIATES	\$ 214,800	\$ 2,719,000	\$ 2,933,800	\$ -	\$ -	\$ 2,933,800	\$ 2,699.10	\$ 3,021.81	\$ 3,256.52
038 A001002	20	10	FREE ST	JB BROWN & SONS	\$ 80,000	\$ 753,100	\$ 833,100	\$ -	\$ -	\$ 833,100	\$ 766.45	\$ 858.09	\$ 924.74
038 A005001	22	22	FREE ST	JB BROWN & SONS	\$ 1,261,700	\$ 1,352,900	\$ 2,614,600	\$ -	\$ -	\$ 2,614,600	\$ 2,405.43	\$ 2,693.04	\$ 2,902.21
038 A014001	25	28	FREE ST	JB BROWN & SONS	\$ 1,074,500	\$ 74,100	\$ 1,148,600	\$ -	\$ -	\$ 1,148,600	\$ 1,056.71	\$ 1,183.06	\$ 1,274.95
038 B001001	20	1	PORTLAND SQ	NORTH RIVER IV LLC	\$ 1,000,000	\$ 14,876,300	\$ 15,876,300	\$ -	\$ -	\$ 15,876,300	\$ 14,606.20	\$ 16,352.59	\$ 17,622.69
038 B001007	20	1	PORTLAND SQ	PS ONE REALTY LLC	\$ 840,000	\$ 12,469,300	\$ 13,309,300	\$ -	\$ -	\$ 13,309,300	\$ 12,244.56	\$ 13,708.58	\$ 14,773.32
038 B002001	22	2	PORTLAND SQ	NORTH RIVER IV LLC	\$ 1,450,700	\$ 25,227,200	\$ 26,677,900	\$ -	\$ -	\$ 26,677,900	\$ 24,543.67	\$ 27,478.24	\$ 29,612.47
038 B003001	25	481	FORE ST	NORTH RIVER IV LLC	\$ 3,509,900	\$ 125,000	\$ 3,634,900	\$ -	\$ -	\$ 3,634,900	\$ 3,344.11	\$ 3,743.95	\$ 4,034.74
038 C008001	40	28	COTTON ST	JB BROWN & SONS	\$ 162,900	\$ -	\$ 162,900	\$ -	\$ -	\$ 162,900	\$ 149.87	\$ 167.79	\$ 180.82
038 C009001	25	24	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 729,500	\$ -	\$ 729,500	\$ -	\$ -	\$ 729,500	\$ 671.14	\$ 751.39	\$ 809.75
038 C012001	27	8	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 808,200	\$ 1,054,300	\$ 1,862,500	\$ -	\$ -	\$ 1,862,500	\$ 1,713.50	\$ 1,918.38	\$ 2,067.38
038 C030001	21	59	CENTER ST	B & B REAL ESTATE LLC	\$ 135,400	\$ 198,200	\$ 333,600	\$ -	\$ -	\$ 333,600	\$ 306.91	\$ 343.61	\$ 370.30
038 D015001	56	82	FREE ST	CUMBERLAND COUNTY MAINE	\$ 2,435,100	\$ 25,358,600	\$ 27,793,700	\$ -	\$ 27,793,700	\$ -	\$ -	\$ -	\$ -
038 E009105	20	70	CENTER ST	MITCHELL JOHN D	\$ 20,000	\$ 176,000	\$ 196,000	\$ -	\$ -	\$ 196,000	\$ 180.32	\$ 201.88	\$ 217.56
038 E009106	20	70	CENTER ST	APPLE REAL ESTATE	\$ 18,000	\$ 161,300	\$ 179,300	\$ -	\$ -	\$ 179,300	\$ 164.96	\$ 184.68	\$ 199.02
038 E009204	20	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 20,000	\$ 174,600	\$ 194,600	\$ -	\$ -	\$ 194,600	\$ 179.03	\$ 200.44	\$ 216.01
038 E009205	20	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 20,000	\$ 182,300	\$ 202,300	\$ -	\$ -	\$ 202,300	\$ 186.12	\$ 208.37	\$ 224.55
038 E009304	20	70	CENTER ST	EAST COAST CONSTRUCTION AND	\$ 20,000	\$ 183,900	\$ 203,900	\$ -	\$ -	\$ 203,900	\$ 187.59	\$ 210.02	\$ 226.33
038 E009305	20	70	CENTER ST	MCKERSIE FAMILY LLC	\$ 20,000	\$ 182,900	\$ 202,900	\$ -	\$ -	\$ 202,900	\$ 186.67	\$ 208.99	\$ 225.22
038 E009401	20	70	CENTER ST	ALDER RUN DEVELOPMENT	\$ 35,000	\$ 317,300	\$ 352,300	\$ -	\$ -	\$ 352,300	\$ 324.12	\$ 362.87	\$ 391.05
038 E009G07	20	70	CENTER ST	70 CENTER STREET BASEMENT LLC	\$ 19,000	\$ 165,900	\$ 184,900	\$ -	\$ -	\$ 184,900	\$ 170.11	\$ 190.45	\$ 205.24
038 E009G08	20	70	CENTER ST	MAINE BUSINESS SERVICES INC	\$ 18,000	\$ 163,700	\$ 181,700	\$ -	\$ -	\$ 181,700	\$ 167.16	\$ 187.15	\$ 201.69
038 E012001	21	52	CENTER ST	PICTURE ISLAND INC	\$ 155,300	\$ 257,700	\$ 413,000	\$ -	\$ -	\$ 413,000	\$ 379.96	\$ 425.39	\$ 458.43
038 E019001	21	1	PLEASANT ST	MH & RB LLC	\$ 216,600	\$ 480,100	\$ 696,700	\$ -	\$ -	\$ 696,700	\$ 640.96	\$ 717.60	\$ 773.34
038 E020001	27	7	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 203,400	\$ 188,800	\$ 392,200	\$ -	\$ -	\$ 392,200	\$ 360.82	\$ 403.97	\$ 435.34
038 E021001	25	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 73,500	\$ 6,490	\$ 79,990	\$ -	\$ -	\$ 79,990	\$ 73.59	\$ 82.39	\$ 88.79
038 E023001	27	15	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 285,000	\$ 526,000	\$ 811,000	\$ -	\$ -	\$ 811,000	\$ 746.12	\$ 835.33	\$ 900.21
038 E030001	25	58	CENTER ST	STERLE DANIEL L	\$ 466,600	\$ 34,030	\$ 500,630	\$ -	\$ -	\$ 500,630	\$ 460.58	\$ 515.65	\$ 555.70
038 F004001	24	241	COMMERCIAL ST	SLM PROPERTIES INC	\$ 237,500	\$ 1,349,300	\$ 1,586,800	\$ -	\$ -	\$ 1,586,800	\$ 1,459.86	\$ 1,634.40	\$ 1,761.35
038 F006001	22	245	COMMERCIAL ST	CASCO VIEW HOLDINGS LLC	\$ 396,300	\$ 3,967,600	\$ 4,363,900	\$ -	\$ -	\$ 4,363,900	\$ 4,014.79	\$ 4,494.82	\$ 4,843.93
038 F008001	22	470	FORE ST	DICTAR ASSOCIATES II	\$ 165,700	\$ 1,982,300	\$ 2,148,000	\$ -	\$ -	\$ 2,148,000	\$ 1,976.16	\$ 2,212.44	\$ 2,384.28
038 F009001	23	468	FORE ST	HARBOR PLAZA ASSOCIATES II	\$ 500,000	\$ 7,158,200	\$ 7,658,200	\$ -	\$ -	\$ 7,658,200	\$ 7,045.54	\$ 7,887.95	\$ 8,500.60
038 F009002	22	468	FORE ST	DICTAR ASSOCIATES II	\$ 953,400	\$ 1,407,500	\$ 2,360,900	\$ -	\$ -	\$ 2,360,900	\$ 2,172.03	\$ 2,431.73	\$ 2,620.60
038 F019001	22	19	CROSS ST	CASCO VIEW HOLDINGS II LLC	\$ 873,900	\$ 6,253,800	\$ 7,127,700	\$ -	\$ -	\$ 7,127,700	\$ 6,557.48	\$ 7,341.53	\$ 7,911.75
038 G001001	25	486	FORE ST	NORTH RIVER IV LLC	\$ 3,116,800	\$ 140,800	\$ 3,257,600	\$ -	\$ -	\$ 3,257,600	\$ 2,996.99	\$ 3,355.33	\$ 3,615.94

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
038 G00202A	10	269	COMMERCIAL ST	GOSSELIN EUGENE D &	\$ 27,000	\$ 108,200	\$ 135,200	\$ -	\$ -	\$ 135,200	\$ 124.38	\$ 139.26	\$ 150.07
038 G00202B	10	269	COMMERCIAL ST	POE MAXWELL	\$ 27,500	\$ 110,100	\$ 137,600	\$ -	\$ -	\$ 137,600	\$ 126.59	\$ 141.73	\$ 152.74
038 G00202C	10	269	COMMERCIAL ST	SCHNEIDER PAUL	\$ 30,100	\$ 120,400	\$ 150,500	\$ -	\$ -	\$ 150,500	\$ 138.46	\$ 155.02	\$ 167.06
038 G00202D	10	269	COMMERCIAL ST	CUMMING JEAN S &	\$ 40,000	\$ 159,900	\$ 199,900	\$ -	\$ -	\$ 199,900	\$ 183.91	\$ 205.90	\$ 221.89
038 G00202E	10	269	COMMERCIAL ST	DEVILLIER JACQUES K	\$ 28,000	\$ 111,900	\$ 139,900	\$ 17,800	\$ -	\$ 122,100	\$ 112.33	\$ 125.76	\$ 135.53
038 G00202F	10	269	COMMERCIAL ST	MCKENZIE ANNE-MARIE &	\$ 29,500	\$ 118,100	\$ 147,600	\$ -	\$ -	\$ 147,600	\$ 135.79	\$ 152.03	\$ 163.84
038 G00203A	10	269	COMMERCIAL ST	ALBEE PETER J	\$ 28,200	\$ 112,700	\$ 140,900	\$ -	\$ -	\$ 140,900	\$ 129.63	\$ 145.13	\$ 156.40
038 G00203B	10	269	COMMERCIAL ST	RICE LEE P	\$ 26,800	\$ 107,100	\$ 133,900	\$ -	\$ -	\$ 133,900	\$ 123.19	\$ 137.92	\$ 148.63
038 G00203C	10	269	COMMERCIAL ST	NORCHI CHARLES H	\$ 30,300	\$ 121,100	\$ 151,400	\$ -	\$ -	\$ 151,400	\$ 139.29	\$ 155.94	\$ 168.05
038 G00203D	10	269	COMMERCIAL ST	HUDON WILFRED R	\$ 28,100	\$ 112,300	\$ 140,400	\$ -	\$ -	\$ 140,400	\$ 129.17	\$ 144.61	\$ 155.84
038 G00203E	10	269	COMMERCIAL ST	CONKLIN HENRY C	\$ 34,000	\$ 136,000	\$ 170,000	\$ -	\$ -	\$ 170,000	\$ 156.40	\$ 175.10	\$ 188.70
038 G00203F	10	269	COMMERCIAL ST	TUCKER HAROLD W III	\$ 28,800	\$ 115,100	\$ 143,900	\$ -	\$ -	\$ 143,900	\$ 132.39	\$ 148.22	\$ 159.73
038 G00204A	10	269	COMMERCIAL ST	SERNOFFSKY SUSAN	\$ 24,800	\$ 99,200	\$ 124,000	\$ 17,800	\$ -	\$ 106,200	\$ 97.70	\$ 109.39	\$ 117.88
038 G00204B	10	269	COMMERCIAL ST	269 COMMERCIAL LLC	\$ 30,000	\$ 120,000	\$ 150,000	\$ -	\$ -	\$ 150,000	\$ 138.00	\$ 154.50	\$ 166.50
038 G00204C	10	269	COMMERCIAL ST	MCDEVITT JOHN J IV	\$ 33,600	\$ 134,500	\$ 168,100	\$ -	\$ -	\$ 168,100	\$ 154.65	\$ 173.14	\$ 186.59
038 G00204D	10	269	COMMERCIAL ST	KIMBLE ELLEN SUE	\$ 25,400	\$ 101,800	\$ 127,200	\$ -	\$ -	\$ 127,200	\$ 117.02	\$ 131.02	\$ 141.19
038 G00204E	10	269	COMMERCIAL ST	LOWRY KATE	\$ 28,400	\$ 113,500	\$ 141,900	\$ -	\$ -	\$ 141,900	\$ 130.55	\$ 146.16	\$ 157.51
038 G00204F	10	269	COMMERCIAL ST	WONG ROCKET &	\$ 29,800	\$ 119,200	\$ 149,000	\$ -	\$ -	\$ 149,000	\$ 137.08	\$ 153.47	\$ 165.39
038 G00205A	10	269	COMMERCIAL ST	BERG ERIC O JR TRUSTEE	\$ 32,000	\$ 128,100	\$ 160,100	\$ -	\$ -	\$ 160,100	\$ 147.29	\$ 164.90	\$ 177.71
038 G00205B	10	269	COMMERCIAL ST	TARBOX JEFFERY H	\$ 34,900	\$ 139,600	\$ 174,500	\$ -	\$ -	\$ 174,500	\$ 160.54	\$ 179.74	\$ 193.70
038 G00205C	10	269	COMMERCIAL ST	CALDWELL ROBERT A	\$ 31,000	\$ 124,000	\$ 155,000	\$ -	\$ -	\$ 155,000	\$ 142.60	\$ 159.65	\$ 172.05
038 G00205D	10	269	COMMERCIAL ST	MUEHLE BRENNIA L	\$ 39,800	\$ 159,000	\$ 198,800	\$ -	\$ -	\$ 198,800	\$ 182.90	\$ 204.76	\$ 220.67
038 G00205E	10	269	COMMERCIAL ST	FLAHERTY CHRISTOPHER F	\$ 34,800	\$ 139,000	\$ 173,800	\$ -	\$ -	\$ 173,800	\$ 159.90	\$ 179.01	\$ 192.92
038 G00205F	10	269	COMMERCIAL ST	FOSTER ANTHONY W	\$ 30,100	\$ 120,400	\$ 150,500	\$ -	\$ -	\$ 150,500	\$ 138.46	\$ 155.02	\$ 167.06
038 G002267	20	269	COMMERCIAL ST	267 COMMERCIAL STREET LLC	\$ 23,500	\$ 256,800	\$ 280,300	\$ -	\$ -	\$ 280,300	\$ 257.88	\$ 288.71	\$ 311.13
038 G002271	20	269	COMMERCIAL ST	JKC LLC	\$ 21,400	\$ 235,700	\$ 257,100	\$ -	\$ -	\$ 257,100	\$ 236.53	\$ 264.81	\$ 285.38
038 G007001	25	508	FORE ST	NORTH RIVER IV LLC	\$ 660,800	\$ 41,000	\$ 701,800	\$ -	\$ -	\$ 701,800	\$ 645.66	\$ 722.85	\$ 779.00
038 I018001	21	46	FREE ST	JB BORWN & SONS	\$ 449,000	\$ 1,910,200	\$ 2,359,200	\$ -	\$ -	\$ 2,359,200	\$ 2,170.46	\$ 2,429.98	\$ 2,618.71
038 X001001	25	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 10,200	\$ 1,560	\$ 11,760	\$ -	\$ -	\$ 11,760	\$ 10.82	\$ 12.11	\$ 13.05
039 A001001	21	626	CONGRESS ST	PARK WONBAE &	\$ 257,800	\$ 552,900	\$ 810,700	\$ -	\$ -	\$ 810,700	\$ 745.84	\$ 835.02	\$ 899.88
039 A002001	21	622	CONGRESS ST	WAYNE ENTERPRISES LLC	\$ 139,600	\$ 890,400	\$ 1,030,000	\$ -	\$ -	\$ 1,030,000	\$ 947.60	\$ 1,060.90	\$ 1,143.30
039 A005001	21	616	CONGRESS ST	614 CONGRESS STREET LLC	\$ 198,200	\$ 895,700	\$ 1,093,900	\$ -	\$ -	\$ 1,093,900	\$ 1,006.39	\$ 1,126.72	\$ 1,214.23
039 A008001	21	610	CONGRESS ST	19 SOUTH STREET LLC	\$ 84,000	\$ 244,800	\$ 328,800	\$ -	\$ -	\$ 328,800	\$ 302.50	\$ 338.66	\$ 364.97
039 A009001	21	608	CONGRESS ST	19 SOUTH STREET LLC	\$ 97,200	\$ 192,500	\$ 289,700	\$ -	\$ -	\$ 289,700	\$ 266.52	\$ 298.39	\$ 321.57
039 A010001	21	606	CONGRESS ST	602 CONGRESS LLC	\$ 82,600	\$ 165,600	\$ 248,200	\$ -	\$ -	\$ 248,200	\$ 228.34	\$ 255.65	\$ 275.50
039 A013001	22	600	CONGRESS ST	602 CONGRESS LLC	\$ 176,800	\$ 999,900	\$ 1,176,700	\$ -	\$ -	\$ 1,176,700	\$ 1,082.56	\$ 1,212.00	\$ 1,306.14
039 A016001	40	122	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 79,500	\$ -	\$ 79,500	\$ -	\$ -	\$ 79,500	\$ 73.14	\$ 81.89	\$ 88.25
039 A016002	25	122	HIGH ST	PACIFIC AND SOUTHERN LLC	\$ 776,300	\$ 36,750	\$ 813,050	\$ -	\$ -	\$ 813,050	\$ 748.01	\$ 837.44	\$ 902.49
039 A017001	22	128	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 405,800	\$ 2,411,700	\$ 2,817,500	\$ -	\$ -	\$ 2,817,500	\$ 2,592.10	\$ 2,902.03	\$ 3,127.43

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
039 A027001	26	116	HIGH ST	CUMBERLAND CLUB	\$ 557,800	\$ 759,400	\$ 1,317,200	\$ -	\$ -	\$ 1,317,200	\$ 1,211.82	\$ 1,356.72	\$ 1,462.09
039 A035001	27	110	HIGH ST	ONE HUNDRED AND TEN HIGH ST	\$ 167,800	\$ 215,000	\$ 382,800	\$ -	\$ -	\$ 382,800	\$ 352.18	\$ 394.28	\$ 424.91
039 A037001	21	106	HIGH ST	M2BM LLC	\$ 154,500	\$ 393,600	\$ 548,100	\$ -	\$ -	\$ 548,100	\$ 504.25	\$ 564.54	\$ 608.99
039 A038001	21	612	CONGRESS ST	BLUE BAY LLC	\$ 90,400	\$ 212,300	\$ 302,700	\$ -	\$ -	\$ 302,700	\$ 278.48	\$ 311.78	\$ 336.00
039 B001001	55	97	SPRING ST	PORTLAND MUSEUM OF ART	\$ 113,300	\$ 276,100	\$ 389,400	\$ -	\$ 389,400	\$ -	\$ -	\$ -	\$ -
039 B003001	55	142	FREE ST	CHILDREN'S MUSEUM OF MAINE	\$ 411,900	\$ 2,307,300	\$ 2,719,200	\$ -	\$ 2,719,200	\$ -	\$ -	\$ -	\$ -
039 B004001	25	130	FREE ST	MAINEHEALTH	\$ 687,600	\$ 35,780	\$ 723,380	\$ -	\$ -	\$ 723,380	\$ 665.51	\$ 745.08	\$ 802.95
039 B007001	21	128	FREE ST	ARCAND PROPERTIES LLC	\$ 127,100	\$ 177,900	\$ 305,000	\$ -	\$ -	\$ 305,000	\$ 280.60	\$ 314.15	\$ 338.55
039 B008001	25	120	FREE ST	MAINEHEALTH	\$ 530,500	\$ 56,340	\$ 586,840	\$ -	\$ -	\$ 586,840	\$ 539.89	\$ 604.45	\$ 651.39
039 B011001	20	44	OAK ST	EVERYTHING LLC	\$ 97,000	\$ 387,900	\$ 484,900	\$ -	\$ -	\$ 484,900	\$ 446.11	\$ 499.45	\$ 538.24
039 B011002	20	44	OAK ST	EVERYTHING LLC	\$ 38,200	\$ 152,900	\$ 191,100	\$ -	\$ -	\$ 191,100	\$ 175.81	\$ 196.83	\$ 212.12
039 B011003	20	44	OAK ST	CLOUD SKY LLC	\$ 39,100	\$ 156,400	\$ 195,500	\$ -	\$ -	\$ 195,500	\$ 179.86	\$ 201.37	\$ 217.01
039 B011004	10	44	OAK ST	KEON MICHAEL P	\$ 140,600	\$ 562,300	\$ 702,900	\$ -	\$ -	\$ 702,900	\$ 646.67	\$ 723.99	\$ 780.22
039 B013001	55	148	FREE ST	PORTLAND MUSEUM OF ART	\$ 997,800	\$ 17,817,400	\$ 18,815,200	\$ -	\$ 18,815,200	\$ -	\$ -	\$ -	\$ -
039 B015001	55	87	SPRING ST	PORTLAND MUSEUM OF ART	\$ 1,403,100	\$ 29,380	\$ 1,432,480	\$ -	\$ 1,432,480	\$ -	\$ -	\$ -	\$ -
039 C001002	54	110	FREE ST	MAINEHEALTH	\$ 263,800	\$ 2,373,800	\$ 2,637,600	\$ -	\$ 2,637,600	\$ -	\$ -	\$ -	\$ -
039 C00101A	54	110	FREE ST	MAINEHEALTH	\$ 25,500	\$ 229,300	\$ 254,800	\$ -	\$ 254,800	\$ -	\$ -	\$ -	\$ -
039 C00101B	20	110	FREE ST	MAINEHEALTH	\$ 73,100	\$ 657,700	\$ 730,800	\$ -	\$ -	\$ 730,800	\$ 672.34	\$ 752.72	\$ 811.19
039 C00101C	20	110	FREE ST	MAINEHEALTH	\$ 103,300	\$ 929,600	\$ 1,032,900	\$ -	\$ -	\$ 1,032,900	\$ 950.27	\$ 1,063.89	\$ 1,146.52
039 C00106B	54	110	FREE ST	MAINEHEALTH	\$ 4,300	\$ 39,000	\$ 43,300	\$ -	\$ 43,300	\$ -	\$ -	\$ -	\$ -
039 C00106C	54	110	FREE ST	MAINEHEALTH	\$ 10,300	\$ 92,300	\$ 102,600	\$ -	\$ 102,600	\$ -	\$ -	\$ -	\$ -
039 C001301	54	110	FREE ST	MAINEHEALTH	\$ 242,200	\$ 2,179,800	\$ 2,422,000	\$ -	\$ 2,422,000	\$ -	\$ -	\$ -	\$ -
039 C001302	54	110	FREE ST	MAINEHEALTH	\$ 24,000	\$ 215,500	\$ 239,500	\$ -	\$ 239,500	\$ -	\$ -	\$ -	\$ -
039 C001GA1	54	110	FREE ST	MAINEHEALTH	\$ 76,400	\$ 688,000	\$ 764,400	\$ -	\$ 764,400	\$ -	\$ -	\$ -	\$ -
039 C001GA2	54	110	FREE ST	MAINEHEALTH	\$ 35,700	\$ 321,500	\$ 357,200	\$ -	\$ 357,200	\$ -	\$ -	\$ -	\$ -
039 C002001	56	0	FREE ST	CITY OF PORTLAND	\$ 1,846,200	\$ 6,279,700	\$ 8,125,900	\$ -	\$ 8,125,900	\$ -	\$ -	\$ -	\$ -
039 E001001	56	94	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ 7,000	\$ -	\$ 7,000	\$ -	\$ 7,000	\$ -	\$ -	\$ -	\$ -
039 E008001	22	93	HIGH ST	GREATER PORTLAND	\$ 261,200	\$ 469,400	\$ 730,600	\$ -	\$ -	\$ 730,600	\$ 672.15	\$ 752.52	\$ 810.97
039 E009001	54	87	HIGH ST	ST ELIZABETH'S ROMAN	\$ 350,800	\$ 710,500	\$ 1,061,300	\$ -	\$ 1,061,300	\$ -	\$ -	\$ -	\$ -
039 E010001	23	88	SPRING ST	LAFAYETTE PORTLAND LLC	\$ 1,788,000	\$ 15,650,200	\$ 17,438,200	\$ -	\$ -	\$ 17,438,200	\$ 16,043.14	\$ 17,961.35	\$ 19,356.40
040 B013001	12	14	PLEASANT ST	GIOBBI CARLO A JR &	\$ 132,500	\$ 142,200	\$ 274,700	\$ -	\$ -	\$ 274,700	\$ 252.72	\$ 282.94	\$ 304.92
040 B015001	25	10	PLEASANT ST	GIOBBI CARLO A JR &	\$ 15,100	\$ -	\$ 15,100	\$ -	\$ -	\$ 15,100	\$ 13.89	\$ 15.55	\$ 16.76
040 B017001	21	4	PLEASANT ST	GIOBBI ARCHIE S &	\$ 45,400	\$ 620	\$ 46,020	\$ -	\$ -	\$ 46,020	\$ 42.34	\$ 47.40	\$ 51.08
040 B028001	21	1	DANFORTH ST	GIOBBI ARCHIE S &	\$ 161,300	\$ 232,700	\$ 394,000	\$ -	\$ -	\$ 394,000	\$ 362.48	\$ 405.82	\$ 437.34
040 D001001	22	20	DANFORTH ST	BROWN J B & SONS	\$ 202,900	\$ 2,615,500	\$ 2,818,400	\$ -	\$ -	\$ 2,818,400	\$ 2,592.93	\$ 2,902.95	\$ 3,128.42
040 D002001	22	10	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 110,000	\$ 893,100	\$ 1,003,100	\$ -	\$ -	\$ 1,003,100	\$ 922.85	\$ 1,033.19	\$ 1,113.44
040 E001001	25	40	YORK ST	BROWN J B & SONS	\$ 606,200	\$ 61,700	\$ 667,900	\$ -	\$ -	\$ 667,900	\$ 614.47	\$ 687.94	\$ 741.37
040 E003001	10	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 85,700	\$ 342,800	\$ 428,500	\$ -	\$ -	\$ 428,500	\$ 394.22	\$ 441.36	\$ 475.64
040 E003002	10	311	COMMERCIAL ST	HIGONNET CAMILLE	\$ 57,400	\$ 229,400	\$ 286,800	\$ -	\$ -	\$ 286,800	\$ 263.86	\$ 295.40	\$ 318.35

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040 E003003	10	311	COMMERCIAL ST	WOODS MARY A &	\$ 56,700	\$ 226,900	\$ 283,600	\$ 17,800	\$ -	\$ 265,800	\$ 244.54	\$ 273.77	\$ 295.04
040 E003004	10	311	COMMERCIAL ST	LEVIN-MARTIN MINDY F &	\$ 82,600	\$ 330,300	\$ 412,900	\$ -	\$ -	\$ 412,900	\$ 379.87	\$ 425.29	\$ 458.32
040 E003005	10	311	COMMERCIAL ST	TAYLOR-CHIARELLO ROBIN	\$ 99,100	\$ 396,500	\$ 495,600	\$ -	\$ -	\$ 495,600	\$ 455.95	\$ 510.47	\$ 550.12
040 E003006	10	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 84,000	\$ 336,100	\$ 420,100	\$ -	\$ -	\$ 420,100	\$ 386.49	\$ 432.70	\$ 466.31
040 E003007	10	311	COMMERCIAL ST	KRUTHOFF CATHERINE H &	\$ 54,900	\$ 219,700	\$ 274,600	\$ -	\$ -	\$ 274,600	\$ 252.63	\$ 282.84	\$ 304.81
040 E003008	10	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 68,600	\$ 274,500	\$ 343,100	\$ -	\$ -	\$ 343,100	\$ 315.65	\$ 353.39	\$ 390.84
040 E003009	10	311	COMMERCIAL ST	KROON THOMAS J &	\$ 75,500	\$ 302,000	\$ 377,500	\$ -	\$ -	\$ 377,500	\$ 347.30	\$ 388.83	\$ 419.03
040 E00300H	20	311	COMMERCIAL ST	JBB HOSPITALITY I LLC	\$ 2,460,300	\$ 9,841,300	\$ 12,301,600	\$ -	\$ -	\$ 12,301,600	\$ 11,317.47	\$ 12,670.65	\$ 13,654.78
040 E00300R	20	311	COMMERCIAL ST	TIOA LEGACY LLC	\$ 262,800	\$ 1,051,300	\$ 1,314,100	\$ -	\$ -	\$ 1,314,100	\$ 1,208.97	\$ 1,353.52	\$ 1,458.65
040 E003010	10	311	COMMERCIAL ST	NSD 10-7 MAPLE LLC	\$ 105,600	\$ 422,200	\$ 527,800	\$ -	\$ -	\$ 527,800	\$ 485.58	\$ 543.63	\$ 585.86
040 E003011	10	311	COMMERCIAL ST	CLANCY PAUL	\$ 71,700	\$ 286,800	\$ 358,500	\$ -	\$ -	\$ 358,500	\$ 329.82	\$ 369.26	\$ 397.94
040 E003012	10	311	COMMERCIAL ST	PIPER JOHN M &	\$ 79,000	\$ 316,000	\$ 395,000	\$ -	\$ -	\$ 395,000	\$ 363.40	\$ 406.85	\$ 438.45
040 E003013	10	311	COMMERCIAL ST	DERMER HARRY &	\$ 70,000	\$ 280,100	\$ 350,100	\$ -	\$ -	\$ 350,100	\$ 322.09	\$ 360.60	\$ 388.61
040 E003014	10	311	COMMERCIAL ST	SIMARK ACQUISITIONS LLC	\$ 79,600	\$ 318,300	\$ 397,900	\$ -	\$ -	\$ 397,900	\$ 366.07	\$ 409.84	\$ 441.67
040 F009001	27	305	COMMERCIAL ST	BAXTER PLACE LLC	\$ 1,872,700	\$ 4,454,900	\$ 6,327,600	\$ -	\$ -	\$ 6,327,600	\$ 5,821.39	\$ 6,517.43	\$ 7,023.64
040 F011001	22	14	YORK ST	BROWN J B & SONS	\$ 256,400	\$ 2,007,600	\$ 2,264,000	\$ -	\$ -	\$ 2,264,000	\$ 2,082.88	\$ 2,331.92	\$ 2,513.04
041 A015001	24	260	COMMERCIAL ST	WATERFRONT MAINE BT LLC	\$ 587,700	\$ 607,100	\$ 1,194,800	\$ -	\$ -	\$ 1,194,800	\$ 1,099.22	\$ 1,230.64	\$ 1,326.23
045 A001001	27	660	CONGRESS ST	A K LONGFELLOW LLC	\$ 93,700	\$ 364,800	\$ 458,500	\$ -	\$ -	\$ 458,500	\$ 421.82	\$ 472.26	\$ 508.94
045 A002001	27	656	CONGRESS ST	RICE GEOFFREY I	\$ 120,300	\$ 722,700	\$ 843,000	\$ -	\$ -	\$ 843,000	\$ 775.56	\$ 868.29	\$ 935.73
045 A003001	27	638	CONGRESS ST	638 CONGRESS STREET	\$ 1,391,900	\$ 3,709,900	\$ 5,101,800	\$ -	\$ -	\$ 5,101,800	\$ 4,693.66	\$ 5,254.85	\$ 5,663.00
045 A034001	21	664	CONGRESS ST	RANS LLC	\$ 107,800	\$ 357,100	\$ 464,900	\$ -	\$ -	\$ 464,900	\$ 427.71	\$ 478.85	\$ 516.04
045 A035001	21	670	CONGRESS ST	LONGFELLOW SQUARE	\$ 108,000	\$ 508,700	\$ 611,700	\$ -	\$ -	\$ 611,700	\$ 562.76	\$ 630.05	\$ 678.99
046 C011001	27	675	CONGRESS ST	DOUKAS WILLIAM B	\$ 113,400	\$ 254,300	\$ 367,700	\$ -	\$ -	\$ 367,700	\$ 338.28	\$ 378.73	\$ 408.15
046 C012001	21	673	CONGRESS ST	DOUKAS ANDREW J	\$ 78,400	\$ 79,300	\$ 157,700	\$ 17,800	\$ -	\$ 139,900	\$ 128.71	\$ 144.10	\$ 155.29
046 C013001	21	671	CONGRESS ST	DOUKAS ANDREW J &	\$ 81,500	\$ 88,400	\$ 169,900	\$ -	\$ -	\$ 169,900	\$ 156.31	\$ 175.00	\$ 188.59
046 C019001	27	667	CONGRESS ST	REDFERN LONGFELLOW LLC	\$ 667,000	\$ 13,913,600	\$ 14,580,600	\$ -	\$ -	\$ 14,580,600	\$ 13,414.15	\$ 15,018.02	\$ 16,184.47
046 D017001	53	156	HIGH ST	WILLISTON-IMMANUEL UNITED CHURCH	\$ 262,700	\$ 1,989,500	\$ 2,252,200	\$ -	\$ 2,252,200	\$ -	\$ -	\$ -	\$ -
046 D018001	21	653	CONGRESS ST	RICE GEOFFREY TRUSTEE	\$ 88,900	\$ 146,700	\$ 235,600	\$ -	\$ -	\$ 235,600	\$ 216.75	\$ 242.67	\$ 261.52
046 D021001	27	655	CONGRESS ST	TRELAWNY 657 LLC	\$ 320,600	\$ 4,901,900	\$ 5,222,500	\$ -	\$ -	\$ 5,222,500	\$ 4,804.70	\$ 5,379.18	\$ 5,796.98
046 D022001	27	645	CONGRESS ST	BAYSIDE MAINE LLC	\$ 1,652,900	\$ 2,130,800	\$ 3,783,700	\$ -	\$ -	\$ 3,783,700	\$ 3,481.00	\$ 3,897.21	\$ 4,199.91
046 D026001	27	633	CONGRESS ST	BURNHAM ARMS LLC	\$ 343,100	\$ 1,875,000	\$ 2,218,100	\$ -	\$ -	\$ 2,218,100	\$ 2,040.65	\$ 2,284.64	\$ 2,462.09
046 D027001	40	629	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 160,400	\$ -	\$ 160,400	\$ -	\$ -	\$ 160,400	\$ 147.57	\$ 165.21	\$ 178.04
046 D028001	21	625	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 131,500	\$ 96,000	\$ 227,500	\$ -	\$ -	\$ 227,500	\$ 209.30	\$ 234.33	\$ 252.53
046 D029001	22	619	CONGRESS ST	BAXTER BUILDING LLC	\$ 434,800	\$ 2,067,800	\$ 2,502,600	\$ -	\$ -	\$ 2,502,600	\$ 2,302.39	\$ 2,577.68	\$ 2,777.89
046 D031001	22	142	HIGH ST	CROSTONE PORTLAND LLC	\$ 941,900	\$ 3,185,100	\$ 4,127,000	\$ -	\$ -	\$ 4,127,000	\$ 3,796.84	\$ 4,250.81	\$ 4,580.97
055 E037001	27	190	STATE ST	HUCKSTER'S ROW PROPERTIES LLC	\$ 129,600	\$ 547,200	\$ 676,800	\$ -	\$ -	\$ 676,800	\$ 622.66	\$ 697.10	\$ 751.25
055 E039001	27	188	STATE ST	LONGFELLOW SQUARE	\$ 108,500	\$ 1,057,200	\$ 1,165,700	\$ -	\$ -	\$ 1,165,700	\$ 1,072.44	\$ 1,200.67	\$ 1,293.93
SUBTOTAL (EXISTING DISTRICT):							\$ 1,015,463,940	\$ 637,240	\$ 174,554,780	\$ 840,271,920	\$ 773,050.17	\$ 865,480.08	\$ 932,701.83

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
700 Total Parcels													
657 Taxable													
43 Tax Exempt													
The parcels below are those in the proposed expanded district only.													
021 A012001	56	214	CUMBERLAND AVE	PORTLAND CITY OF	\$ 18,200	\$ -	\$ 18,200	\$ -	\$ 18,200	\$ -	\$ -	\$ -	\$ -
027 A016001	25	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 212,200	\$ 4,880	\$ 217,080	\$ -	\$ 217,080	\$ 217,080	\$ 199.71	\$ 223.59	\$ 240.96
027 B008001	56	0	ELM ST	CITY OF PORTLAND	\$ 621,400	\$ 4,371,600	\$ 4,993,000	\$ -	\$ 4,993,000	\$ -	\$ -	\$ -	\$ -
028 A001001	56	380	CONGRESS ST	CITY OF PORTLAND	\$ 1,616,700	\$ 750,300	\$ 2,367,000	\$ -	\$ 2,367,000	\$ -	\$ -	\$ -	\$ -
028 B001001	58	350	CONGRESS ST	CITY OF PORTLAND	\$ 130,900	\$ 157,550	\$ 288,450	\$ -	\$ 288,450	\$ -	\$ -	\$ -	\$ -
028 F001001	56	168	FEDERAL ST	UNITED STATES	\$ 1,538,900	\$ 8,444,700	\$ 9,983,600	\$ -	\$ 9,983,600	\$ -	\$ -	\$ -	\$ -
028 F001001	56	142	FEDERAL ST	CUMBERLAND COUNTY OF	\$ 1,870,100	\$ 19,638,590	\$ 21,508,690	\$ -	\$ 21,508,690	\$ -	\$ -	\$ -	\$ -
028 L002001	56	0	NEWBURY ST	CUMBERLAND COUNTY INHABITANTS	\$ 62,900	\$ -	\$ 62,900	\$ -	\$ 62,900	\$ -	\$ -	\$ -	\$ -
028 M001001	56	192	NEWBURY ST	CUMBERLAND COUNTY OF	\$ 942,500	\$ 3,425,100	\$ 4,367,600	\$ -	\$ 4,367,600	\$ -	\$ -	\$ -	\$ -
029 E019001	56	0	FRANKLIN ST	CITY OF PORTLAND	\$ 6,200	\$ -	\$ 6,200	\$ -	\$ 6,200	\$ -	\$ -	\$ -	\$ -
030 D001001	22	68	COMMERCIAL ST	MAINE WHARF LLC	\$ 1,198,800	\$ 2,842,300	\$ 4,041,100	\$ -	\$ 4,041,100	\$ 4,041,100	\$ 3,717.81	\$ 4,162.33	\$ 4,485.62
030 D003001	22	70	COMMERCIAL ST	FLATBREAD WHARF LLC	\$ 382,600	\$ 1,475,200	\$ 1,857,800	\$ -	\$ 1,857,800	\$ 1,857,800	\$ 1,709.18	\$ 1,913.53	\$ 2,062.16
030 H011001	25	9	PORTLAND PIER	CARROLL BLOCK LLC	\$ 25,000	\$ 1,880	\$ 26,880	\$ -	\$ 26,880	\$ 26,880	\$ 24.73	\$ 27.69	\$ 29.84
031 J030001	21	184	COMMERCIAL ST	GEF LLC	\$ 945,000	\$ 395,370	\$ 1,340,370	\$ -	\$ 1,340,370	\$ 1,340,370	\$ 1,233.14	\$ 1,380.58	\$ 1,487.81
032 L001001	56	234	FEDERAL ST W	CITY OF PORTLAND	\$ 3,400	\$ -	\$ 3,400	\$ -	\$ 3,400	\$ -	\$ -	\$ -	\$ -
032 P005001	56	0	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ 600	\$ -	\$ 600	\$ -	\$ 600	\$ -	\$ -	\$ -	\$ -
037 A009001	17	104	OAK ST	PARK STREET PROPERTY LLC	\$ 64,700	\$ 1,281,900	\$ 1,346,600	\$ -	\$ 1,346,600	\$ 1,346,600	\$ 1,238.87	\$ 1,387.00	\$ 1,494.73
037 A011001	22	92	OAK ST	NORTHEAST REALTY INC	\$ 148,500	\$ 218,500	\$ 367,000	\$ -	\$ 367,000	\$ 367,000	\$ 337.64	\$ 378.01	\$ 407.37
037 E006001	54	173	HIGH ST	MMC REALTY CORP	\$ 88,000	\$ 791,800	\$ 879,800	\$ -	\$ 879,800	\$ -	\$ -	\$ -	\$ -
037 E006002	54	173	HIGH ST	MMC REALTY CORP	\$ 58,700	\$ 528,100	\$ 586,800	\$ -	\$ 586,800	\$ -	\$ -	\$ -	\$ -
037 E006003	54	173	HIGH ST	MMC REALTY CORP	\$ 96,800	\$ 870,900	\$ 967,700	\$ -	\$ 967,700	\$ -	\$ -	\$ -	\$ -
037 E006004	20	173	HIGH ST	LUDWIG ROBERT C	\$ 99,500	\$ 893,100	\$ 992,600	\$ -	\$ 992,600	\$ 992,600	\$ 913.19	\$ 1,022.38	\$ 1,101.79
037 E006005	20	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 37,500	\$ 337,600	\$ 375,100	\$ -	\$ 375,100	\$ 375,100	\$ 345.09	\$ 386.35	\$ 416.36
037 E006006	53	173	HIGH ST	HOPE GATEWAY UNITED	\$ 38,500	\$ 346,500	\$ 385,000	\$ -	\$ 385,000	\$ -	\$ -	\$ -	\$ -
037 E006007	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 82,200	\$ 328,900	\$ 411,100	\$ -	\$ 411,100	\$ -	\$ -	\$ -	\$ -
037 E006008	20	173	HIGH ST	6 EAST OXFORD ST LLC	\$ 28,000	\$ 179,100	\$ 208,100	\$ -	\$ 208,100	\$ 208,100	\$ 191.45	\$ 214.34	\$ 230.99
037 E006010	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006011	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006012	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006013	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006014	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006015	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006016	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006017	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006018	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006019	10	173	HIGH ST	CML LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006020	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006021	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006022	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006023	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006024	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006025	10	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006026	10	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006027	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006028	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006029	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006030	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006031	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006032	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006033	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006034	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006035	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006036	10	173	HIGH ST	LUDWIG ROBERT C	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006037	10	173	HIGH ST	LUDWIG ROBERT C	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006038	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006039	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
037 E006040	54	173	HIGH ST	MAINE MEDICAL CENTER	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ 9,900	\$ -	\$ -	\$ -	\$ -
037 E006041	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ -	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
037 E006042	10	173	HIGH ST	LUDWIG ROBERT C &	\$ 900	\$ 9,000	\$ 9,900	\$ -	\$ -	\$ 9,900	\$ 9.11	\$ 10.20	\$ 10.99
038 E010001	20	17	SOUTH ST	LEVINE ROBERT A &	\$ 15,000	\$ 129,200	\$ 144,200	\$ -	\$ -	\$ 144,200	\$ 132.66	\$ 148.53	\$ 160.06
038 E010002	20	17	SOUTH ST	SOUTH STREET PARTNERS 2 LLC	\$ 15,000	\$ 129,200	\$ 144,200	\$ -	\$ -	\$ 144,200	\$ 132.66	\$ 148.53	\$ 160.06
038 E010003	20	17	SOUTH ST	PRESTIGE WORLD-WIDE	\$ 25,000	\$ 208,800	\$ 233,800	\$ -	\$ -	\$ 233,800	\$ 215.10	\$ 240.81	\$ 259.52
038 E024001	27	21	PLEASANT ST	ANADILYA PROPERTIES LLC	\$ 168,300	\$ 263,000	\$ 431,300	\$ -	\$ -	\$ 431,300	\$ 396.80	\$ 444.24	\$ 478.74
038 E025001	13	11	SOUTH ST	AMORY JONATHAN &	\$ 141,500	\$ 235,100	\$ 376,600	\$ 17,800	\$ -	\$ 358,800	\$ 330.10	\$ 369.56	\$ 398.27
038 E026001	12	9	SOUTH ST	HANSON ANJA-BRITT &	\$ 145,200	\$ 190,200	\$ 335,400	\$ 17,800	\$ -	\$ 317,600	\$ 292.19	\$ 327.13	\$ 352.54
038 E027001	27	5	SOUTH ST	FIVE SOUTH STREET LLC	\$ 147,500	\$ 141,900	\$ 289,400	\$ -	\$ -	\$ 289,400	\$ 266.25	\$ 298.08	\$ 321.23
038 E029001	27	19	SOUTH ST	19 SOUTH STREET DEVELOPMENT LLC	\$ 157,200	\$ 567,000	\$ 724,200	\$ -	\$ -	\$ 724,200	\$ 666.26	\$ 745.93	\$ 803.86
039 A006001	25	143	PARK ST	614 CONGRESS STREET LLC	\$ 72,300	\$ 6,560	\$ 78,860	\$ -	\$ -	\$ 78,860	\$ 72.55	\$ 81.23	\$ 87.53
039 A007001	25	612	CONGRESS ST	RICE GEOFFREY I	\$ 42,800	\$ 3,590	\$ 46,390	\$ -	\$ -	\$ 46,390	\$ 42.68	\$ 47.78	\$ 51.49
039 A011001	25	141	PARK ST	WAYNE ENTERPRISES LLC	\$ 128,100	\$ 10,940	\$ 139,040	\$ -	\$ -	\$ 139,040	\$ 127.92	\$ 143.21	\$ 154.33
039 A014001	10	139	PARK ST	LOSCHIAVO CHARLES G &	\$ 39,600	\$ 158,300	\$ 197,900	\$ -	\$ -	\$ 197,900	\$ 182.07	\$ 203.84	\$ 219.67
039 A014002	10	137	PARK ST	WOODALL DUDLEY H &	\$ 39,600	\$ 158,300	\$ 197,900	\$ 17,800	\$ -	\$ 180,100	\$ 165.69	\$ 185.50	\$ 199.91
039 A014003	10	135	PARK ST	FOSTER KAREN E	\$ 62,200	\$ 252,800	\$ 315,000	\$ -	\$ -	\$ 315,000	\$ 289.80	\$ 324.45	\$ 349.65
039 A014004	10	139	PARK ST	LAGUNEZ ANA REBECCA	\$ 56,900	\$ 227,700	\$ 284,600	\$ 17,800	\$ -	\$ 266,800	\$ 245.46	\$ 274.80	\$ 296.15
039 A014005	10	137	PARK ST	WRIGHT JOHN &	\$ 56,900	\$ 227,700	\$ 284,600	\$ -	\$ -	\$ 284,600	\$ 261.83	\$ 293.14	\$ 315.91
039 A014006	10	135	PARK ST	GORDON E KENT	\$ 56,900	\$ 227,700	\$ 284,600	\$ -	\$ -	\$ 284,600	\$ 261.83	\$ 293.14	\$ 315.91
039 A015001	12	23	SPRING ST PL	HEALEY MEREDITH &	\$ 128,200	\$ 149,000	\$ 277,200	\$ -	\$ -	\$ 277,200	\$ 255.02	\$ 285.52	\$ 307.69
039 A021001	16	129	PARK ST	EAST END REALTY LLC	\$ 161,500	\$ 517,900	\$ 679,400	\$ -	\$ -	\$ 679,400	\$ 625.05	\$ 699.78	\$ 754.13
039 A023001	25	125	PARK ST	CUMBERLAND CLUB	\$ 50,600	\$ 4,680	\$ 55,280	\$ -	\$ -	\$ 55,280	\$ 50.86	\$ 56.94	\$ 61.36
039 A025001	25	123	PARK ST	CUMBERLAND CLUB	\$ 58,000	\$ 5,050	\$ 63,050	\$ -	\$ -	\$ 63,050	\$ 58.01	\$ 64.94	\$ 69.99
039 A026001	11	1	SPRING ST PL	CUMBERLAND CLUB	\$ 134,400	\$ 78,000	\$ 212,400	\$ -	\$ -	\$ 212,400	\$ 195.41	\$ 218.77	\$ 235.76
039 A028001	4	135	SPRING ST	MARCUM HOSPITALITY LLC	\$ 113,600	\$ 479,400	\$ 593,000	\$ -	\$ -	\$ 593,000	\$ 545.56	\$ 610.79	\$ 658.23
039 A029001	27	133	SPRING ST	STADLER CECILE	\$ 106,500	\$ 260,200	\$ 366,700	\$ -	\$ -	\$ 366,700	\$ 337.36	\$ 377.70	\$ 407.04
039 A030001	27	131	SPRING ST	TREE SCHOOL LLC	\$ 106,900	\$ 198,300	\$ 305,200	\$ -	\$ -	\$ 305,200	\$ 280.78	\$ 314.36	\$ 338.77
039 A031001	27	129	SPRING ST	129 SPRING STREET LLC	\$ 104,100	\$ 248,400	\$ 352,500	\$ -	\$ -	\$ 352,500	\$ 324.30	\$ 363.08	\$ 391.28
039 A032001	25	127	SPRING ST	CUMBERLAND CLUB	\$ 149,200	\$ 17,920	\$ 167,120	\$ -	\$ -	\$ 167,120	\$ 153.75	\$ 172.13	\$ 185.50
039 A039001	11	25	SPRING ST PL	FREUND RICHARD J &	\$ 128,500	\$ 169,300	\$ 297,800	\$ 17,800	\$ -	\$ 280,000	\$ 257.60	\$ 288.40	\$ 310.80
039 D001001	11	130	SPRING ST	SCHINDLER SARAH B	\$ 137,000	\$ 131,700	\$ 268,700	\$ 17,800	\$ -	\$ 250,900	\$ 230.83	\$ 258.43	\$ 278.50
039 D002001	15	126	SPRING ST	QUIRK JOHN D	\$ 109,300	\$ 200,300	\$ 309,600	\$ -	\$ -	\$ 309,600	\$ 284.83	\$ 318.89	\$ 343.66
039 D003001	54	124	SPRING ST	SHALOM HOUSE	\$ 134,600	\$ 164,100	\$ 298,700	\$ -	\$ 298,700	\$ -	\$ -	\$ -	\$ -
039 D004001	12	122	SPRING ST	122 SPRING STREET LLC	\$ 134,800	\$ 152,600	\$ 287,400	\$ -	\$ -	\$ 287,400	\$ 264.41	\$ 296.02	\$ 319.01
039 D005001	56	98	HIGH ST	CITY OF PORTLAND	\$ 302,300	\$ 13,130	\$ 315,430	\$ -	\$ 315,430	\$ -	\$ -	\$ -	\$ -
039 D008001	53	141	PLEASANT ST	HELLENIC ORTHODOX COMMUNITY OF	\$ 372,500	\$ 642,700	\$ 1,015,200	\$ -	\$ 1,015,200	\$ -	\$ -	\$ -	\$ -
039 D009001	53	133	PLEASANT ST	HELLENIC ORTHODOX COMMUNITY OF	\$ 437,700	\$ 307,400	\$ 745,100	\$ -	\$ 745,100	\$ -	\$ -	\$ -	\$ -
039 D010001	12	127	PLEASANT ST	HAMMEN MICHAEL C &	\$ 158,600	\$ 326,500	\$ 485,100	\$ -	\$ -	\$ 485,100	\$ 446.29	\$ 499.65	\$ 538.46
039 D013001	27	132	SPRING ST	THE SKINNY LLC	\$ 133,200	\$ 271,000	\$ 404,200	\$ -	\$ -	\$ 404,200	\$ 371.86	\$ 416.33	\$ 448.66
039 D014001	15	90	HIGH ST	NINETY HIGH LP	\$ 150,100	\$ 505,700	\$ 655,800	\$ -	\$ -	\$ 655,800	\$ 603.34	\$ 675.47	\$ 727.94
039 D016001	13	120	SPRING ST	ANTICH JANET	\$ 134,400	\$ 174,200	\$ 308,600	\$ 17,800	\$ -	\$ 290,800	\$ 267.54	\$ 299.52	\$ 322.79
039 F001001	25	40	SPRING ST ARTERIAL	LAFAYETTE PORTLAND LLC	\$ 1,856,400	\$ 792,300	\$ 2,648,700	\$ -	\$ -	\$ 2,648,700	\$ 2,435.80	\$ 2,728.16	\$ 2,940.06
039 F013001	32	59	PLEASANT ST	BAKERY LIMITED LIABILITY CO	\$ 285,600	\$ 667,000	\$ 952,600	\$ -	\$ -	\$ 952,600	\$ 876.39	\$ 981.18	\$ 1,057.39
039 F017001	12	22	SOUTH ST	LOMBARDI BRIAN D	\$ 144,600	\$ 135,000	\$ 279,600	\$ 17,800	\$ -	\$ 261,800	\$ 240.86	\$ 269.65	\$ 290.60
039 F018001	12	20	SOUTH ST	SCHMIDT REMINGTON O	\$ 144,000	\$ 120,700	\$ 264,700	\$ -	\$ -	\$ 264,700	\$ 243.52	\$ 272.64	\$ 293.82
039 F019001	12	16	SOUTH ST	LEWIS CLARENCE MICHAEL &	\$ 125,000	\$ 108,900	\$ 233,900	\$ 17,800	\$ -	\$ 216,100	\$ 198.81	\$ 222.58	\$ 239.87
039 F020001	12	14	SOUTH ST	MCLAUGHLIN KATHERINE A TRUSTEE	\$ 135,400	\$ 136,300	\$ 271,700	\$ 17,800	\$ -	\$ 253,900	\$ 233.59	\$ 261.52	\$ 281.83
039 F021001	25	10	SOUTH ST	BROWN J B & SONS	\$ 9,600	\$ -	\$ 9,600	\$ -	\$ -	\$ 9,600	\$ 8.83	\$ 9.89	\$ 10.66
039 F022001	10	37	PLEASANT ST	SERAICHICK SUSAN &	\$ 36,000	\$ 143,800	\$ 179,800	\$ -	\$ -	\$ 179,800	\$ 165.42	\$ 185.19	\$ 199.58
039 F022002	10	37	PLEASANT ST	WEATHERFORD CLAUDINE &	\$ 34,600	\$ 138,300	\$ 172,900	\$ -	\$ -	\$ 172,900	\$ 159.07	\$ 178.09	\$ 191.92
039 F022003	10	37	PLEASANT ST	WATSON MICHAEL P &	\$ 36,000	\$ 143,800	\$ 179,800	\$ -	\$ -	\$ 179,800	\$ 165.42	\$ 185.19	\$ 199.58
039 F022004	10	37	PLEASANT ST	FOLEY RONALD G VN VET	\$ 35,700	\$ 142,600	\$ 178,300	\$ 23,140	\$ -	\$ 155,160	\$ 142.75	\$ 159.81	\$ 172.23
039 F022005	10	37	PLEASANT ST	COMEAU PETER W &	\$ 38,800	\$ 155,200	\$ 194,000	\$ -	\$ -	\$ 194,000	\$ 178.48	\$ 199.82	\$ 215.34
039 F022006	10	37	PLEASANT ST	HAAS JOHN E &	\$ 37,400	\$ 149,700	\$ 187,100	\$ -	\$ -	\$ 187,100	\$ 172.13	\$ 192.71	\$ 207.68
039 F023001	20	35	PLEASANT ST	35 PLEASANT ST LLC	\$ 33,600	\$ 134,200	\$ 167,800	\$ -	\$ -	\$ 167,800	\$ 154.38	\$ 172.83	\$ 186.26
039 F023002	10	35	PLEASANT ST	REITER LAUREN J &	\$ 60,500	\$ 242,000	\$ 302,500	\$ -	\$ -	\$ 302,500	\$ 278.30	\$ 311.58	\$ 335.78
039 F025001	58	24	SOUTH ST	CITY OF PORTLAND	\$ 185,600	\$ 24,910	\$ 210,510	\$ -	\$ 210,510	\$ -	\$ -	\$ -	\$ -
039 F026001	40	22	SOUTH ST	LOMBARDI DEBRA &	\$ 27,000	\$ -	\$ 27,000	\$ -	\$ -	\$ 27,000	\$ 24.84	\$ 27.81	\$ 29.97
040 A001001	54	71	HIGH ST	GOODWILL DEVELOPMENT	\$ 320,100	\$ 457,900	\$ 778,000	\$ -	\$ 778,000	\$ -	\$ -	\$ -	\$ -
040 A002001	14	98	PLEASANT ST	COSTIN MICHAEL N &	\$ 151,700	\$ 239,400	\$ 391,100	\$ -	\$ -	\$ 391,100	\$ 359.81	\$ 402.83	\$ 434.12
040 A003001	12	92	PLEASANT ST	CROTEAU COLLEEN O &	\$ 144,000	\$ 173,800	\$ 317,800	\$ -	\$ -	\$ 317,800	\$ 292.38	\$ 327.33	\$ 352.76

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
040 A004001	15	88	PLEASANT ST	C M SCRIBNER & CO LIMITED	\$ 177,100	\$ 417,300	\$ 594,400	\$ -	\$ -	\$ 594,400	\$ 546.85	\$ 612.23	\$ 659.78
040 A005001	25	76	PLEASANT ST	LAFAYETTE PORTLAND LLC	\$ 186,000	\$ 33,690	\$ 219,690	\$ -	\$ -	\$ 219,690	\$ 202.11	\$ 226.28	\$ 243.86
040 A008001	25	74	PLEASANT ST	BROWN J B & SONS	\$ 42,700	\$ -	\$ 42,700	\$ -	\$ -	\$ 42,700	\$ 39.28	\$ 43.98	\$ 47.40
040 A009001	14	68	PLEASANT ST	SCHWARTZ DONNA L	\$ 134,300	\$ 252,600	\$ 386,900	\$ -	\$ -	\$ 386,900	\$ 355.95	\$ 398.51	\$ 429.46
040 A010001	54	54	MAPLE ST	INGRAHAM	\$ 170,000	\$ 224,300	\$ 394,300	\$ -	\$ 394,300	\$ -	\$ -	\$ -	\$ -
040 A011001	11	67	HIGH ST	FISHER ALEXANDER DYLAN	\$ 153,800	\$ 209,900	\$ 363,700	\$ -	\$ -	\$ 363,700	\$ 334.60	\$ 374.61	\$ 403.71
040 A013001	17	53	DANFORTH ST	53 DANFORTH STREET LP	\$ 447,100	\$ 2,264,800	\$ 2,711,900	\$ -	\$ -	\$ 2,711,900	\$ 2,494.95	\$ 2,793.26	\$ 3,010.21
040 A014001	11	52	MAPLE ST	ADLER BRENT	\$ 128,300	\$ 98,800	\$ 227,100	\$ -	\$ -	\$ 227,100	\$ 208.93	\$ 233.91	\$ 252.08
040 A015001	15	65	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 152,700	\$ 352,800	\$ 505,500	\$ -	\$ -	\$ 505,500	\$ 465.06	\$ 520.67	\$ 561.11
040 A016001	17	81	DANFORTH ST	DANFORTH ON HIGH LP	\$ 253,200	\$ 1,760,000	\$ 2,013,200	\$ -	\$ -	\$ 2,013,200	\$ 1,852.14	\$ 2,073.60	\$ 2,234.65
040 A017001	15	77	DANFORTH ST	EAST DANFORTH LLC	\$ 149,300	\$ 304,800	\$ 454,100	\$ -	\$ -	\$ 454,100	\$ 417.77	\$ 467.72	\$ 504.05
040 A018001	15	75	DANFORTH ST	EAST DANFORTH LLC	\$ 147,200	\$ 174,900	\$ 322,100	\$ -	\$ -	\$ 322,100	\$ 296.33	\$ 331.76	\$ 357.53
040 A019001	15	71	DANFORTH ST	EAST DANFORTH LLC	\$ 170,700	\$ 257,100	\$ 427,800	\$ -	\$ -	\$ 427,800	\$ 393.58	\$ 440.63	\$ 474.86
040 A022001	15	67	DANFORTH ST	EAST DANFORTH LLC	\$ 165,900	\$ 145,400	\$ 311,300	\$ -	\$ -	\$ 311,300	\$ 286.40	\$ 320.64	\$ 345.54
040 A024001	15	63	DANFORTH ST	EAST DANFORTH LLC	\$ 156,100	\$ 133,400	\$ 289,500	\$ -	\$ -	\$ 289,500	\$ 266.34	\$ 298.19	\$ 321.35
040 A027001	11	50	MAPLE ST	ST PIERRE TRACY M &	\$ 133,100	\$ 112,800	\$ 245,900	\$ 17,800	\$ -	\$ 228,100	\$ 209.85	\$ 234.94	\$ 253.19
040 A028001	40	46	MAPLE ST	BROWN J B & SONS	\$ 23,500	\$ -	\$ 23,500	\$ -	\$ -	\$ 23,500	\$ 21.62	\$ 24.21	\$ 26.09
040 A030001	16	69	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 109,300	\$ 357,800	\$ 467,100	\$ -	\$ -	\$ 467,100	\$ 429.73	\$ 481.11	\$ 518.48
040 B001001	25	55	MAPLE ST	BAKERY LIMITED LIABILITY CO	\$ 61,500	\$ 6,250	\$ 67,750	\$ -	\$ -	\$ 67,750	\$ 62.33	\$ 69.78	\$ 75.20
040 B002001	25	58	PLEASANT ST	BROWN J B & SONS	\$ 38,900	\$ 6,250	\$ 45,150	\$ -	\$ -	\$ 45,150	\$ 41.54	\$ 46.50	\$ 50.12
040 B003001	13	54	PLEASANT ST	JR SAPPERSTEIN HOLDINGS LLC	\$ 132,900	\$ 215,500	\$ 348,400	\$ -	\$ -	\$ 348,400	\$ 320.53	\$ 358.85	\$ 386.72
040 B004001	27	44	PLEASANT ST	44 PLEASANT STREET LLC	\$ 131,500	\$ 688,900	\$ 820,400	\$ -	\$ -	\$ 820,400	\$ 754.77	\$ 845.01	\$ 910.64
040 B006001	11	40	PLEASANT ST	RUSO J RICHARD &	\$ 185,100	\$ 308,200	\$ 493,300	\$ -	\$ -	\$ 493,300	\$ 453.84	\$ 508.10	\$ 547.56
040 B007001	27	23	DANFORTH ST	SCHWARTZ DONNA L	\$ 141,000	\$ 197,500	\$ 338,500	\$ -	\$ -	\$ 338,500	\$ 311.42	\$ 348.66	\$ 375.74
040 B008001	22	32	PLEASANT ST	32 PLEASANT STREET LLC	\$ 61,200	\$ 186,200	\$ 247,400	\$ -	\$ -	\$ 247,400	\$ 227.61	\$ 254.82	\$ 274.61
040 B009001	20	30	PLEASANT ST	30 PLEASANT STREET LLC	\$ 28,400	\$ 113,600	\$ 142,000	\$ -	\$ -	\$ 142,000	\$ 130.64	\$ 146.26	\$ 157.62
040 B009002	10	30	PLEASANT ST	HANSON JUNE ANDREA	\$ 27,900	\$ 111,700	\$ 139,600	\$ -	\$ -	\$ 139,600	\$ 128.43	\$ 143.79	\$ 154.96
040 B009003	10	30	PLEASANT ST	HOULE RONALD J &	\$ 28,500	\$ 114,000	\$ 142,500	\$ -	\$ -	\$ 142,500	\$ 131.10	\$ 146.78	\$ 158.18
040 B010001	12	20	PLEASANT ST	18 PLEASANT STREET ASSOCIATES	\$ 138,100	\$ 73,600	\$ 211,700	\$ -	\$ -	\$ 211,700	\$ 194.76	\$ 218.05	\$ 234.99
040 B012001	22	18	PLEASANT ST	18 PLEASANT ST ASSOC	\$ 98,100	\$ 92,300	\$ 190,400	\$ -	\$ -	\$ 190,400	\$ 175.17	\$ 196.11	\$ 211.34
040 B018001	40	51	MAPLE ST	BROUCEK MARGARET A &	\$ 8,100	\$ -	\$ 8,100	\$ -	\$ -	\$ 8,100	\$ 7.45	\$ 8.34	\$ 8.99
040 B020001	21	35	DANFORTH ST	TOBEY LINDA W	\$ 175,200	\$ 195,800	\$ 371,000	\$ -	\$ -	\$ 371,000	\$ 341.32	\$ 382.13	\$ 411.81
040 B021001	13	33	DANFORTH ST	FOX STEPHEN H	\$ 108,200	\$ 100,300	\$ 208,500	\$ -	\$ -	\$ 208,500	\$ 191.82	\$ 214.76	\$ 231.44
040 B022001	40	29	DANFORTH ST	SCHAIK-CARDONA ERICA &	\$ 119,900	\$ -	\$ 119,900	\$ -	\$ -	\$ 119,900	\$ 110.31	\$ 123.50	\$ 133.09
040 B023001	25	13	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 96,700	\$ 6,250	\$ 102,950	\$ -	\$ -	\$ 102,950	\$ 94.71	\$ 106.04	\$ 114.27
040 B032001	21	45	DANFORTH ST	CIGRI & DENG PROPERTIES LLC	\$ 131,400	\$ 174,300	\$ 305,700	\$ -	\$ -	\$ 305,700	\$ 281.24	\$ 314.87	\$ 339.33
040 B033001	10	56	PLEASANT ST	SPRAGUE ERIC T	\$ 33,600	\$ 134,200	\$ 167,800	\$ -	\$ -	\$ 167,800	\$ 154.38	\$ 172.83	\$ 186.26
040 B033002	10	56	PLEASANT ST	BARTHELMAN TIMOTHY S	\$ 34,300	\$ 137,200	\$ 171,500	\$ 17,800	\$ -	\$ 153,700	\$ 141.40	\$ 158.31	\$ 170.61
040 B033003	10	56	PLEASANT ST	RUNNING SALLY	\$ 35,100	\$ 140,400	\$ 175,500	\$ 17,800	\$ -	\$ 157,700	\$ 145.08	\$ 162.43	\$ 175.05
040 C001001	16	51	HIGH ST	GILLIS PETER J	\$ 177,000	\$ 574,100	\$ 751,100	\$ -	\$ -	\$ 751,100	\$ 691.01	\$ 773.63	\$ 833.72
040 C002001	15	78	DANFORTH ST	WEST COMPANY	\$ 183,300	\$ 229,500	\$ 412,800	\$ -	\$ -	\$ 412,800	\$ 379.78	\$ 425.18	\$ 458.21
040 C005001	20	101	YORK ST	101 YORK STREET LLC	\$ 382,100	\$ 760,400	\$ 1,142,500	\$ -	\$ -	\$ 1,142,500	\$ 1,051.10	\$ 1,176.78	\$ 1,268.18
040 C005201	10	25	HIGH ST	101 YORK STREET LLC	\$ 66,000	\$ 263,900	\$ 329,900	\$ -	\$ -	\$ 329,900	\$ 303.51	\$ 339.80	\$ 366.19
040 C005202	10	25	HIGH ST	101 YORK STREET LLC	\$ 46,800	\$ 187,000	\$ 233,800	\$ -	\$ -	\$ 233,800	\$ 215.10	\$ 240.81	\$ 259.52
040 C005203	10	25	HIGH ST	101 YORK STREET LLC	\$ 58,400	\$ 233,500	\$ 291,900	\$ -	\$ -	\$ 291,900	\$ 268.55	\$ 300.66	\$ 324.01
040 C005204	10	25	HIGH ST	PARK KYUNG SAM	\$ 46,500	\$ 185,900	\$ 232,400	\$ -	\$ -	\$ 232,400	\$ 213.81	\$ 239.37	\$ 257.96
040 C005206	10	25	HIGH ST	101 YORK STREET LLC	\$ 47,500	\$ 189,900	\$ 237,400	\$ -	\$ -	\$ 237,400	\$ 218.41	\$ 244.52	\$ 263.51
040 C005207	10	25	HIGH ST	GORDON CLAYTON S &	\$ 40,900	\$ 163,600	\$ 204,500	\$ -	\$ -	\$ 204,500	\$ 188.14	\$ 210.64	\$ 227.00
040 C005208	10	25	HIGH ST	101 YORK STREET LLC	\$ 58,500	\$ 233,800	\$ 292,300	\$ -	\$ -	\$ 292,300	\$ 268.92	\$ 301.07	\$ 324.45
040 C005209	10	25	HIGH ST	GATOS PAMELA &	\$ 53,900	\$ 215,500	\$ 269,400	\$ -	\$ -	\$ 269,400	\$ 247.85	\$ 277.48	\$ 299.03
040 C005210	10	25	HIGH ST	101 YORK STREET LLC	\$ 59,200	\$ 235,800	\$ 295,000	\$ -	\$ -	\$ 295,000	\$ 272.32	\$ 304.88	\$ 328.56
040 C005211	10	25	HIGH ST	101 YORK STREET LLC	\$ 53,400	\$ 216,600	\$ 270,000	\$ -	\$ -	\$ 270,000	\$ 248.40	\$ 278.10	\$ 299.70
040 C005212	10	25	HIGH ST	101 YORK STREET LLC	\$ 59,200	\$ 236,600	\$ 295,800	\$ -	\$ -	\$ 295,800	\$ 272.14	\$ 304.67	\$ 328.34
040 C005213	10	25	HIGH ST	PRICE JASON LLOYD &	\$ 53,500	\$ 216,600	\$ 270,100	\$ -	\$ -	\$ 270,100	\$ 248.49	\$ 278.20	\$ 299.81
040 C005214	10	25	HIGH ST	101 YORK STREET LLC	\$ 59,200	\$ 236,600	\$ 295,800	\$ -	\$ -	\$ 295,800	\$ 272.14	\$ 304.67	\$ 328.34
040 C005215	10	25	HIGH ST	101 YORK STREET LLC	\$ 70,300	\$ 281,200	\$ 351,500	\$ -	\$ -	\$ 351,500	\$ 323.38	\$ 362.05	\$ 390.17
040 C005216	10	25	HIGH ST	101 YORK STREET LLC	\$ 59,700	\$ 238,700	\$ 298,400	\$ -	\$ -	\$ 298,400	\$ 274.53	\$ 307.35	\$ 331.22
040 C005301	10	25	HIGH ST	LYONS THOMAS W &	\$ 70,500	\$ 282,000	\$ 352,500	\$ -	\$ -	\$ 352,500	\$ 324.30	\$ 363.08	\$ 391.28
040 C005302	10	25	HIGH ST	101 YORK STREET LLC	\$ 48,900	\$ 195,500	\$ 244,400	\$ -	\$ -	\$ 244,400	\$ 224.85	\$ 251.73	\$ 271.28
040 C005303	10	25	HIGH ST	SMITH TEALE &	\$ 61,300	\$ 245,100	\$ 306,400	\$ 17,800	\$ -	\$ 288,600	\$ 265.51	\$ 297.26	\$ 320.35
040 C005304	10	25	HIGH ST	WALLACE ROBERT C &	\$ 49,500	\$ 198,100	\$ 247,600	\$ -	\$ -	\$ 247,600	\$ 227.79	\$ 255.03	\$ 274.84

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PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
040 C005305	10	25	HIGH ST	101 YORK STREET LLC	\$ 62,100	\$ 248,500	\$ 310,600	\$ -	\$ -	\$ 310,600	\$ 285.75	\$ 319.92	\$ 344.77
040 C005306	10	25	HIGH ST	HAMILTON GLENN	\$ 49,600	\$ 198,300	\$ 247,900	\$ -	\$ -	\$ 247,900	\$ 228.07	\$ 255.34	\$ 275.17
040 C005307	10	25	HIGH ST	GRIFFIN ALEXANDER &	\$ 42,200	\$ 168,800	\$ 211,000	\$ -	\$ -	\$ 211,000	\$ 194.12	\$ 217.33	\$ 234.21
040 C005308	10	25	HIGH ST	MARTINEZ DANIEL M &	\$ 61,300	\$ 245,100	\$ 306,400	\$ -	\$ -	\$ 306,400	\$ 281.89	\$ 315.59	\$ 340.10
040 C005309	10	25	HIGH ST	ALDER SUSAN	\$ 56,300	\$ 225,300	\$ 281,600	\$ -	\$ -	\$ 281,600	\$ 259.07	\$ 290.05	\$ 312.58
040 C005310	10	25	HIGH ST	101 YORK STREET LLC	\$ 62,800	\$ 251,100	\$ 313,900	\$ -	\$ -	\$ 313,900	\$ 288.79	\$ 323.32	\$ 348.43
040 C005311	10	25	HIGH ST	LAMPNER GLENNA H &	\$ 57,000	\$ 228,100	\$ 285,100	\$ -	\$ -	\$ 285,100	\$ 262.29	\$ 293.65	\$ 316.46
040 C005312	10	25	HIGH ST	101 YORK STREET LLC	\$ 62,700	\$ 250,900	\$ 313,600	\$ -	\$ -	\$ 313,600	\$ 288.51	\$ 323.01	\$ 348.10
040 C005313	10	25	HIGH ST	101 YORK STREET LLC	\$ 57,000	\$ 228,100	\$ 285,100	\$ -	\$ -	\$ 285,100	\$ 262.29	\$ 293.65	\$ 316.46
040 C005314	10	25	HIGH ST	101 YORK STREET LLC	\$ 62,700	\$ 250,900	\$ 313,600	\$ -	\$ -	\$ 313,600	\$ 288.51	\$ 323.01	\$ 348.10
040 C005315	10	25	HIGH ST	101 YORK STREET LLC	\$ 75,000	\$ 299,800	\$ 374,800	\$ -	\$ -	\$ 374,800	\$ 344.82	\$ 386.04	\$ 416.03
040 C005316	10	25	HIGH ST	101 YORK STREET LLC	\$ 63,600	\$ 254,400	\$ 318,000	\$ -	\$ -	\$ 318,000	\$ 292.56	\$ 327.54	\$ 352.98
040 C005401	10	25	HIGH ST	KEELING MATTHEW R &	\$ 73,800	\$ 291,100	\$ 364,900	\$ 17,800	\$ -	\$ 347,100	\$ 319.33	\$ 357.51	\$ 385.28
040 C005402	10	25	HIGH ST	101 YORK STREET LLC	\$ 51,000	\$ 203,900	\$ 254,900	\$ -	\$ -	\$ 254,900	\$ 234.51	\$ 262.55	\$ 282.94
040 C005403	10	25	HIGH ST	WOON ASHLEY HARDI	\$ 65,800	\$ 262,600	\$ 328,400	\$ -	\$ -	\$ 328,400	\$ 302.13	\$ 338.25	\$ 364.52
040 C005404	10	25	HIGH ST	AVILES PEDRO M FERNANDEZ &	\$ 52,400	\$ 210,300	\$ 262,700	\$ -	\$ -	\$ 262,700	\$ 241.68	\$ 270.58	\$ 291.60
040 C005405	10	25	HIGH ST	101 YORK STREET LLC	\$ 63,800	\$ 257,300	\$ 321,100	\$ -	\$ -	\$ 321,100	\$ 295.41	\$ 330.73	\$ 356.42
040 C005406	10	25	HIGH ST	OVESON JANELLE L	\$ 52,800	\$ 209,900	\$ 262,700	\$ -	\$ -	\$ 262,700	\$ 241.68	\$ 270.58	\$ 291.60
040 C005407	10	25	HIGH ST	SHELLEY W KIRBY &	\$ 44,800	\$ 181,400	\$ 226,200	\$ -	\$ -	\$ 226,200	\$ 208.10	\$ 232.98	\$ 251.08
040 C005408	10	25	HIGH ST	101 YORK STREET LLC	\$ 63,400	\$ 257,700	\$ 321,100	\$ -	\$ -	\$ 321,100	\$ 295.41	\$ 330.73	\$ 356.42
040 C005409	10	25	HIGH ST	PIASIO GEOFF B	\$ 59,000	\$ 236,600	\$ 295,600	\$ -	\$ -	\$ 295,600	\$ 271.95	\$ 304.47	\$ 328.12
040 C005410	10	25	HIGH ST	101 YORK STREET LLC	\$ 65,900	\$ 262,500	\$ 328,400	\$ -	\$ -	\$ 328,400	\$ 302.13	\$ 338.25	\$ 364.52
040 C005411	10	25	HIGH ST	SCHAFER MORGAN &	\$ 59,000	\$ 236,600	\$ 295,600	\$ -	\$ -	\$ 295,600	\$ 271.95	\$ 304.47	\$ 328.12
040 C005412	10	25	HIGH ST	101 YORK STREET LLC	\$ 66,100	\$ 262,300	\$ 328,400	\$ -	\$ -	\$ 328,400	\$ 302.13	\$ 338.25	\$ 364.52
040 C005413	10	25	HIGH ST	101 YORK STREET LLC	\$ 59,000	\$ 236,600	\$ 295,600	\$ -	\$ -	\$ 295,600	\$ 271.95	\$ 304.47	\$ 328.12
040 C005414	10	25	HIGH ST	101 YORK STREET LLC	\$ 66,100	\$ 262,300	\$ 328,400	\$ -	\$ -	\$ 328,400	\$ 302.13	\$ 338.25	\$ 364.52
040 C005415	10	25	HIGH ST	101 YORK STREET LLC	\$ 76,800	\$ 310,000	\$ 386,800	\$ -	\$ -	\$ 386,800	\$ 355.86	\$ 398.40	\$ 429.35
040 C005416	10	25	HIGH ST	101 YORK STREET LLC	\$ 66,200	\$ 265,900	\$ 332,100	\$ -	\$ -	\$ 332,100	\$ 305.53	\$ 342.06	\$ 368.63
040 C005501	10	25	HIGH ST	CHANG BENNY &	\$ 54,500	\$ 346,900	\$ 401,400	\$ -	\$ -	\$ 401,400	\$ 369.29	\$ 413.44	\$ 445.55
040 C005502	10	25	HIGH ST	101 YORK STREET LLC	\$ 55,600	\$ 221,700	\$ 277,300	\$ -	\$ -	\$ 277,300	\$ 255.12	\$ 285.62	\$ 307.80
040 C005503	10	25	HIGH ST	101 YORK STREET LLC	\$ 71,200	\$ 282,900	\$ 354,100	\$ -	\$ -	\$ 354,100	\$ 325.77	\$ 364.72	\$ 393.05
040 C005504	10	25	HIGH ST	FREEDMAN PAUL R TRUSTEE	\$ 57,800	\$ 227,300	\$ 284,600	\$ -	\$ -	\$ 284,600	\$ 261.83	\$ 293.14	\$ 315.91
040 C005505	10	25	HIGH ST	101 YORK STREET LLC	\$ 69,500	\$ 280,800	\$ 350,300	\$ -	\$ -	\$ 350,300	\$ 322.28	\$ 360.81	\$ 388.83
040 C005506	10	25	HIGH ST	101 YORK STREET LLC	\$ 63,100	\$ 214,200	\$ 277,300	\$ -	\$ -	\$ 277,300	\$ 255.12	\$ 285.62	\$ 307.80
040 C005507	10	25	HIGH ST	101 YORK STREET LLC	\$ 49,500	\$ 198,000	\$ 247,500	\$ -	\$ -	\$ 247,500	\$ 227.70	\$ 254.93	\$ 274.73
040 C005508	10	25	HIGH ST	101 YORK STREET LLC	\$ 70,000	\$ 280,300	\$ 350,300	\$ -	\$ -	\$ 350,300	\$ 322.28	\$ 360.81	\$ 388.83
040 C005509	10	25	HIGH ST	GALLUZZO DONNA &	\$ 63,100	\$ 250,700	\$ 313,800	\$ -	\$ -	\$ 313,800	\$ 288.70	\$ 323.21	\$ 348.32
040 C005510	10	25	HIGH ST	LARLEE BRENT A &	\$ 70,700	\$ 279,600	\$ 350,300	\$ -	\$ -	\$ 350,300	\$ 322.28	\$ 360.81	\$ 388.83
040 C005511	10	25	HIGH ST	OSTERGAARD LLC	\$ 62,900	\$ 250,900	\$ 313,800	\$ -	\$ -	\$ 313,800	\$ 288.70	\$ 323.21	\$ 348.32
040 C005512	10	25	HIGH ST	101 YORK STREET LLC	\$ 69,500	\$ 280,800	\$ 350,300	\$ -	\$ -	\$ 350,300	\$ 322.28	\$ 360.81	\$ 388.83
040 C005513	10	25	HIGH ST	101 YORK STREET LLC	\$ 62,900	\$ 250,900	\$ 313,800	\$ -	\$ -	\$ 313,800	\$ 288.70	\$ 323.21	\$ 348.32
040 C005514	10	25	HIGH ST	101 YORK STREET LLC	\$ 69,500	\$ 280,800	\$ 350,300	\$ -	\$ -	\$ 350,300	\$ 322.28	\$ 360.81	\$ 388.83
040 C005515	10	25	HIGH ST	101 YORK STREET LLC	\$ 84,500	\$ 338,800	\$ 423,300	\$ -	\$ -	\$ 423,300	\$ 389.44	\$ 436.00	\$ 469.86
040 C005516	10	25	HIGH ST	101 YORK STREET LLC	\$ 71,100	\$ 283,000	\$ 354,100	\$ -	\$ -	\$ 354,100	\$ 325.77	\$ 364.72	\$ 393.05
040 C009001	31	50	DANFORTH ST	BROWN J B & SONS	\$ 668,200	\$ 240,000	\$ 908,200	\$ -	\$ -	\$ 908,200	\$ 835.54	\$ 935.45	\$ 1,008.10
040 C014001	14	41	HIGH ST	SACRE LINDA &	\$ 150,300	\$ 182,300	\$ 332,600	\$ -	\$ -	\$ 332,600	\$ 305.99	\$ 342.58	\$ 369.19
040 C015001	10	37	HIGH ST	CORRALES ANNAMARIE &	\$ 27,100	\$ 108,400	\$ 135,500	\$ -	\$ -	\$ 135,500	\$ 124.66	\$ 139.57	\$ 150.41
040 C015002	10	37	HIGH ST	SOLSTICE INVESTMENTS LLC	\$ 21,700	\$ 86,700	\$ 108,400	\$ -	\$ -	\$ 108,400	\$ 99.73	\$ 111.65	\$ 120.32
040 C015003	10	37	HIGH ST	BAILLARGEON CHARLES C	\$ 52,900	\$ 211,400	\$ 264,300	\$ -	\$ -	\$ 264,300	\$ 243.16	\$ 272.23	\$ 293.37
040 C015004	10	37	HIGH ST	THIS THYME AROUND LLC	\$ 25,000	\$ 100,100	\$ 125,100	\$ -	\$ -	\$ 125,100	\$ 115.09	\$ 128.85	\$ 138.86
040 C016001	12	31	HIGH ST	BERNOTAVICZ JARAD	\$ 152,000	\$ 125,600	\$ 277,600	\$ -	\$ -	\$ 277,600	\$ 255.39	\$ 285.93	\$ 308.14
040 C021001	6	27	HIGH ST	BROWN J B & SONS	\$ 585,500	\$ 2,832,800	\$ 3,418,300	\$ -	\$ -	\$ 3,418,300	\$ 3,144.84	\$ 3,520.85	\$ 3,794.31
040 C026001	24	75	YORK ST	75 YORK STREET LLC	\$ 165,600	\$ 503,400	\$ 669,000	\$ -	\$ -	\$ 669,000	\$ 615.48	\$ 689.07	\$ 742.59
040 C030001	21	53	YORK ST	CASTINE 53 LLC	\$ 119,000	\$ 807,800	\$ 926,800	\$ -	\$ -	\$ 926,800	\$ 852.66	\$ 954.60	\$ 1,028.75
041 A016001	22	252	COMMERCIAL ST	WATERFRONT MAINE	\$ 129,300	\$ 15,058,000	\$ 15,187,300	\$ -	\$ -	\$ 15,187,300	\$ 13,972.32	\$ 15,642.92	\$ 16,857.90
042 A001001	21	383	COMMERCIAL ST	DEERING PROPERTY	\$ 1,629,100	\$ 707,760	\$ 2,336,860	\$ -	\$ -	\$ 2,336,860	\$ 2,149.91	\$ 2,406.97	\$ 2,593.91
042 A007001	22	54	YORK ST	RUFUS DEERING COMPANY	\$ 306,300	\$ 1,072,400	\$ 1,378,700	\$ -	\$ -	\$ 1,378,700	\$ 1,268.40	\$ 1,420.06	\$ 1,530.36
042 C001110	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 31,630	\$ 126,530	\$ 158,160	\$ -	\$ 158,160	\$ -	\$ -	\$ -	\$ -
042 C001120	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 28,870	\$ 115,480	\$ 144,350	\$ -	\$ 144,350	\$ -	\$ -	\$ -	\$ -
042 C001130	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 17,080	\$ 68,300	\$ 85,380	\$ -	\$ -	\$ 85,380	\$ 78.55	\$ 87.94	\$ 94.77
042 C00114A	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 11,980	\$ 47,900	\$ 59,880	\$ -	\$ -	\$ 59,880	\$ 55.09	\$ 61.68	\$ 66.47

PDD District Property Listing for both CURRENT and PROPOSED expansion area for FY2019. PP. 1 through 18 lists the current property owners; pp. 19 through 23 lists proposed expansion property owner and totals.

PARCEL ID	LU CODE	ST NO	LOCATION	OWNER	APR LAND	APR BLDG	APR TOTAL	ST. EXEMPT.	OTHER EXEMPT.	ASSESSED VALUE	ASSESSMENT AT .92 RATE	ASSESSMENT AT 1.03 RATE	ASSESSMENT AT 1.11 RATE
042 C00114B	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 6,180	\$ 24,700	\$ 30,880	\$ -	\$ -	\$ 30,880	\$ 28.41	\$ 31.81	\$ 34.28
042 C00114C	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 2,930	\$ 11,700	\$ 14,630	\$ -	\$ -	\$ 14,630	\$ 13.46	\$ 15.07	\$ 16.24
042 C00114D	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 2,900	\$ 11,600	\$ 14,500	\$ -	\$ -	\$ 14,500	\$ 13.34	\$ 14.94	\$ 16.10
042 C001150	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 11,380	\$ 45,500	\$ 56,880	\$ -	\$ 56,880	\$ -	\$ -	\$ -	\$ -
042 C001160	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 2,750	\$ 11,000	\$ 13,750	\$ -	\$ -	\$ 13,750	\$ 12.65	\$ 14.16	\$ 15.26
042 C001170	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 2,730	\$ 10,900	\$ 13,630	\$ -	\$ -	\$ 13,630	\$ 12.54	\$ 14.04	\$ 15.13
042 C00118A	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 4,330	\$ 17,300	\$ 21,630	\$ -	\$ -	\$ 21,630	\$ 19.90	\$ 22.28	\$ 24.01
042 C00118B	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 4,330	\$ 17,300	\$ 21,630	\$ -	\$ -	\$ 21,630	\$ 19.90	\$ 22.28	\$ 24.01
042 C001190	20	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 4,200	\$ 16,800	\$ 21,000	\$ -	\$ -	\$ 21,000	\$ 19.32	\$ 21.63	\$ 23.31
042 C001210	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 346,680	\$ 1,386,700	\$ 1,733,380	\$ -	\$ 1,733,380	\$ -	\$ -	\$ -	\$ -
042 C001310	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 161,070	\$ 644,280	\$ 805,350	\$ -	\$ 805,350	\$ -	\$ -	\$ -	\$ -
042 C001320	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 18,580	\$ 74,320	\$ 92,900	\$ -	\$ 92,900	\$ -	\$ -	\$ -	\$ -
042 C001330	55	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 55,530	\$ 222,110	\$ 277,640	\$ -	\$ 277,640	\$ -	\$ -	\$ -	\$ -
042 C001CCL	54	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 105,950	\$ 423,810	\$ 529,760	\$ -	\$ 529,760	\$ -	\$ -	\$ -	\$ -
045 A033001	15	177	STATE ST	RANS LLC	\$ 120,200	\$ 258,700	\$ 378,900	\$ -	\$ -	\$ 378,900	\$ 348.59	\$ 390.27	\$ 420.58
046 D008001	11	15	AVON ST	REDFERN LONGFELLOW LLC	\$ 99,300	\$ 146,000	\$ 245,300	\$ -	\$ -	\$ 245,300	\$ 225.68	\$ 252.66	\$ 272.28
444 A001001	56	54	COMMERCIAL ST	CITY OF PORTLAND	\$ 7,161,400	\$ 4,650,500	\$ 11,811,900	\$ -	\$ 11,811,900	\$ -	\$ -	\$ -	\$ -
444 A005001	56	46	COMMERCIAL ST	CITY OF PORTLAND	\$ 750,000	\$ 1,925,200	\$ 2,675,200	\$ -	\$ 2,675,200	\$ -	\$ -	\$ -	\$ -
444 A00500B	20	46	COMMERCIAL ST	CASCO BAY MHR LLC	\$ 750,000	\$ 2,032,100	\$ 2,782,100	\$ -	\$ -	\$ 2,782,100	\$ 2,559.53	\$ 2,865.56	\$ 3,088.13
444 A011001	58	54	COMMERCIAL ST	CITY OF PORTLAND	\$ 343,000	\$ -	\$ 343,000	\$ -	\$ 343,000	\$ -	\$ -	\$ -	\$ -
SUBTOTAL (EXPANDED DISTRICT ONLY):							\$ 163,500,880	\$ 290,140	\$ 69,344,500	\$ 93,866,240	\$ 86,356.94	\$ 96,682.23	\$ 104,191.53

260 Total Parcels
213 Taxable
47 Tax Exempt

Plus current district totals: \$ 773,050.17 \$ 865,480.08 \$ 932,701.83

GRAND Total for Current and Expanded District: \$ 859,407.11 \$ 962,162.30 \$ 1,036,893.36

MASTER AGREEMENT
BETWEEN THE CITY OF
PORTLAND AND
DOWNTOWN IMPROVEMENT DISTRICT,
INC.
D/b/a PORTLAND DOWNTOWN

AGREEMENT made by and between the **CITY OF PORTLAND**, a municipal corporation of the State of Maine, hereinafter referred to as the "**CITY**" and **DOWNTOWN IMPROVEMENT DISTRICT, INC.**, d/b/a **PORTLAND DOWNTOWN**, a Maine non-profit corporation, having its office and place of business at Portland, Maine, hereinafter referred to as the "**CORPORATION**".

WHEREAS, the **CITY** has established a Downtown Improvement District; and

WHEREAS, the **CITY** desires to have certain services performed by the **CORPORATION**, as described in this Agreement, within the **CITY's** Downtown Improvement District (hereinafter referred to as the "**District**"; and

WHEREAS, the **CITY** desires to contract with the **CORPORATION** for the provision of certain services to be provided in the District;

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto mutually agree as follows:

ARTICLE I. FINANCIAL CONSIDERATIONS

1. The **CITY** will levy development district assessments on property in the District, as authorized by the City Council and permitted by law. **CITY**-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the **CITY**.
2. For the period commencing July 1, 2018 and ending June 30, 2019 the City will pay the **CORPORATION** in monthly installments, to reflect the assessments collected by the City, less the **CITY**'s direct and indirect costs, such as, but not limited to, postage, publication, lien costs and costs of delinquent collection. Installment payments will be made on the 1st of each month beginning July 2018 through and including June 1, 2019.
3. The **CITY** may adjust such payments, after an advisory consultation with representatives of the **CORPORATION** either: (i) in order to equal the net assessments collected; or (ii) in the event of any challenge to the assessments which includes a request for a refund, to withhold such amounts as the Director of Finance may deem necessary to protect the City from any order or judgment requiring it to make a refund.

In addition to the foregoing, the **CITY** will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by **CITY** shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Master Agreement or Supplemental Services Agreement with the **CITY**. **CITY** will provide the **CORPORATION** with written detail as to any deductions taken from payments under this paragraph.

4. Advancements made hereunder shall be reimbursed to the **CITY** from receipts from development district assessments, net of any of the costs referred to in Paragraph 2.
5. Notwithstanding the foregoing, **CORPORATION** agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur

expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit A, or any subsequent amendments thereto approved by the **CITY**.

6. The **CITY** and the **CORPORATION** have accepted the **CORPORATION's** budget and Development Program in Exhibit A, covering the period beginning on July 1, 2018, and ending on June 30, 2019. City Council approval of the assessment mil rate provides funding to support the **CORPORATION'S** budget and Development Program.
7. The parties agree that the acceptance of the budget by the **CITY** is for planning purposes only and does not obligate the **CITY** to pay the **CORPORATION** said amounts. **CORPORATION** specifically acknowledges the **CITY's** right to either terminate or reduce its payments as provided in Paragraph 2.
8. The **CORPORATION** will provide the Director of Finance with an annual certified financial statement in a form acceptable to him, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
9. The Director of Finance of the City of Portland will advise the **CORPORATION**, from month to month, of the amounts the **CITY** has collected from the assessments referred to herein, so that the **CORPORATION** can amend its budget to conform with the amount of money which may be available to it from the net proceeds of the development district assessments.
10. The **CITY** will maintain the level of "Basic Services" described in the memorandum which is attached hereto as Exhibit B.
11. The **CORPORATION** shall have reasonable access to the **CITY's** assessment collection records, and the **CITY** shall have reasonable access to the **CORPORATION's** books and records.

12. The Director of Finance shall determine the net amount collected by the City from development district assessments. In determining such amount, he shall deduct from the amounts so collected all costs (whether direct or indirect) incurred by the **CITY** both in establishing and also in administering the development district; all costs of assessments and collections; and, if the **CITY** should collect interest on delinquent assessments, such interest shall not be included in the "net amount collected".
13. The Director of Finance shall determine the "net amount collected from development district assessments" as well as the amount to be withheld by the **CITY** in the event of a challenge which includes a request for a refund. The **CORPORATION** may appeal his determination within fourteen (14) days to the **CITY** Manager whose decision will be final.

ARTICLE II. SERVICES

A. ORGANIZATION OF CORPORATION.

The **CORPORATION** will:

1. Provide staff and administrative services for supervision of the daily activities and public space management of the District.
2. Establish positions for administration and management of the program; recruit, hire, and pay and otherwise supervise the work force necessary to implement this charge.
3. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
4. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between the **CORPORATION** and persons subject to development district assessments regarding the kind and level of services provided by the

CORPORATION.

5. Provide liaison between the **CITY**, the District, property owners, civic groups, interested persons, and other groups and individuals, as directed by the **CITY** Manager and necessary to insure the successful implementation of District services.

6. Maintain all minutes and records of proceedings as may be required.

B. SERVICES AUTHORIZED TO BE PROVIDED BY CORPORATION.

The **CORPORATION** is authorized to provide the following services to supplement the **CITY's** "Basic Services" as described in Exhibit B.

1. Decorate and beautify public places in the District.
2. Sponsor and promote public events to take place on or in public places in the District.
3. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
4. Maintain information and directional signing for the District in accordance with applicable City codes and ordinances.
5. Improve public relations, generating favorable publicity for, and enhancing economic growth in, the District.
6. Manage vending activities, kiosks and information booths.
7. Sweep and clean sidewalks in the District.
8. Clean and erase graffiti.
9. Maintain vegetation and greenery in the public areas.

10. Remove trash and litter.

11. Wash, maintain and relocate street furniture, trash cans, drinking fountains, street lanterns, telephones and undertake minor repairs to street furniture.

12. Remove snow.

13. Provide for security of public areas.

14. Carry out the downtown improvement program authorized and approved by the **CITY** Council as set forth in this Agreement.

C. AUTHORITY OF CORPORATION.

Nothing in this Agreement shall be construed to limit the **CORPORATION's** general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE III. TERM OF AGREEMENT

This Agreement shall commence on July 1, 2018, and continue through, June 30, 2019.

ARTICLE IV. TERMINATION

This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the **CITY** at such time as the **CORPORATION's** performance under this Agreement has been determined in the exclusive judgment of the **CITY** Manager to be unsatisfactory which determination shall not be unreasonable.

If the **CORPORATION** should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the **CITY** Manager specifying such failure, then, upon expiration of the thirty (30) day period, the **CITY** Manager may provide the **CORPORATION** with notice of his intention to terminate the Agreement as provided herein.

The **CORPORATION** shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the **CITY** Manager should determine, at the expiration of the ninety (90) day period, that the **CORPORATION's** performance is still unsatisfactory and declare that the Agreement is terminated, the **CORPORATION** shall have the right to appeal his decision to the City Council.

The appeal to the **CITY** Council shall be filed with the **CITY** Manager within seven (7) business days from the date the **CORPORATION** receives the notice of termination.

The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the **CITY** Council has acted on the appeal.

The **CORPORATION** shall be deemed to have good cause to terminate this Agreement if (i) the **CITY**, pursuant to the provisions of Article I, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from July 1, 2018 to December 31, 2018, and January 1, 2019 to June 30, 2019; (ii) if the **CITY** should be more than 30 days in arrears in any payment due hereunder; or (iii) the **CITY** should fail to maintain "Basic Services", as that phrase is defined herein, in a material and substantial way.

In the event the **CORPORATION** should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.

Nothing herein shall be construed as giving the **CORPORATION** the right to perform the work contemplated under this Agreement beyond the time when the **CORPORATION's** services become unsatisfactory as determined by the **CITY** Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the **CITY** Council has affirmed the **CITY** Manager's decision. In case the **CORPORATION** should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of the **CORPORATION** to fulfill its obligations under this Agreement, the **CORPORATION** shall be reimbursed for all services

satisfactorily performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, the **CORPORATION** shall:

- A. With respect to existing activities, take only such actions as the **CITY** Manager shall direct;
- B. Assign to the **CITY** in the manner, at the times and only to the extent the **CITY**, acting by and through its **CITY** Manager, may direct it to do so, all the rights, title and interest of the **CORPORATION** in and to all existing orders and agreements.
- C. To the extent rights, title and interests of the **CORPORATION** in and to existing orders and agreements may be assigned to the **CITY** and accepted by it; obligations incurred on or after such assignment will be assumed by the **CITY**. Otherwise, the **CORPORATION** shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
- D. Deliver to the **CITY**, in the manner, at the times and to the extent directed by the **CITY** Manager, all documents and data produced by the **CORPORATION** as part of or in connection with the work.

ARTICLE V. ASSIGNMENT

The **CORPORATION** covenants and agrees that it will neither assign nor transfer any rights hereunder, either in whole or in part, without first obtaining the prior written consent of the **CITY**.

ARTICLE VI. AREA COVERED

The services will be provided by the **CORPORATION** in the area designated by the **CITY** Council as the Downtown Improvement District of the **CITY** (hereinafter the "District"). A description and map thereof are attached as Exhibits C and D respectively and incorporated herein.

ARTICLE VII. STANDARD OF PERFORMANCE

All services performed under this Agreement either by or on behalf of the **CORPORATION** shall be performed in a good, workmanlike fashion to the reasonable satisfaction of the **CITY** Manager. All Basic Services performed by or on behalf of the City pursuant to Exhibit B shall be performed in a good, workmanlike fashion to the reasonable satisfaction of the Portland Downtown Board of Directors.

ARTICLE VIII. MANAGEMENT OF PERFORMANCE

The **CITY's** Director of Public Works and/or designee and the **CORPORATION'S** Executive Director and/or designee agree to meet and communicate on a monthly basis using a standard meeting agenda format to address regular topic reviews, including but not limited to quality control in service delivery, updated information on service activities, programs and projects. These services are detailed in this Agreement, its Exhibits, and also in the Supplemental Services Agreement executed contemporaneously with this Master Agreement - and its Exhibit(s).

ARTICLE IX. COMPLIANCE WITH LAW

The **CORPORATION** will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. The **CORPORATION** shall include a similar provision in each of its subcontracts.

ARTICLE X. INDEMNIFICATION

The **CORPORATION** shall, at its own cost and expense, defend, indemnify, and hold harmless the **CITY**, its officers, agents, and employees, from and against the following:

- (a) to the fullest extent permitted by law, the **CORPORATION** shall defend, indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is: (1)

attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of the **CORPORATION**, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;

(b) all claims and liens of the **CORPORATION's** consultants, subcontractors, and their laborers, mechanics, materialmen, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.

ARTICLE XI. INSURANCE

Neither the **CORPORATION** nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the **CITY**.

Prior to the execution of this Agreement, the **CORPORATION** will procure and maintain occurrence-based Automobile Liability Insurance and Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the **CITY** as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Automobile and Commercial General Liability Insurance, the **CORPORATION** shall name the **CITY** as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the **CITY** under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the **CITY**. Prior to execution of this Agreement, the **CORPORATION** shall furnish the **CITY** and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the **CITY** of termination of insurance from the insurance provider or agent. **CORPORATION**

shall also provide a copy of any endorsement naming the CITY as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon CITY'S request, CONTRACTOR shall provide CITY with a complete copy of any of the above-referenced policies. CONTRACTOR shall be responsible for any and all deductibles and/or self-insured retentions.

ARTICLE XII. INDEPENDENT CONTRACTOR

The CORPORATION either has or will secure, at its own expense, all personnel, materials, and equipment required to perform its obligation under this Agreement. Its personnel shall neither include any employee of the CITY nor shall such personnel be deemed to have any contractual relationship with the CITY by virtue of this Agreement. This Agreement does not prohibit either the CORPORATION or the CITY from entering into any contractual relationship. The CORPORATION, agreeing expressly that its status is that of an independent contractor, further, agrees that no such personnel shall represent or hold himself or herself out to be an officer or employee of the CITY either by reason of this Agreement or by reason of his/her employment by the CORPORATION or its subcontractors.

ARTICLE XIII. SUBCONTRACTS

The CORPORATION may, after thirty (30) days' notice in advance to the CITY Manager of its intention to do so, and with his approval, which shall not be unreasonably withheld, subcontract with third parties for the provision of part or all of the public services, including, but not limited to, security services, trash and litter removal, and snow removal, under this Agreement. The CORPORATION shall provide the CITY with copies of any third party contracts and with any insurance certificates required under this Agreement.

(Signature page follows.)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this _____ day of June, 2017.

WITNESS

CITY OF PORTLAND

By: _____
Jon P. Jennings
Its City Manager

WITNESS

DOWNTOWN IMPROVEMENT DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN

By: _____
Kim Volk
Its Board Chairman

Approved as to Form: _____ (Corporation Counsel)

Approved as to Funds: _____ (Finance Department)

EXHIBIT A

TO BE INSERTED FOLLOWING
CITY COUNCIL APPROVAL OF BUDGET ON 6/18/2018

EXHIBIT B TO MASTER AGREEMENT
(BASELINE SERVICES)

**MEMORANDUM RELATED TO THE
PROVISION OF CERTAIN SERVICES
BY THE CITY OF PORTLAND**

(July 1, 2018 - June 30, 2019)

This Memorandum relating to the provision of certain services attempts to define the baseline of City services agreed to be provided by the City to the area defined and designated as the Downtown Improvement District as passed by the City Council on March 16, 1992 (Council Order #306, as amended on February 22, 1995, by Council Order #185; and again amended on March 1, 2004 by Council order #158). This Memorandum is not binding upon the current City Council or any future City Council, but rather is a definition of the City's intent and good faith to provide services to the Downtown Improvement District zone.

It is generally understood that the City shall not reduce any of these usual and normal baseline services, thus requiring the same services to be provided by the Downtown Improvement District, Inc. (d/b/a Portland Downtown (PD) or its successors, unless these reductions are part of an overall reduction of City services provided by various departments to the City as a whole.

MAINTENANCE SERVICES.

Whereas it is the intention of any downtown improvement district maintenance program to complement existing City services currently provided with a supplementary program of cleaning and/or maintenance, the following information shall comprise the baseline of City services to be provided at City expense. Unless otherwise noted, services to be provided by the City shall apply only to the area(s) considered part of the public way.

1) **Horticultural Program.**

In all public areas within the downtown improvement district zone, the City's Parks and Recreation Department will maintain and improve the condition of all flower urns and other flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activity shall include the initial

planting, timely and appropriate maintenance, preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees. Specific areas of attention will include Longfellow Square, Congress Square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, and any other public park, square or space which may be developed in the future.

2) Green Space Maintenance.

The City shall execute a green space maintenance program including mowing of all public grassed areas within the District.

3) Downtown Blitz.

Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trashcans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

4) Sidewalk Repair.

To the extent it is funded, the City will undertake an on-going sidewalk repair program to re-grout existing sidewalks and replace bituminous sidewalk repairs with permanent repairs.

5) Street Sweeping.

All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line once per week.

6) Trash Removal.

Daily and when necessary emptying of all public trash receptacles in the downtown improvement district zone and disposal of resulting waste.

7) Holiday Decorations.

Installation and removal of downtown Holiday decorations throughout the District to include Christmas trees at Monument Square and City Hall Plaza, string lights on light poles and common area trees such as Tommy's Park, and banners as agreed by the City and PDD, and provide for electrical energy related costs.

8) Snow Plowing.

The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.

9) Streetscape Amenity Maintenance.

The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trashcans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that are now or at some point in the future may be installed. All repairs, etc. will take place within a reasonable time after notice of need.

10) Lighting.

Maintenance and replacement of all street lights and traffic signals and payment for necessary electrical energy.

11) Graffiti removal on public property.

12) Prioritization

PD shall have the opportunity to participate with City staff from the Department of Public Works in the prioritization of all proposed capital improvement projects within the District including, but not limited to, tree well reconstruction and sidewalk repairs. PD officials recognize that City staff also work closely with the City Manager's office and the City Council for project priorities.

POLICE SERVICES.

- 1) A minimum of four uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
- 2) As long as the Senior Lead Officer Program is in effect, at least one Senior Lead Officer will be assigned to the Downtown Improvement District area.
- 3) From the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels. Every effort will be made to assign two officers during those hours that retail shops are open.

OTHER MUNICIPAL SERVICES.

Whereas it is the intention of any downtown improvement district program to complement existing City services currently provided by departments or divisions, other than those described above, with supplemental services, the following information shall comprise the baseline of other City services to be provided at City expense.

- 1) Coordination of the use of downtown's public spaces within the District.
- 2) Coordination and staffing City services required for events occurring in downtown Portland.
- 3) As previously existing events, the City will provide necessary services to support the annual Tree Lighting Ceremony and the annual one-day Old Port Festival within the boundaries established by City Council order #168-21/13; to wit: the area bordered by Congress, Pearl, Commercial, Center, Union and Temple Streets and including both sidewalks of Commercial Street with no costs charged to the PDD for these events.

EXHIBIT C

The following is a written description of the perimeter of Portland's Downtown District as of July 1, 2018:

Congress Street, both sides - State Street to High Street (including the lots fronting on the southwesterly corner of the intersection with State Street);

High Street, both sides - Congress Street to Deering Street;

High Street, northeasterly side - Deering Street to Cumberland Avenue;

Cumberland Avenue, southeasterly side - High Street to Franklin Arterial;

Franklin Arterial, southwesterly side - Cumberland Avenue to Commercial Street;

Commercial Street, both sides - Franklin Arterial to High Street (excluding Portland Fish Pier)

High Street, northeasterly side - Commercial Street to Pleasant Street;

Pleasant Street, northwesterly side - High Street to Park Street;

Park Street, northeasterly side - Pleasant Street to Congress Street.

All as shown on a map dated 5/11/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

Portland Downtown District Boundary Map

May 11, 2018



Legend

- Downtown Existing District
- Proposed Downtown District

SUPPLEMENTAL SERVICES AGREEMENT BETWEEN
DOWNTOWN IMPROVEMENT DISTRICT, INC. d/b/a
PORTLAND DOWNTOWN

AND

CITY OF PORTLAND

AGREEMENT made this ____ day of June, 2018, by and between the City of Portland, a municipal corporation duly organized under the laws of the State of Maine, with an address of 389 Congress Street, Portland, Maine 04101 (hereinafter the "**City**") and Downtown Improvement District, Inc., d/b/a Portland Downtown, a Maine non-profit corporation, having its office and place of business at 549 Congress Street, Portland, Maine 04101 (hereinafter the "**PD**").

W.I.T.N.E.S.S.E.T.H.

WHEREAS, the **City** and **PD** entered into a Master Agreement of even date establishing mutual rights and responsibilities for the provision of services in the Downtown Improvement District (hereinafter the "**District**"); and

WHEREAS, said Master Agreement established the Baseline Services to be provided by **City** in the District; and

WHEREAS, **PD** wishes to contract with the **City** to have the **City** provide, on a flexible basis depending upon funds available, Supplemental Maintenance Services in addition to those in the Master Agreement;

NOW THEREFORE, the parties do hereby agree as follows:

1. Supplemental Services: The **City** shall provide the following Personnel and Services (hereinafter the "Supplemental Services") in the District in addition to the Baseline Services provided in the Master Agreement:

- 1.1. Personnel:

One PD Steward		
One Public Services Supervisor	Days	52 Weeks
Three Maintenance Worker	Days	52 Weeks
Two Laborers	Days	Seasonal

- 1.2. Persons providing Supplemental Services hereunder shall be assigned by the **City** after providing reasonable opportunity to **PD** for requests for service. Such persons are not required to be employees of the **City**. Such persons shall not, however, be considered to be employees of **PD** and **PD** is not intended, nor shall it be deemed to be, a joint employer with **City**. As between the **City** and **PD**, **City** shall be responsible for all aspects of employment for all persons supplied by **City** pursuant to this Agreement, including compensation, liability and workers compensation coverage, employment taxes and any applicable fees.

- 1.3 Services to be provided are:

- *Transportation and set-up of materials and equipment for planned special events activities of **PD** (as outlined in Exhibit A to the SSA; Section 2).
- *Litter patrol, collection and disposal on streets, sidewalks, tree wells and public areas within the District.
- *Graffiti removal from City property within 5 days of notification.
- *Removal of posters from PD posterboards (at a minimum of monthly).
- *Check Condition, catalogue, and if necessary,

paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items: benches, trash/recycling receptacles, light pole bases, planters.

- *Sidewalks will be swept on a daily basis, weather and season permitting.
- *Cleaning, weeding, and maintenance of tree wells at a minimum of once per month.
- *Weed control in support of other City departments performing 'basic services'
- *Snow clearance at crosswalks and from sidewalks during curb to curb snow removal
- *Installation of Holiday decoration in the District as agreed with PD, in addition to those described in the Baseline Services provided in the Master Agreement, including electrical energy costs
- *Maintenance and cleaning of Visitor's Booth in Tommy's Park at least once per month during season (May-October)
- *Clean and maintain the bathrooms, located in the Fore Street Garage and Spring Street Garage buildings, when the bathrooms are open to the public, cleaning to occur no later than 10am on days the bathrooms are open to the public.

1.3.1. PD Sidewalk Snow Plowing Program. All property owners in the District assessment area are responsible for maintaining their sidewalks in the winter pursuant to Portland City Code §§25-173(C) and 25-174(C), including snow removal from their property line to the street gutter and ice control.

1.3.2. Following a snow storm, the **City** will provide a clear walkway no less than the width of a Holder's capability. To the extent reasonable, the **City** will clear the sidewalk area but it is not the intent of the parties that the **City** will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions are so severe that the area cannot be plowed

due to equipment capability, the **City**, in its discretion, may choose to delay, clearing of the sidewalks, but must complete the work within 24 hours of the storm being complete.

- 1.3.3. Management of Supplemental Services. The City's Public Works Director and/or Designee and PD's Executive Director and/or Designee (Downtown Experience Liaison) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations; providing updated information on service activities, programs and projects. The Public Works Department will provide a staff contact to PD for direct communications, which is identified as the Districting Supervisor and PD Supervisor. A point of contact for PD officials is the PD Supervisor and District Coordinator. Conversely, Department of Public Works looks to the PD Executive Director or designee as the City's point of contact on all issues involving PD matters. A complete work plan and list of Services provided under this FY2019 agreement is provided in Exhibit A hereto.

2. Term: The term of this Agreement is from July 1, 2018 through June 30, 2019.

3. Budget and Payment: In consideration for these Supplemental Services, **PD** agrees to pay the **City**, in equal monthly installments, for all Supplemental Services provided hereunder the total sum of \$380,000 for FY2019. The **City** shall bill and **PD** shall pay the **City** beginning July 1, 2018, a monthly payment of \$31,666.

- 3.1. In the event **PD** requests services from **City** in addition to those included herein, **City** shall have the option, in its sole discretion to provide such services, with payment to be made by **PD** for any such services on a Time and Materials basis, or such other basis as the parties may agree in writing. "Time" as used herein shall

mean all of the **City's** employee costs, i.e. hourly wages or salary. "Materials" as used herein shall mean the actual cost to the **City** of equipment, materials and/or supplies provided or used, with no additional markup.

4. Modifications: It is understood and agreed by the parties that **City** has adopted an expenditure budget which includes the cost of these Supplemental Services and has adopted a revenue budget which provides for the reimbursement of such costs by **PD** as provided hereunder. In the event that either **PD** or the **City** anticipates that there will be insufficient revenues to pay for such Supplemental Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Services which the **City** is able to provide. It shall be the responsibility of **PD** to notify **City** as soon as reasonably possible if such Supplemental Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the **City** will have no obligation to provide Services in excess of **PD** funds available to reimburse **City**; however, **City** will have the right, but not the obligation, to continue to provide Supplemental Services to the extent provided in the **City** budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under Section 3 above.

- 4.1. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- 4.2. In the event Supplemental Services are terminated for any reason by either party, it shall be in **City's** discretion as to whether it will continue or resume providing such Supplemental Services.
- 4.3. **PD** agrees to give the City Manager or the Manager's designee advance written notice of any formal meeting of its Directors or Officers at which modification of the current year Supplemental Services budget is to be discussed

or considered, and to permit the attendance of **City** representative at such meeting. **City** and **PD** agree to provide copies of draft budgets for the upcoming fiscal year reasonably in advance of any final decision by **PD** or the **City** as to said budget, and the parties agree to meet and confer in regard to such budgets.

5. **City's** representative in regard to provision of Supplemental Services hereunder is the City Manager or the Manager's designee.

IN WITNESS WHEREOF, the **City** and **PD** have signed this Agreement through their authorized representatives as of the day and date above written.

Witness: **City of Portland**

By: _____
Jon P. Jennings
Its City Manager

Witness: **Downtown Improvement District
d/b/a Portland Downtown**

By: _____
Kim Volk
Its Board Chair

Approved as to Form: _____
(Corporation Counsel)

Approved as to Funds: _____
(Finance Department)

EXHIBIT A
to Supplemental Services Agreement
(Supplemental Services Work Plan and Event
Support for FY2019)

MEMORANDUM RELATED TO THE
SUPPLEMENTAL SERVICES AGREEMENT (SSA) BETWEEN
THE DOWNTOWN IMPROVEMENT DISTRICT dba PORTLAND
DOWNTOWN (PD)
AND
THE CITY OF PORTLAND (City)

(July 1, 2018 - June 30, 2019)

This memorandum is a good faith attempt to define certain services, programs and events, and to achieve an improved level of satisfaction for both the **City** and **PD**. It is generally understood that the City's Baseline Services, as articulated in Exhibit B of the Master Agreement, do not overlap or replace the services and programs incorporated in the SSA.

Also, listed are the specific special events produced by **PD** for the benefit of the **City** and its property owners, residents, businesses and visitors, during the contract period.

The ongoing relationship between **PD** and the **City** has evolved, along with the needs and expectations of both parties. The goal of this document is to improve coordination, establish priorities, clarify services and responsibilities, and list events covered under the terms and conditions of the SSA. The result will be to produce a more proactive, performance-based approach to the maintenance, cleanliness and overall attractiveness of downtown Portland.

1. FY 2019 City Personnel Work Plan

The City personnel assigned to perform services under the Supplemental Services Agreement are expressed in the FY2019 Portland Public Works Budget detail. For the current period of July 1, 2018 through June 30, 2019 these personnel are:

1. (1) Public Works Supervisor
2. (1) PD Steward
3. (3) Three Maintenance Workers
4. (2) Seasonal Laborers

Staffing levels may change on an occasion to account for employee leave coverage, emergencies or other unforeseen circumstances. However the City of Portland, Department of Public Works commits to continue to provide the general list of services provided by these personnel under the SSA.

- 1.1 The general list of services provided by these personnel is identified within the SSA under item 1.3. These shall not overlap services provided within Baseline Services (Exhibit B to Master Agreement).
- 1.2 The Public Works Supervisor shall inspect the entirety of **PD at least once** every two weeks. During this inspection particular attention shall be focused on, but not limited to, the overall cleanliness and maintenance of the sidewalks, streets, trash containers, graffiti removal, open spaces, furniture and fixtures, lights, signage, the visitor kiosk and public restrooms. The status of projects or work orders in process should be continually updated. The results of each inspection shall be logged and documented; a monthly report will be presented to the Executive Director of PD every month.

- 1.3 The Public Works Supervisor shall direct the maintenance personnel on their daily responsibilities by producing a weekly schedule highlighting project activities and goals. The Supervisor will participate and assist the team in achieving project activities, as needed.
- 1.4 Horticultural and landscaping duties shall be in support of City personnel and departments assigned to these tasks. PD dedicated personnel should assist (for instance with weed control and seeding) on an as needed basis, as time and normally assigned duties allow. Requests for assistance should be communicated via email to the PD Public Works Supervisor.
- 1.5 Sidewalk plowing and snow removal at intersections should be accomplished as soon as is reasonably possible during and following a snow event. If a yellow ban is called, sidewalk snow removal, as indicated in sections 1.3.1 and 1.3.2 of the SSA, should be completed within the same timeframe as city personnel and contracted partners remove snow from the District's streets and parking areas. The Department of Public Works will organize an annual winter briefing with the PD public works team and downtown contract partners that remove snow on sidewalks and plazas to review best practices regarding coordinating work activity. This meeting will typically occur in late fall/early winter. PD's Downtown Experience Liaison (DEL) should be present at this meeting.
- 1.6 "Quick response" repairs, such as missing bricks, landscaping damage or graffiti removal on public property

shall be performed by **PD** personnel, as soon as possible. **PD** and **City** will jointly approve each quick response, as needed.

- 1.7 **PD** and **City** will meet annually to discuss the prioritization of larger projects within the District generally included in baseline services or CIP, and managed by other **City** teams or departments. These include, but are not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects. These District projects will be prioritized with input from **PD**, and may include **PD** personnel in their execution. Progress and status shall be monitored by the **PD** supervisor, and updated as part of the monthly reporting.
- 1.8 **PD** will monitor responsiveness of City teams through specific **PD** access to "See, Click and Fix" software. **PD** will also track the activities of downtown **PW** staff to ensure that daily activities are in-line with section 1.3 of the SSA. Data will be reported to the **PW** Director by **PD**'s Downtown Experience Liaison (DEL) during the monthly meeting, as outlined in Article VIII of the Master Agreement and article 1.3.3 in the SSA.
- 1.9 **PD** dedicated personnel will wear approved uniforms and work clothes at all times when on duty. **City** and **PD** agree to work jointly on uniform decisions, including recommendations on an alternative uniform for **PD** personnel.

2. FY2019 PD Event Support Plan

PD and the **City** recognize the value that well executed events bring to the vitality and

economic development of the downtown. To that end, **PD** agrees to follow the **City's** established permitting process and with the exception of the events as outlined in Exhibit B, Baseline Services, agrees to reimburse the City for actual expenses, as agreed to by both parties, required to support these events.

In FY2019, **PD** is planning major events that require a level of support by **City** personnel. Following is a complete list of events, some of which require City permitting, street closures, and the assistance of various City Departments. **PD** will make all efforts to incorporate recycling at all produced events, with support of the **City** staff, volunteers and supplied receptacles.

- 2.1 Summer Kick-Off Weekend (SKW): This event series begins on the second Friday in June with Square Hop from 6pm to 8pm. On Saturday, Shop For A Cause and Walk the Working Waterfront. On Sunday, The Old Port Festival (OPF) which requires closure of streets generally in the Old Port area. The other SKW events do not require street closures. SKW ends following the end of the OPF.
- 2.2 Light Up Your Holiday Celebration (LUYH):
 - This annual roster of events begins with the Annual Tree lighting in Monument Square on the Friday after Thanksgiving. The Tree Lighting requires set up and some street closures, along with minor transit re-routing around Monument Square. PD coordinates with the City Arborist on the selection of and transport of the tree to Monument Square. Other events in the LUYH event series include: Horse-drawn carriage rides, Merry Madness, Shop For A Cause Day, Elfternoon Lunchtime Shopping, and the Holiday Window Display Contest. Merry Madness may require minor street closures and additional City personnel, depending on the selected event location. LUYH events end December 16, 2018.

- 2.3 Downtown Worker Appreciation Day - Generally held in early May to recognize downtown employees. **City** and **PD** provide set up and management of 3 stations located at the Portland Museum of Art, Monument Square and Tommy's Park.
- 2.4 Police Awards Breakfast: Held in early winter at a downtown venue, this day honors both police and civilian heroes going above and beyond the call of duty. No permits or special services are required for this event.
- 2.5 Winter Lights by Pandora - Lights are installed on street poles and in downtown parks around the time that Day Light Savings Time ends in the late fall, and de-installed in February or March. Winter Lights are fully funded through PD's budget, while the City supplies the electricity. Storage for the lights is donated by MECA. Pandora provides labor for the installation and maintenance of the lights.

Growth Ad-Hoc Committee: Recommendations

Kim Volk, Chair
David Packard, Co-Chair

February 13, 2018

Introduction

Portland Downtown (PD) is a 501(c)4 nonprofit organization, which was established in 1992 through a collaborative effort, and with broad support, to bring renewed vitality to downtown. Property owners, businesses, and residents came together to form a board of directors and outline a bold mission in support of this goal. Through an act of the Maine State Legislature and approval by the City of Portland's City Council, "Portland's Downtown District" was established as the 1st Business Improvement District (BID) in the state of Maine. Portland Downtown's mission is to *maintain a clean and safe downtown while building and promoting a vibrant business, residential, and tourism destination*. The mission is achieved through a Supplemental Services Agreement (SSA) with the City of Portland, along with unique programming and events. Organizational oversight is provided by a volunteer board of directors, who are elected by downtown property owners and stakeholders, and via working committees who develop annual goals in support of the mission - and the organization's 5-year strategic plan.

The growth ad-hoc committee was formed by the Executive Committee in response to outcomes from the board retreat in February 2017. As one of Portland Downtown's four major strategic initiative areas (Vitality, Experience, Growth & Advocacy) as defined in its 5-year strategic plan, growth represents an opportunity for the organization, for its constituents, and for the larger community. Expansion and improvement of programs, services, and events would translate to improved outcomes with regards to cleanliness, safety, beautification, and vibrancy, and - in turn, economic development.

As part of the committee's process, the members reviewed historic documents, including the original organizational by-laws and charter, and charted trends in the organizational mil rate and budget since its inception, 25 years ago.

Recommendations

Based on the committee's research, the following recommendations are presented to the Portland Downtown Executive Committee and Board of Directors for consideration. With the budget process fully underway at the City of Portland, and a duty to notify downtown property owners in a timely manner of changes that may affect their PD supplemental tax bill, the growth committee is requesting that the board finalize a vote on the recommendations no later than April 2018.

In summary, the Growth Committee is recommending the following:

- I. Include properties that were excluded due to an administrative error during the last update to the DID (Downtown Improvement District) footprint;
- II. Add properties to the footprint that are currently downtown adjacent, primed for growth, and in need of a supplemental level of services;
- III. Develop a budget that will support enhanced program service delivery to all downtown property owners;

I. Include properties that were excluded due to an administrative error during the last update to the DID (Downtown Improvement District) footprint

Update the legal description, to include the following properties that were added in the 2004 order expanding the boundaries of the Portland Downtown District¹:

PARCEL ID	NO	STREET	OWN1	TAX ASMT
030 D003001	70	COMMERCIAL ST	FLATBREAD WHARF LLC	\$1,857,800
045 A033001	177	STATE ST	RANS LLC	\$378,900

¹ City of Portland, City Council Order 158-03/04

II. Add properties to the footprint that are currently downtown adjacent, primed for growth, and in need of a supplemental level of services

On the west side of the district, extend the boundary at Park Street to continue south to Pleasant Street, continue east to High Street, continue south to Commercial Street, and continue east to merge with current district boundary on Commercial Street at Maple Street.

On the east side of the district, extend the boundary at Franklin Street to continue south to along Franklin Street to Federal Street to merge with current district boundary on Franklin Street, to include several Federal Buildings, and add Lincoln Park.

On the south side of the district, include all properties that front on Commercial Street from Franklin Street on the east to Wright's Wharf on the west.

Based on 2018 City of Portland tax rolls provided by the City Assessor's office, the total current district valuation is \$1,007,843,070, of which **\$831,437,320** is taxable.

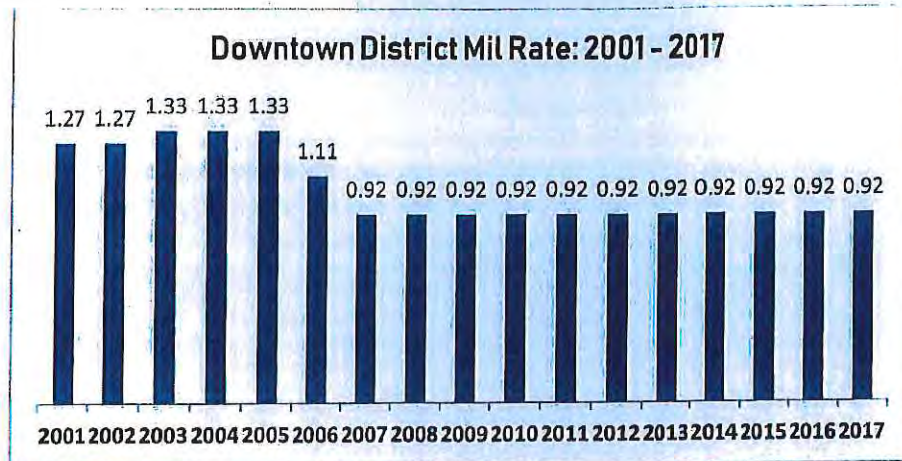
The total tax assessed value of the proposed district expansion is \$143,046,170, of which, **\$68,020,890** is taxable.

Therefore, the proposed district footprint has a total taxable value of **\$899,458,210**. (Please refer to attached map).

III. Develop a budget that will support enhanced program service delivery to all downtown property owners

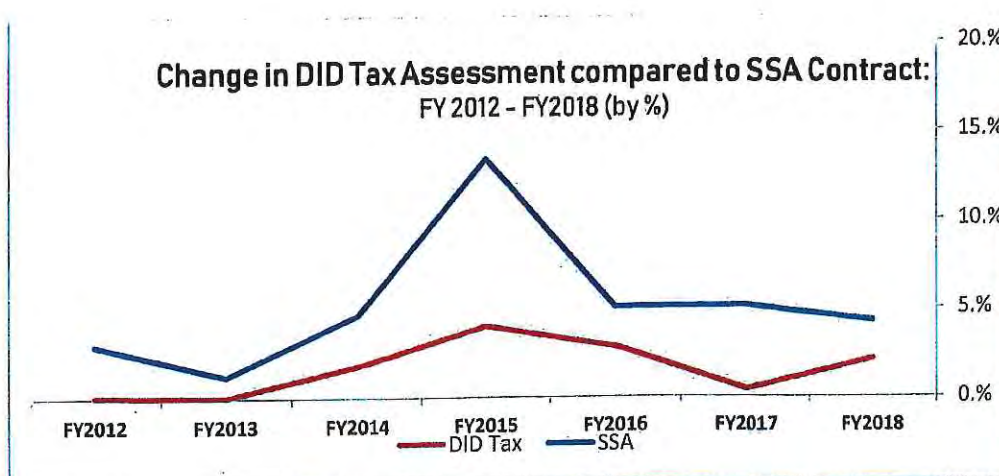
For the past 10 years, Portland Downtown has prepared its annual budget based on the mil rate last set in 2007 at .92 mil.

Here's an historical look at the mil rate for Portland Downtown:



The expectation was that property values would increase at a rate that would allow for expansion of programs, such as the cadet program and graffiti busters, and keep pace with increases to the Supplemental Services Agreement with the City of Portland, as well as administrative and operating costs, health insurance, rent, etc. The organization has been operating at a net zero budget, with relatively flat supplemental tax revenues. Additionally, tax revenues have not kept pace with the change in the SSA, which has increased by as much as 9,42% in one year as compared to a 3.97% increase in DID tax for the same year (2015).

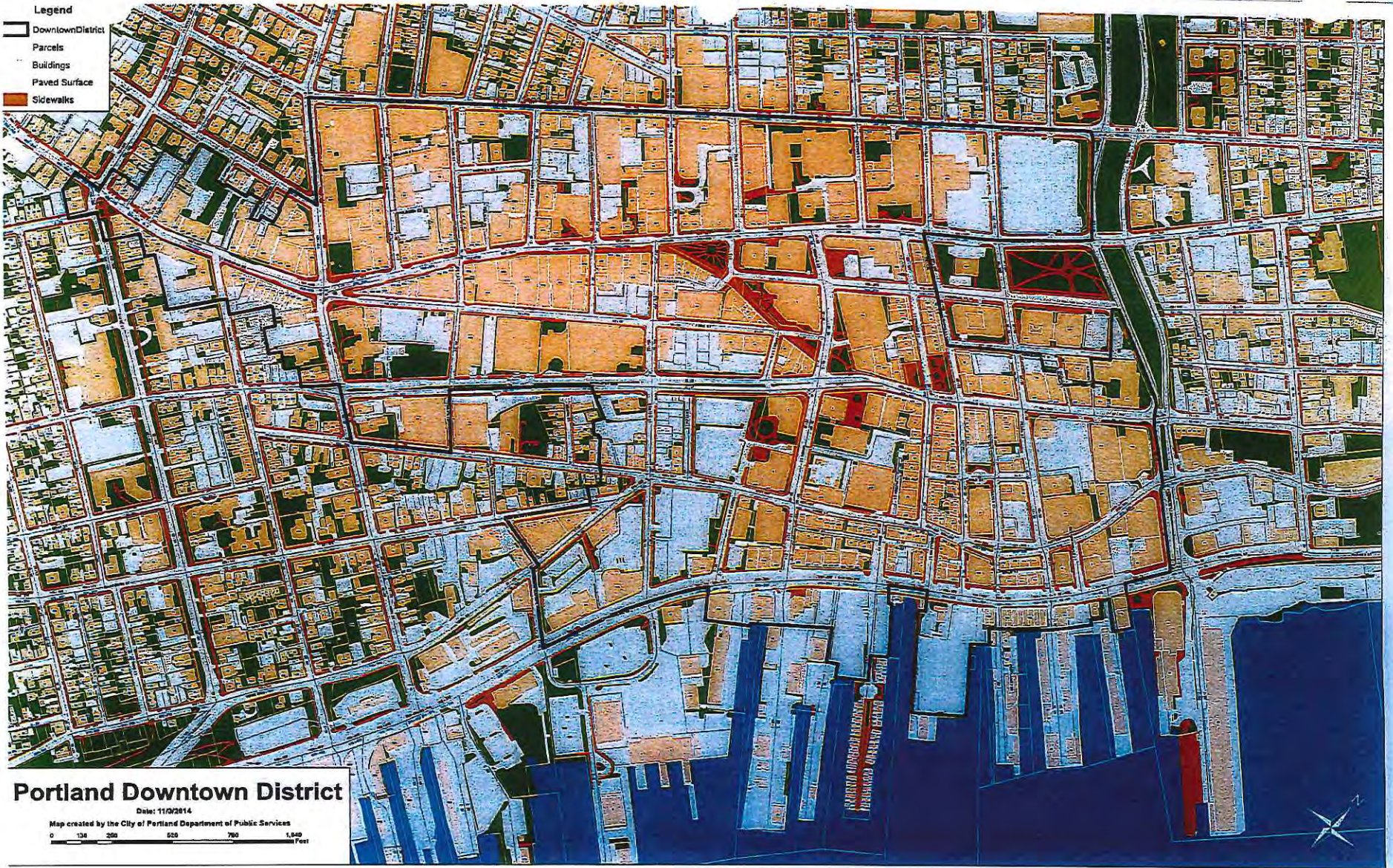
Here's an historical look at the change in the DID tax assessment compared to the change in the supplemental services contract since FY2012:

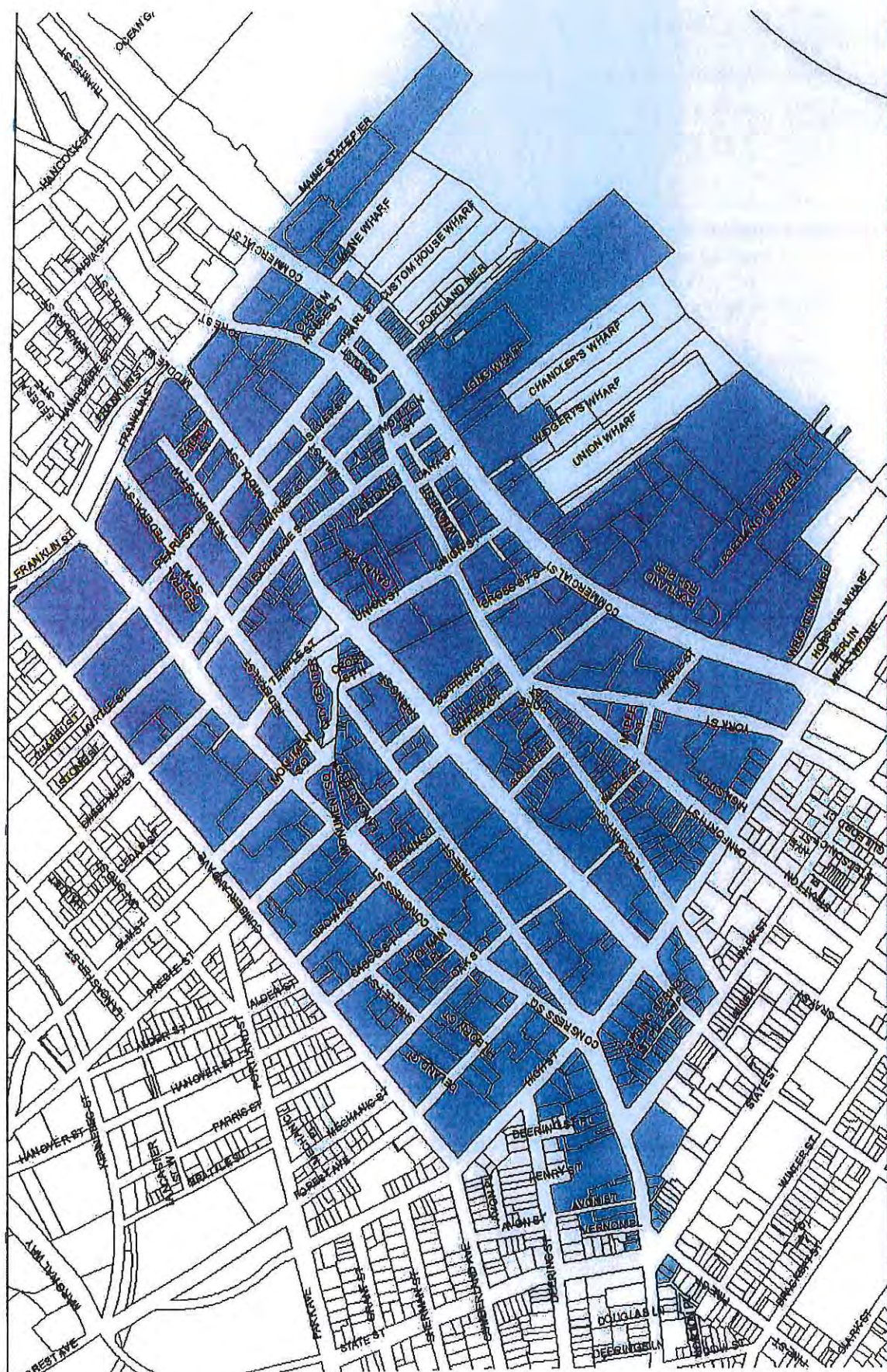


Another important element for an organization is maintaining a rainy day fund. In addition to being mandated by the organization's founding documents, a rainy day/contingency fund allows the organization to continue to deliver programs and services to its constituents in the event of an economic downturn, or for other unexpected situations. The proposed FY budget will enable the organization to create a healthy rainy day fund, which will ensure organizational sustainability and continued fiscal responsibility.

As downtown grows and changes, adding residents, expanding businesses and new construction, so too, does the organization have to grow to meet the demands of an evolving city. Rather than set an arbitrary mil rate, the board approached the budget from the perspective of returning the greatest ROI to the property owners. By focusing on improving programs that produce measurable and positive outcomes, such as the cadet program, beautification, and graffiti removal, the organization will be better able to serve a broad range of constituents. As well, retaining qualified staff, who can support the organization's mission, programs, and events is essential.

The benefit of a BID is that the supplemental tax revenue collected is returned directly to the downtown, and its spending is prioritized by a board of directors whose majority stake are the property owners themselves, along with a wide range of constituents – from retail, to nonprofit, residential, hotel and finance. The power of this collective decision to pool tax dollars to leverage for direct spending is a model used all over the United States, and the world, to transform cities toward ever greater economic strength and vitality.





Order 246-17/18
Tab 38 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT OF PORTLAND CITY CODE CHAPTER 19 AND CHAPTER 28
RE: PAYING FOR STREET PARKING WITH AN APP**

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

1. That Chapter 19, Section 19-26 of the Portland City Code is hereby amended to read as follows:

Sec. 19-26. Parking.

Notwithstanding the general prohibition contained in Chapter 28, Section 28-84, licensed street vendors operating lawfully in a ~~metered-paid~~ parking space located on city-owned property may ~~deposit in the adjacent single-space parking meter or multi-space meter payment~~ pay for a single-space parking spot by any method approved by the City Manager for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter"), provided that no street vendor may prolong the maximum legal parking time designated by the parking meter or multi-space meter by more than two times (2x) the maximum parking time in any twenty-four (24) hour period.

1. That Chapter 28, Sections 28-83, 28-84 and 28-86 of the Portland City Code are hereby amended to read as follows:

Sec. 2883. Parking of vehicles in parking spaces; meter parking for those with disabilities.

(a) ~~Single space meter~~ Paid parking spaces. Except as provided herein, ~~where a parking meter has been installed, every~~ when parking a vehicle in a paid parking space, a person shall ~~may~~ park only:

(1) a vehicle adjacent to the curb; and

(2) within the limits of the parking space, where delineated by lines, parking meters, or other method; and

~~(3) where the person has paid the parking fee for the entire amount of time the vehicle is parked in that space by any method approved by the City Manager. aeither immediately in front of or behind a single space meter and shall deposit the required amount of United States money in the meter or, obtain and properly display a receipt issued by a multi-space meter.~~

~~(b) Multi-space meter. Except as provided herein, where a multi-space meter has been installed, every person shall park a vehicle adjacent to the curb and in a space controlled by a multi-space meter or in a space controlled by a single meter and shall deposit the required amount of payment for the time the person intends to park, up to the maximum time limit available.~~

~~The foregoing~~Parking fees shall apply only from 9:00 a.m. to 6:00 p.m., Monday through Saturday, Sundays and state and federally sanctioned holidays excluded.

(c) *Disabled person parking at meter.* Any motor vehicle or motorcycle registered by a disabled person is exempt from any parking meter fare in a metered-paid parking space when the vehicle properly displays special designating plates or a hangtag issued under state law, and may park a length of time that does not exceed twice the maximum time limit otherwise applicable in said space.

Sec. 2884. Violations.

It shall be unlawful for any person to:

(a) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked in any paid parking space ~~where a single space parking meter is installed unless a deposit of the coin or coins indicated by the single space meter is made as herein provided, except that, in the event a single space parking meter indicates that unused time has been left in the meter by a previous occupant of the parking space, any such person shall not be required to deposit any such coin or coins so long as his or her occupancy of the space does not exceed the indicated unused parking time without having paid the required parking fee by any method approved by the City Manager;~~ or

~~(b) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain in~~

~~a parking space controlled by a multi-space parking meter or single space meter without displaying a valid receipt while so parked, or without displaying the receipt on the dashboard in such a manner as to be clearly visible and face up, showing the date and time available to park on the receipt;~~

- (be) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain in a parking space beyond the period of legal parking time established for such parking space as provided in the traffic schedule, or, except as provided in Section 19-26, to ~~deposit in the adjacent single-space parking meter or a multi-space meter~~ make any payment for the purpose of parking beyond the maximum legal parking time designated by the parking meter or multi-space meter ("prolonged parking" or "feeding the meter");
- ~~(d) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain in any parking space adjacent to any single-space parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space or the receipt has expired;~~
- ~~(e) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain or be placed in any parking space controlled by a multi-space meter while failing to display a valid multi-space meter timed receipt for such parking, or displaying a receipt indicating that the vehicle occupying such parking space has already been parked beyond the maximum legal parking time designated for such parking space;~~
- (cf) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the limits of the parking space or such that the parked vehicle otherwise impedes or obstructs the flow of traffic; the minimum fine for a violation of this section shall be fifty dollars (\$50);

- (~~de~~) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions herein;
- (~~eh~~) Deposit or cause to be deposited in any parking meter any slug, device, metallic substance or any other substitute for a coin of the United States;
- (~~fi~~) In the event of a violation of the provisions of subsections (a), (b), and (c) ~~, (d), (e) and (f)~~ above, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered. ~~and~~ The fact that a vehicle is in a metered-paid parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin or coins, or when the receipt from a multi-space meter has expired or no receipt is properly displayed, indicated on a meter, time stamped receipt, mobile application, or other mechanism used by the City to monitor paid parking times shall also be prima facie evidence that the vehicle has been parked in the parking space longer than the lawfully permitted period.
- (~~gj~~) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked in any parking space utilizing a disability registration plate or removable windshield placard which has been tampered with or improperly altered in any way. The minimum fine for a violation of this section shall be two hundred dollars (\$200).

...

Sec. 2886. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and twenty-five cents (\$1.25) per hour as follows: three (3) minutes for the first nickel (\$0.05), two (2) minutes for the second nickel; five (5) minutes for a dime (\$0.10); and twelve (12) minutes for a quarter. The City Manager may charge a convenience fee in addition to the parking meter rates.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Amita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English

FROM: John Peverada

DATE: May 22, 2018

SUBJECT: Mobil Payment App for Parking Meters

SPONSOR: City Manager ?

(If sponsored by a Council committee, include the date the committee met, the results of the vote, and the meeting minutes.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 4, 2018 Final Action June 18, 2018

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

Need this in place to implement mobil paymnets at parking meters

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

I. ONE SENTENCE SUMMARY:

Ordinance amendment to allow parking meter payments via a mobile payment application

II. AGENDA DESCRIPTION

This is an amendment to chapter 28 of the ordinance to allow people to pay for their parking meter time via a mobile payment application, or any other method approved and implemented by the City Manager.

III. BACKGROUND

Traditionally the only way to pay at a parking meter was with coins. Several years ago the City installed multi space parking meters that accepted credit cards , and now we are introducing the newest trend to allow people to pay at metered spaces with a mobile payment app which will also give them notification when their parking session is about to expire, so they can extend their time at the meter without physically going to the meter. Drivers can also monitor their parking sessions, view payment history and receive email receipts.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Better customer service

V. FINANCIAL IMPACT

There will be credit card service fees associated with the mobile app, but it is anticipated that increased utilization of the app will generate additional revenue to offset the credit card fees.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

VII. RECOMMENDATION

The Parking Division recommends approval and the office of Corporation Council has reviewed and approved the amendment as to form.

VIII. LIST ATTACHMENTS

Ammendments to Portland City Code Chapters 19 & 28 Re: Parking Payments

Prepared by: John Peverada

Date: May 22, 2018

Bean/agendarequestmemo/rev 11/2015

Order 247-17/18
Tab 31 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: AFFORDABLE HOUSING**

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

*That Chapter 14, Sections 14-485 and 14-487 are hereby
amended to read as follows:*

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);

(b) The unit is rented to a household earning 80% or less of AMI; and

(c) Annual rent increases for that unit are limited~~The requirements of (a) and (b) above are limited in perpetuity~~ by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI; ~~and~~
- (b) The unit is sold to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement for ~~all~~ future sales ~~unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place~~ for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for sale~~, through new

construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

- (a) ~~The rent is~~ affordable to a household earning 100% or less than 100% of HUD-AMI; and
- (b) The unit is rented to a household earning 100% or less of AMI; and
- (c) ~~The requirements of (a) and (b) above are Annual rent increases for that unit are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.~~

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household earning at 120% or less of ~~HUD-AMI; and~~
- (b) The unit is sold to a household earning 120% or less of AMI; and
- (c) ~~The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size for the applicable length of time in this ordinance.~~

...

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability*~~/Conditional Use Requirement/Sunset.~~ This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~

(c) *All Developments of Ten Units or More Conditional Uses*~~/Sunset.~~ Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (c)3. below.~~ The project shall have the option of paying a partial fee-in-

lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each a-market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~the actual number of bedrooms in the unit is lower.~~
4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a

development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) Implementing Regulations. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) Reporting to City Council. In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

**AMENDMENT TO ORDER 247-17/18 AFFORDABLE HOUSING
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR BATSON, COUNCILOR ALI AND MAYOR STRIMLING**

RE: HIGHER PERCENTAGE OF AFFORDABLE HOUSING UNITS REQUIRED

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: AFFORDABLE HOUSING**

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

*That Chapter 14, Sections 14-485 and 14-487 are hereby
amended to read as follows:*

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);
- (b) The unit is rented to a household earning 80% or less of AMI; and
- (c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance..

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning 100% or less of AMI;
- (b) The unit is sold to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 100% or less than of AMI;
- (b) The unit is rented to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household earning 120% or less of AMI;
- (b) The unit is sold to a household earning 120% or less of AMI; and
- (c) The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

...

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability.* This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial

rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements.

(c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.

(d) *Workforce Housing Minimum.* At least ~~ten~~eighteen percent (~~10~~18%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than ~~10~~18 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is

appropriate in lieu of counting actual bedrooms.

4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required ~~10-18~~ percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10-18 %	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) Implementing Regulations. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: May 21, 2018

SUBJECT: Text Amendments to Division 30. Affordable Housing of the Land Use Code

SPONSOR: Sean Dundon, Chair, Portland Planning Board

Public Hearing, May 8, 2018. Board recommended to City Council the adoption of text amendments with the elimination of the sunset provision in Attachment 1 (5-1, Eaton and Mazer opposed. Both members supported the overall text amendments, but opposed eliminating the sunset provision. The motion to recommend the text amendments in Attachment 2 failed with a vote of 0-7.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 4, 2018 Final Action June 18, 2018

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

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

Sean Dundon, Chair, Planning Board and Jeff Levine, Director, Planning and Urban Development - 5 to 10 minutes total

I. ONE SENTENCE SUMMARY

Proposed amendments to Division 30 Affordable Housing include a fractional fee-in-lieu payment when units are provided on site, removal of the sunset provision, housekeeping revisions to clarify the language, and a proposal from Mayor Strimling to increase the mandatory affordable units from 10% to 20% along with requiring low-income housing rather than workforce housing.

II. AGENDA DESCRIPTION

The Housing Committee and Mayor Strimling asked the Planning Board to consider proposed amendments to Division 30. Affordable Housing of the Land Use Code and to make a recommendation to the City Council regarding the proposals. The Housing Committee took up four proposals, two from staff and two from Mayor Strimling, at their November 3 and 17 meetings and forwarded them to the Planning Board for their input:

- A proposal from Mayor Strimling to increase the inclusionary zoning requirement from 10% to 20% (forwarded without a positive recommendation);
- A proposal from Mayor Strimling to lower the income levels for affordable units from “workforce” to “low income (forwarded without a positive recommendation);

- A proposal from staff to require that projects that provide units on- or off-site make a fee-in-lieu payment for any fractional units required (forwarded with a positive recommendation); and
- A proposal from staff to eliminate the current sunset provision in the ordinance (forwarded without a positive recommendation.)

The Planning Board held a workshop on February 13 and a public hearing on May 8, 2018. After their hearing and discussion, the Board voted as follows:

- To recommend an amendment to the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.
- To recommend an amendment to the Inclusionary Zoning Ordinance to remove the sunset clause.
- Not to recommend the Mayor's proposal to amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units from 10% to 20%, which was not recommended by the Planning Board.
- Not to recommend the Mayor's proposal from the Mayor to amend the Inclusionary Zoning Ordinance to change the current workforce housing requirement to a low-income housing requirement.

In addition, the Board recommends the amendments prepared by staff (attachment 1) that are clarifying or housekeeping amendments.

III. BACKGROUND

A significant update of Division 30 was adopted in 2015, which created the inclusionary zoning requirements (14-487. Ensuring Workforce Housing), requiring 10% of all residential projects with 10 or more units to provide affordable housing units. With the recent experience of administering the program, the city staff prepared housekeeping amendments to clarify the definitions, remove the 6 year sunset provision in order to remove uncertainty from the ordinance, allow review of IZ applications in the India Street Form Based code to be done by the applicable review authority (staff or planning board), and clarify the standards. One of the four substantive changes proposed is to eliminate the ability to round down for on-site units and instead include provisions for fractional payments for IZ units. If the units are proposed on-site, then the calculation of the required 10% of units can be rounded down. The proposal is to eliminate the option to round down, so a developer would have three options in the above example: 1) provide the additional unit for a total of 2 units; 2) create one unit and pay the fractional difference in a partial fee-in-lieu; or 3) pay the fee-in-lieu. Mayor Strimling offered amendments to Division 30 that would increase the inclusionary zoning requirement from 10% to 20% of the total number of units and to change the requirement for affordable housing units from workforce units to low-income units, which are not recommended by the Planning Board.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Housing Committee Goal: Increase access to rental and ownership housing that is safe and affordable for working and low-income families.

Comprehensive Plan:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
 - Continue to implement best practices in workforce and affordable housing development such as the Housing Trust Fund, inclusionary zoning, and other tools.

V. FINANCIAL IMPACT

To date the Inclusionary Zoning, without other subsidies, has approved 25 inclusionary zoning units and the anticipated revenue is \$1,266,250 for those projects contributing to the Housing Trust fund. A review of the fiscal impacts shows that the affordable housing projects have not sought tax abatements

and the Assessor confirms that IZ would have a very small impact under the income approach of deriving an assessed value for multi-unit housing.

VI. PLANNING BOARD ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The inclusionary zoning (IZ) provisions of Division 30 were adopted in 2015. Thus, Sec14-487. Ensuring Workforce Housing requires 10% of all residential projects with 10 or more units to provide affordable housing units. The ordinance included a six-year sunset provision, established minimum standards for meeting the requirements, and promulgated regulations. Since the adoption of the inclusionary zoning (IZ), the Planning Board has approved 18 projects with a total of 693 units, of which 187 are workforce units. The majority of the projects are providing on-site units with only one development providing 2 off-site units. If the projects benefitting from tax credits or city subsidies are removed from the list, then a total of 413 units were approved, which include 23 IZ workforce housing units on-site and 2 off-site. Six projects have opted to pay the fee in lieu for an anticipated total of \$1,266,250.

The Planning Board sought information on how the funds of the Housing Trust Fund have been allocated. Victoria Volent provided the following accounting of the Trust Fund (which includes deposits from multiple sources).

DEPOSITS		EXPENDITURES	
Maine Medical Center 2002-2003	\$318,580	Avesta Oak Street Lofts 2011	(\$380,585)
Sportsman's Grill 2002	\$40,000	Housing First Pre-Development Grants 2014	(\$75,000)
Berlin City Auto 2009	\$116,000	65 Hanover & 62 Alder Streets Feasibility 2015	(\$9,250)
Stop n Shop 2010	\$289,250	65 Munjoy Street 2017	(\$175,000)
Rockbridge/Eastland Park 2012	\$42,500	Total Expenditures	(\$639,835)
Riverwalk/Ocean Gateway 2012	\$250,000		
118 Congress LLC 2012	\$3,500		
Interest earned	\$51,555.81		
91 & 97 Belfort St sale 2017	\$86,423.99		
116 Upper A St., Peaks Island sale 2017	\$78,526.74		
443 Congress St. fee-in-lieu (IZ) 2017	\$280,000		
Total Deposits	\$1,553,336.54	Balance	\$913,501.54

In addition, the Board sought analysis on the fiscal impacts of the projects on the City's assessed value of property. Jeff Levine provided Christopher Huff, Portland Tax Assessor, with a list of affordable housing projects. Mr. Huff confirmed that none of the affordable housing projects have requested or filed for an abatement. In addition, he stated the following:

[O]ur IZ ordinance would have a very small impact on a building/property valuation. For any apartment building with 10+ units, the income approach would be the most acceptable to derive an assessed value. Actual rents (or a Gross Rent Multiplier) would be used in calculating the annual income used in the income approach. The restricted rents of the inclusionary units would have a slight, negligible impact to this calculation. This would differ from project to project, making it difficult to determine any specific loss of value.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board held a workshop on this item on February 13, 2018 and a public hearing on May 8, 2018. The Board is recommending to City Council the adoption of the text amendments in Attachment 1, which include the elimination of the sunset provision. The Board voted 5 – 2 with David Eton and Brandon Mazer opposed. Both members stated at the public hearing that they supported the overall text

amendments in Attachment 1; however they were opposed to the total elimination of the sunset provision contained within the series of revisions. The second motion to recommend the text amendments offered by Mayor Strimling in Attachment 2 failed with a vote of 0-7.

The Board's support for the partial fee-in-lieu was generally based on the idea that it levelled the playing field between projects that chose to provide units on site and projects that pay a fee-in-lieu. Right now, a 19-unit project can provide only one workforce unit, as the number of units is rounded down. However, if that project chose to pay a fee-in-lieu, it will have to pay 1.9 times the fee for one unit. Under the proposed amendment, if the 19-unit project chose to provide a unit on site, it would also have to pay 0.9 times the fee for one unit.

On the issue of the sunset provision, the majority of the Board felt that there was no longer the need for the provision. Sunset provisions are rare in City ordinances. The majority felt the program has proven to be successful, and, as with any other ordinance, the City Council is free to repeal it if it finds the program is no longer effective. City staff reports regularly to the Housing Committee and Planning Board on the program's activities, and also keeps an active log on the City's web site of developments subject to the ordinance. The majority also agreed with staff that a sunset provision may have some impact on the development market by creating a sense of uncertainty and potentially a possibility of land owners "banking" their property with the expectation that the ordinance may sunset.

On the other hand, two Board members felt they could support potentially extending the sunset provision by two years but did not feel the program had been in existence long enough to justify elimination of the sunset provision. Both members felt the sunset provision provided an opportunity for the city to formally assess the effectiveness of the program.

The Planning Board does not recommend the amendments proposed in Attachment 2. The motion to recommend the text amendments to Division 30 contained within Attachment 2 failed with a vote of 0-7. The Board felt that the current 10% requirement was appropriate for the Portland market. Only much more expensive markets are a higher percentage warranted, and even in those markets there have been some concerns about a 20% requirement. Similarly, while a low-income housing requirement is more common than a workforce housing requirement, the Board did not feel that change was warranted at the time.

VIII. LIST ATTACHMENTS

Attachment A- Planning Board Report

Attachments to Report:

1. Proposed Text Amendments Proposed by Staff, Division, 30 Affordable Housing
2. Proposed Text Amendments Proposed by Mayor Strimling, Division 30, Affordable Housing
3. Comparison Chart of Current Ordinance and Proposed Amendments
4. Memorandum, Mayor Strimling, November 29, 2017
5. Memorandum, Victoria Volent, Housing Program Manager, November 3, 2017
6. Memorandum, Victoria Volent, Housing Program Manager, November 21, 2017

Prepared by: Barbara Barhydt, Development Review Services Manager
Date: May 21, 2018

Division 30- 2018 Amendments – Planning Board Recommendations- May 8, 2018

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) ~~(a)~~—The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);

(b) The unit is rented to a household earning 80% or less of AMI; and

(c) ~~(c)~~ Annual rent increases for that unit are limited. The requirements of (a) and (b) above are limited in perpetuity by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

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Low-income housing unit for sale means a dwelling unit for which:

- (a) ~~(a)~~ The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI;
- (b) The unit is sold to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement for ~~all future sales~~ unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- ~~(a)~~ (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for

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rent or ~~workforce housing for sale~~, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

- (a) ~~(a)~~ The rent is ~~is~~ affordable to a household earning 100% or less than 100% of ~~HUD~~ AMI;
- (b) The unit is rented to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are Annual rent increases for that unit are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. ~~to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.~~

Workforce housing unit for sale means a dwelling unit for which:

- (a) ~~(a)~~ The purchase price is affordable to a household earning at 120% or less of ~~HUD~~ AMI;
- (b) The unit is sold to a household earning 120% or less of AMI; and
- (c) The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size for the applicable length of time in this ordinance.

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Sec. 14-486. Reduction of fees.

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability/Conditional Use Requirement/Sunset.* This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~

(c) *All Developments of Ten Units or More Conditional Uses/Sunset.* Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases~~

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~~where a project prefers to pay a fee in lieu as per (e)3. below.~~
The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section, for every 400 square feet in each a-market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. the actual number of bedrooms in the unit is lower.~~
4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.

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6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) Implementing Regulations. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) Reporting to City Council. In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

Division 30 Amendments Proposed by Mayor Strimling

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

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Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and
- (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning ~~120~~100% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Division 30 Amendments Proposed by Mayor Strimling

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a multi-family dwelling, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and
- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

- (a) Is affordable to a household earning less than 100% of HUD AMI; and
- (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household at 120% of HUD AMI; and
- (b) The resale price is limited by deed restriction or other

Division 30 Amendments Proposed by Mayor Strimling

legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

(Ord. No. 98-06/07, 12-4-06; Ord. No. 84-08/09, 10-20-08; Ord. 82-15/16, 10-19-2015; Ord. No. 196-15/16, 3-21-2016)

Sec. 14-486. Reduction of fees.**Sec. 14-487. Ensuring Workforce Housing.**

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability/Conditional Use Requirement/Sunset.* This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

(c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.

This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) ~~Workforce-Low-Income Housing Minimum.~~ At least ~~ten~~-~~twenty~~ percent (~~120~~%) of the units in the project shall meet the definition of ~~workforce-low-income~~ housing unit for sale or for rent. The number of units required is rounded down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.

(e) Standards.

Division 30 Amendments Proposed by Mayor Strimling

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. ~~Workforce-Low-income housing~~ units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. ~~Workforce-Low-income~~ units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ~~420~~ percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower.
4. As an alternative to providing ~~workforce-low-income~~ housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. ~~Workforce-Low-income~~ housing units for sale, if converted to ~~workforce-low-income~~ housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 10 percent ~~workforce-low-income housing~~ units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years

Division 30 Amendments Proposed by Mayor Strimling

50%	20 years
100%	10 years

(f) *Implementing Regulations.* Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

LAND USE CODE TEXT AMENDMENTS – DIVISION 30. AFFORDABLE HOUSING

City of Portland, Applicant

Submitted to: Mayor Strimling and City Council From: Chair Dundon and Portland Planning Board Public Hearing – June 18, 2018	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 21, 2018
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I. INTRODUCTION:

The Housing Committee and Mayor Strimling are asking the Planning Board to consider proposed amendments to Division 30. Affordable Housing of the Land Use Code and to make a recommendation to the City Council regarding the proposals. The Housing Committee took up four proposals, two from staff and two from Mayor Strimling, at their November 3 and 17 meetings and forwarded them to the Planning Board for their input:

- A proposal from Mayor Strimling to increase the inclusionary zoning requirement from 10% to 20% (forwarded without a positive recommendation);
- A proposal from Mayor Strimling to lower the income levels for affordable units from “workforce” to “low income (forwarded without a positive recommendation);
- A proposal from staff to require that projects that provide units on- or off-site make a fee-in-lieu payment for any fractional units required (forwarded with a positive recommendation); and
- A proposal from staff to eliminate the current sunset provision in the ordinance (forwarded without a positive recommendation.)

After their hearing and discussion, the Board voted as follows:

- To recommend an amendment to the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.
- To recommend an amendment to the Inclusionary Zoning Ordinance to remove the sunset clause.
- Not to recommend the Mayor’s proposal to amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units from 10% to 20%, which was not recommended by the Planning Board.
- Not to recommend the Mayor’s proposal from the Mayor to amend the Inclusionary Zoning Ordinance to change the current workforce housing requirement to a low-income housing requirement.

In addition, the proposal includes clarifying or housekeeping amendments. The amendments prepared by City staff are outlined in Section III below and are contained in [Attachment 1](#). The amendments proposed by Mayor Strimling are included in [Attachment 2](#). A comparison chart of the proposed amendments recommended by the staff is included as [Attachment 3](#). Mayor Strimling’s November 29, 2017 memo is [Attachment 4](#). The memos prepared by

Victoria Volent, Housing Program Manager, for the Housing Committee on November 3, 2017 and November 21, 2017 are included as Attachments 5 and 6, respectively.

The Planning Board held a workshop on this item on February 13, 2018 and a public hearing on May 8, 2018. The Board is recommending to City Council the adoption of the text amendments in Attachment 1 (staff amendments.) The Board voted 5 – 2 with David Eton and Brandon Mazer opposed. Both members stated at the public hearing that they supported most of the text amendments in Attachment 1, but were opposed to eliminating the sunset provision. The second motion to recommend the text amendments in Attachment 2 (the Mayor's amendments) failed with a vote of 0-7.

II. HISTORY OF DIVISION 30: AFFORDABLE HOUSING

Division 30 was first adopted in 2006 and has been modified over the past 11 years. Following is a brief chronology of Division 30.

- A. December 2006: Division 30 was adopted by the City Council in 2006 and it was called Incentives for Affordable Housing. The new division of the Land Use code included definitions for affordable housing and provided incentives for affordable housing, such as reduced development review fees, reduced parking requirements, density bonuses between 5 and 25%, and an expedited review. Those incentives were used during the review of affordable housing projects; however, only a few units of affordable units were created within market-rate projects.
- B. October 2015: A significant update of Division 30 was proposed and adopted in 2015, which changed the name to Affordable Housing. The incentives for affordable housing were retained and the inclusionary zoning requirements (14-487. Ensuring Workforce Housing) were created. In summary, the amendments include:
 - a) A definition of affordable;
 - b) Updated definitions of low income housing (affordable to a household earning 80% or less of Area Median Income (AMI)) and workforce housing units (affordable to a household earning 100% or less of AMI for rentals and 120% for home ownership);
 - c) Required 10% of all residential projects with 10 or more units to provide affordable housing units as defined;
 - d) Set a six-year sunset provision from passage;
 - e) Established the minimum standards for meeting the Workforce Housing requirements; and
 - f) Authorized regulations to further specify details for implementation.
- C. March 2016: Amendments were adopted to clarify that projects that are subject to the inclusionary zoning provisions are also eligible for the affordable housing incentives.
- D. September 2017: The amendments adopted in 2017 focused on strengthening the incentives for affordable housing in designated growth areas. Density bonuses were adjusted according to the percentage of low income housing and workforce housing units with the density bonuses ranging from 1.1 times the base allowed density to 2.5 within Business Zones, R-7 and Residence Professional Zones. Height bonuses between 10 and 25 feet and setback reductions are offered according to the percentages of low income and workforce units. Similarly, dimensional standards may be modified for Planned Residential Unit Development that provide at least 50% of the units as affordable housing. A neighborhood meeting is required prior to the submission of an application that intends to take advantage of the proposed incentives.

III. INCLUSIONARY ZONING DEVELOPMENT PROJECTS TO DATE

Since the adoption of the inclusionary zoning (IZ), the Planning Board has approved plans and conditional use IZ applications for sixteen projects.

Inclusionary Zoning Development Projects: December 2015 – March 2018 – Table 1

Address	Status	# of Units	Type	Workforce Units	On-Site	Off-Site	Fee-in-lieu
169 Newbury St (Luminato)	Completed	26	Condo	2	0	2	\$0
65 Munjoy St (City Owned)	Completed	8	Condo	6	6	0	\$0
443 Congress St	Under Construction	28	Apt	0	0	0	\$280,000 *
62 India Street	Under Construction	29	Condo	0	0	0	\$290,000
20 Thames St	Under Construction	28	Condo	0	0	0	\$280,000
1 Joy Place	Under Construction	12	Condo	1	1	0	\$0
70 Anderson St	Approved (2016)	10	Rental	1	1	0	\$0
75 Chestnut St (Westerlea View)	Approved (2016)	54	Apt	5	5	0	\$0
161 York St	Approved (2017)	11	Condo	0	0	0	\$110,000
221 Congress St	Approved (2017)	17	Condo	0	0	0	\$170,000
153-165 Sheridan St	Approved (2017)	19	Condo	1	1	0	\$0
1700 Westbrook St (Stroudwater)	Approved (2017)	123	SF/Townhouse	12	12	0	\$0
218-220 Washington St	Approved (2017)	45	Condo	0	0	0	\$416,250
510 Cumberland (Avesta)	Approved (2017)	80	Rental	46	46	0	\$0
58 Boyd St (PHA)	Approved (2017)	55	Rental	44	44	0	\$0
583-605 Stevens Avenue **	Approved (2018)	109	Rental	66	66	0	\$0
22 Hope Ave Subdivision (Brandy Ln)	Approved (2018)	16	SF Home	1	1	0	\$0
56-60 Parris St (Parris Terrace)	Approved (2018)	23	Condo	2	2	0	\$0
Subtotals		693		187	185	2	\$1,266,250
Pending Projects- 2018							
383 Commercial St	Under Review	82	Condo	9	TBD	TBD	TBD
1844 Forest Ave	Under Review	16	Apt.	TBD	TBD	TBD	TBD
37 Front St (PHA)	Under Review	99	Rental	79	79	0	\$0
56 Hampshire St	Under Review	28	Condo	TBD	TBD	TBD	TBD
300 Allen Avenue	Under Review	12	TBD	1	TBD	TBD	TBD
977 Brighton Avenue	Under Review	40	Rental	34	34	0	\$0
Subtotal		1009					

* Fee-in-lieu collected on 12-19-17

** 40 units targeting households earning 50% AMI, 26 units targeting households earning 60% AMI. \$625,000 in City HOME funds subsidized this project to increase affordability by lowering the income affordability from 100% AMI

The total number of units approved is 564, of which 120 are workforce units. The Portland Housing project on Boyd Street and the Avesta project on Cumberland Avenue, exceed the minimum percentage for affordable units. Three other projects are proposing 7 on-site units and two projects are proposing 4 off-site units. Six projects have opted to pay the fee in lieu prior to the issuance of a certificate of occupancy for an anticipated total of \$1,266,250. Seven pending projects pending would generate 304 residential units with 125 workforce units on-site. The commitments from the other projects are yet to be determined.

The Planning Board asked about the effectiveness of the program if all the projects that received various subsidies were not included in the summary. Below is a Table 2 of the inclusionary zoning projects that excludes projects that receive any tax credits or city subsidies.

Inclusionary Zoning Development Projects: December 2015-March 2018 – Table 2
WITH ALL PROJECTS RECEIVING TAX CREDITS (HOUSING OR HISTORIC) AND/OR CITY SUBSIDIES
REMOVED*

Address	Status	# of Units	Type	Workforce Units	On-Site	Off-Site	Fee-in-lieu
169 Newbury St (Luminato)	Completed	26	Condo	2	0	2	\$0
62 India Street	Under Construction	29	Condo	0	0	0	\$290,000
20 Thames St	Under Construction	28	Condo	0	0	0	\$280,000
1 Joy Place	Under Construction	12	Condo	1	1	0	\$0
70 Anderson St	Approved (2016)	10	Rental	1	1	0	\$0
75 Chestnut St (Westerlea View)	Approved (2016)	54	Apt	5	5	0	\$0
161 York St	Approved (2017)	11	Condo	0	0	0	\$110,000
221 Congress St	Approved (2017)	17	Condo	0	0	0	\$170,000
153-165 Sheridan St	Approved (2017)	19	Condo	1	1	0	\$0
1700 Westbrook St (Stroudwater)	Approved (2017)	123	SF/Townhouse	12	12	0	\$0
218-220 Washington St	Approved (2017)	45	Condo	0	0	0	\$416,250
22 Hope Ave Subdivision (Brandy Ln)	Approved (2018)	16	SF Home	1	1	0	\$0
56-60 Parris St (Parris Terrace)	Approved (2018)	23	Condo	2	2	0	\$0
Subtotals		413		25	23	2	\$1,266,250
Pending Projects- 2018							
383 Commercial St	Under Review	82	Condo	9	TBD	TBD	TBD
1844 Forest Ave	Under Review	16	Apt.	TBD	TBD	TBD	TBD
56 Hampshire St	Under Review	28	Condo	TBD	TBD	TBD	TBD
300 Allen Avenue	Under Review	12	TBD	1	TBD	TBD	TBD
Subtotal		590					

-
- * Seacoast's project in Deering Center would have had to provide 2 units or \$210,000 fee-in-lieu if the Motherhouse project had not been built.

The Planning Board asked about the fiscal impact Inclusionary Zoning Ordinance has had on the assessed value of property. Jeff Levine provided Christopher Huff, Portland Tax Assessor, with a list of affordable housing projects. Mr. Huff confirmed that none of the affordable housing projects have requested or filed for an abatement. In addition, he stated the following:

[O]ur IZ ordinance would have a very small impact on a building/property valuation. For any apartment building with 10+ units, the income approach would be the most acceptable to derive an assessed value. Actual rents (or a Gross Rent Multiplier) would be used in calculating the annual income used in the income approach. The restricted rents of the inclusionary units would have a slight, negligible impact to this calculation. This would differ from project to project, making it difficult to determine any specific loss of value.

Victoria Volent provided a summary (below) of how the collected funds in the Housing Trust Fund have been allocated. She reports that the balance of the Housing Trust Fund is \$913,501.54 and that the chart breaks down deposit and expenditure as of March 20, 2018.

DEPOSITS		EXPENDITURES	
Maine Medical Center 2002-2003	\$318,580	Avesta Oak Street Lofts 2011	(\$380,585)
Sportsman's Grill 2002	\$40,000	Housing First Pre-Development Grants 2014	(\$75,000)
Berlin City Auto 2009	\$116,000	65 Hanover & 62 Alder Streets Feasibility 2015	(\$9,250)
Stop n Shop 2010	\$289,250	65 Munjoy Street 2017	(\$175,000)
Rockbridge/Eastland Park 2012	\$42,500	Total Expenditures	(\$639,835)
Riverwalk/Ocean Gateway 2012	\$250,000		
118 Congress LLC 2012	\$3,500		
Interest earned	\$51,555.81		
91 & 97 Belfort St sale 2017	\$86,423.99		
116 Upper A St., Peaks Island sale 2017	\$78,526.74		
443 Congress St. fee-in-lieu (IZ) 2017	\$280,000		
Total Deposits	\$1,553,336.54	Balance	\$913,501.54

Victoria Volent provided the following synopsis of the Trust Fund:

As noted in the above chart, projects funded with Housing Trust Funds include the Avesta Oak Street Loft project which produced 37 efficiency units of rental housing affordable at 60% of the area median income (AMI) and below (including four units at 40% of AMI); 65 Munjoy Street which produced eight condominium units available for sale to households earning at or below 120% of AMI; Avesta's Huston Commons which produced 30 efficiency Housing First units; and Community Housing of Maine purchased a property on St. John Street which produced four Housing First units.

IV. PROPOSED AMENDMENTS AND POLICY DISCUSSION

The Housing Committee considered a range of potential amendments to Division 30, which were offered by Mayor Strimling and the planning staff. On November 29, 2017, the Committee voted (2-0) to forward to the planning board the committee's support to amend fractional fee payment when units are provided on site and to move other planning staff proposed changes, except for the sunset clause. The Housing Committee voted (2-0) to forward to the Planning Board the other items considered by the committee without a positive recommendation. The ordinance with the staff recommendations is included as Attachment 1. The proposed amendments offered by Mayor Strimling are contained in Attachment 2. A comparison chart of the changes proposed the staff is included as Attachment 3. The proposed amendments from both the staff and the Mayor are summarized below and follow in sequence the sections of the ordinance. The Planning Board is recommending to City Council the adoption of the text amendments contained in Attachment 1.

A. Sec. 14-485. Definitions

- **Affordable:** The definition of affordable is proposed to be amended to clarify that condominium/HOA fees, mortgage insurance, other insurance and real estate taxes are included in the calculations for determining monthly housing expenses. The current language is vague and simply states that insurance and taxes will be taken into consideration. This is considered a housekeeping amendment to specify the eligible monthly housing expenses. (**Attachment 1, page 1**)

Recommendation: Staff proposal and moved forward by Housing Committee. **Planning Board recommended.**

- **Low Income housing unit for rent:** The modifies the definition of low income housing for rent to specify that "the unit is rented to a household earning 80% or less of AMI. The proposed staff changes eliminate the statement that annual rent increases for the unit are limited in perpetuity by deed restriction or legal document. The replacement language states, "The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable time required in this ordinance." Division 30 has time frames for workforce housing under 14-487 (e)7 of the standards (listed below) and there are separate timeframes for projects seeking incentives under the Affordable Housing ordinance. (**Attachment 1, page 1**)

Recommendation: Staff proposal and moved forward by Housing Committee. **Planning Board recommended.**

- **Low Income housing unit for sale:** The proposed text amendment raises the sale price that is affordable for a household from 80% to 100% or less of the HUD AMI. A provision is added that the unit is to be sold to a household earning 100% or less of AMI, and modifies the restrictions for all future sales to the length of time required in the code. (**Attachment 1, page 2**)

Recommendation: Mayor Strimling proposed that future sales be affordable to those earning 100% of the AMI, which is the proposed figure.

Housing Committee moved forward without a positive recommendation. **Planning Board recommended.**

- **Eligible project:** The language is modified to allow a broader range of housing projects to be included. The proposal adds single-family or multi-family dwelling or subdivision consisting of a group of dwellings and not located in R-1 or R-2. It requires a low-income or workforce housing unit for rent or for sale to qualify under the eligible projects. This is offered as a housekeeping amendment to clarify the language, which currently, specifies at least one low-income or workforce unit for rent or sale. (Attachment 1, page 2)

Recommendation: Staff proposal and moved forward by Housing Committee. **Planning Board recommended.**

- **Workforce housing unit for rent:** The revisions are intended to clarify that the unit rent is considered affordable for households earning 100% or less of the AMI. The provision adds that the unit is to be rented to a household earning 100% or less of AMI and that the long-term restrictions are limited by deed restriction or other legally binding agreement for the time frame of this ordinance. (Attachment 1, page 3)

Recommendation: Staff proposal and moved forward by Housing Committee. **Planning Board recommended.**

- **Workforce housing for sale:** The housekeeping amendment to this definition is modified to state that the unit cost is affordable to households earning 120% or less of the HUD AMI, rather than the current language of less than. Again, it adds that the unit shall be sold to a household earning 120% or less and that requirements for future sales are limited by the deed restriction and legally binding agreement for the length of time of this ordinance. (Attachment 1, page 3)

Recommendation: Staff proposal and moved forward by Housing Committee. **Planning Board recommended.**

B. Sec. 14-487. Ensuring Workforce Housing

- **(b) Applicability/Conditional Use Requirement/Sunset.** The title is proposed to be simply Applicability. A housekeeping amendment is proposed to the applicability section to delete the line exempting Master Development Plans, Level III site plans, or comparable applications from being subject to this ordinance that were submitted prior to the effective date of the ordinance. (Attachment 1, page 4)

Recommendation: Staff proposal and moved forward by the Housing Committee. **Planning Board recommended.**

- **(c) All Developments of Ten Units or More Conditional Uses/Sunset.** The second amendment is this section would allow a Conditional Use review of IZ applications administratively or by the Planning Board in accordance with the thresholds of site plan review within the India Street Form Based Code zone. As Jeff Levine noted at the public hearing, the overall intent of the Form Based Code was to provide an efficient and streamlined review process, thus this amendment is proposed. Projects within other zoning districts would continue to be reviewed by the Planning Board as an Inclusionary Zoning Conditional Use. (Attachment 1, page 4)

Recommendation: Staff proposal and moved forward by the Housing Committee. **Planning Board recommended.**

- **(c) All Developments of Ten Units or More Conditional Uses/Sunset.** The Planning Board considering moving the sunset provisions to this section and considered whether to retain, extend by 2 years to 2024 or eliminate the provision. The intent of the sunset provision was to evaluate the effectiveness of the ordinance prior to the sunset date and then, the expiration date would be deleted or the entire section removed from this section. The staff recommendation was the elimination of the sunset provision, which is scheduled to occur in 2021, because it creates uncertainty in the market as the date approaches and may influence developers to delay projects. At the public hearing, the Planning Board voted to recommend the proposed text amendments to the City Council with the sunset provision eliminated. Two members (David Eaton and Brandon Mazer) voted against the motion solely because the motion included eliminating the sunset provision. They did not support extinguishing the sunset provision and preferred extending it.

As noted in Section III above, the Inclusionary Zoning requirements do not appear to have slowed housing development in Portland and has provided affordable units and funding. Victoria Volent's memos in Attachments 5 and 6 for further analysis. **(Attachment 1, page 4)**

Recommendation: Staff Proposal and moved forward by the Housing Committee without a positive recommendation. **Planning Board recommended.**

- **(d) Workforce Housing Minimum.** The proposal from the Mayor is to change the workforce housing to low-income housing and set a minimum percentage of 20% of the units must be low income. Low-income housing is substituted for workforce housing throughout this section. The specific changes are contained in Section 14-487 (d). **(Attachment 2, page 3)**

Recommendation: Mayor Strimling's proposal and moved forward by the Housing Committee without a positive recommendation. **Planning Board did not recommend.**

- **(d) Workforce Housing Minimum.** One of the four substantive changes proposed to the inclusionary zoning is to eliminate the ability to round down for on-site units and instead include provisions for fractional payments for IZ units. The current minimum requires 10% of the units to be Workforce housing units. If the units are proposed on-site, then the calculation of the required number of units can be rounded down. If a fee-in-lieu is chosen, the fee may not be rounded down and must account for the fractional cost of the 10% of all units. For example, a 19-unit project can meet the requirements by providing one unit on-site or paying the fee-in-lieu for 1.9 units. The proposal is to eliminate the option to round down, so a developer would have three options in the above example: 1) provide the additional unit for a total of 2 units; 2) create one unit and pay the fractional difference in a partial fee-in-lieu; or 3) pay the fee-in-lieu. Victoria Volent's memos in Attachments 5 and 6 for further analysis, specifically on the financial implications of this policy and research outlining approaches in other communities. **(Attachment 1, page 5)**

Recommendation: Staff proposal and **forward** by the Housing Committee with a positive recommendation. **Planning Board recommended.**

- **(d) Workforce Housing Minimum:** Mayor Strimling's proposal is to change this section from Workforce Housing Minimum to Low-Income Housing Minimum and requiring that the inclusionary zoning requirement be increased from 10% to 20%. This revision is carried through this section. The

changes are contained in Sec. 14.487(e) Standards subparagraphs 2, 3, 4, 5, and 7. (**Attachment 2, page 4**).

Recommendation: Mayor Strimling's proposal and moved forward by the Housing Committee without a positive recommendation. **Planning Board did not recommend.**

- **(e) Standards:** Under the standards for review for compliance with IZ, the staff proposes changes to the manner in which the bedroom count is calculated. It allows the staff to consider the actual number of bedrooms proposed or use every 400 square feet of each unit to determine the bedroom count. The present wording determines the number of bedrooms by counting every 400 square feet of floor space in a market unit. The proposed change would state that for the purposes of calculating the number of bedrooms in a development, every 400 feet in each unit will count as a bedroom, if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. (**Attachment 1, page 5**)

Recommendation: Staff Proposal and moved forward by the Housing Committee. **Planning Board recommended.**

V. COMPREHENSIVE PLAN

Portland's Plan 2030 has the following housing goals, which support affordable housing initiatives. The specific goals are as follows:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.

The accompanying strategy states:

- Continue to implement best practices in workforce and affordable housing development such as the Housing Trust Fund, inclusionary zoning, and other tools.

The proposed amendments seek to further the city's goal to increase the overall supply of affordable housing. The intent is to promote the equitable the implementation of the inclusionary zoning ordinance through improved clarity in the regulations. Substantively, the proposal to eliminate the option to round down the required number of affordable units when housing is being provided effectively increases the number of units produced and/or increases the monetary contributions to the city for future projects.

VI. PLANNING BOARD RECOMMENDATION

The Planning Board finds the proposed amendments in Attachment 1 to be consistent with Portland's Comprehensive Plan and recommends adoption of the text amendments for Division 30, Affordable Housing to City Council. The vote was 5-2 with Board members Eaton and Mazer opposed due to the total elimination of the sunset provision. Both members supported all of the other text amendments contained in Attachment 1 and asked to be on the record stating their support.

The Board's support for the partial fee-in-lieu was generally based on the idea that it levelled the playing field between projects that chose to provide units on site and projects that pay a fee-in-lieu. Right now, a 19-unit project can provide only one workforce unit, as the number of units is rounded down. However, if that project chose to pay a fee-in-lieu, it will have to pay 1.9 times the fee for one unit. Under the proposed amendment, if the 19-unit project chose to provide a unit on site, it would also have to pay 0.9 times the fee for one unit.

On the issue of the sunset provision, the majority of the Board felt that there was no longer the need for the provision. Sunset provisions are rare in City ordinances. The majority felt the program has proven to be successful, and, as with any other ordinance, the City Council is free to repeal it if it finds the program is no longer effective. City staff reports regularly to the Housing Committee and Planning Board on the program's activities, and also keeps an active log on the City's web site of developments subject to the ordinance. The majority also agreed with staff that a sunset provision may have some impact on the development market by creating a sense of uncertainty and potentially a possibility of land owners "banking" their property with the expectation that the ordinance may sunset.

On the other hand, two Board members felt they could support potentially extending the sunset provision by two years but did not feel the program had been in existence long enough to justify elimination of the sunset provision. Both members felt the sunset provision provided an opportunity for the city to formally assess the effectiveness of the program.

The Planning Board does not recommend the amendments proposed in Attachment 2. The motion to recommend the text amendments to Division 30 contained within Attachment 2 failed with a vote of 0-7. The Board felt that the current 10% requirement was appropriate for the Portland market. Only much more expensive markets are a higher percentage warranted, and even in those markets there have been some concerns about a 20% requirement. Similarly, while a low-income housing requirement is more common than a workforce housing requirement, the Board did not feel that change was warranted at the time.

Attachments:

1. Proposed Text Amendments Proposed by Staff, Division, 30 Affordable Housing
2. Proposed Text Amendments Proposed by Mayor Strimling, Division 30, Affordable Housing
3. Comparison Chart of Current Ordinance and Proposed Amendments
4. Memorandum, Mayor Strimling, November 29, 2017
5. Memorandum, Victoria Volent, Housing Program Manager, November 3, 2017
6. Memorandum, Victoria Volent, Housing Program Manager, November 21, 2017

Division 30- 2018 Amendments – Planning Board Recommendations- May 8, 2018

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) (a)—The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);
- (b) The unit is rented to a household earning 80% or less of AMI; and
- (c) Annual rent increases for that unit are limited
~~limited~~ The requirements of (a) and (b) above are limited in perpetuity by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. ~~to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.~~

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Low-income housing unit for sale means a dwelling unit for which:

- (a) ~~(a)~~ The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI;
- (b) The unit is sold to a household earning 100% or less of AMI; and
- (c) ~~The requirements of (a) and (b) above are~~ The resale price is limited by deed restriction or other legally binding agreement for ~~all future sales~~ unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- ~~(a)~~ (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for

Division 30- 2018 Amendments – Planning Board Recommendations- May 8, 2018

rent or ~~workforce housing for sale~~, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

- (a) ~~(a)~~ The rent is ~~is~~ affordable to a household earning 100% or less than ~~100%~~ of HUD-AMI;
- (b) The unit is rented to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are Annual rent increases for that unit are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) ~~(a)~~ The purchase price is affordable to a household earning at ~~120%~~ or less of HUD-AMI;
- (b) The unit is sold to a household earning 120% or less of AMI; and
- (c) The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size for the applicable length of time in this ordinance.

~~where a project prefers to pay a fee in lieu as per (e)3. below.~~
The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section, for~~ every 400 square feet in each ~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. the actual number of bedrooms in the unit is lower.
4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.

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6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) *Implementing Regulations.* Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

Division 30 Amendments Proposed by Mayor Strimling

DIVISION 30. AFFORDABLE HOUSING

Sec. 14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and
- (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning ~~120~~100% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Division 30 Amendments Proposed by Mayor Strimling

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and
- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

- (a) Is affordable to a household earning less than 100% of HUD AMI; and
- (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household at 120% of HUD AMI; and
- (b) The resale price is limited by deed restriction or other

Division 30 Amendments Proposed by Mayor Strimling

legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

(Ord. No. 98-06/07, 12-4-06; Ord. No. 84-08/09, 10-20-08; Ord. 82-15/16, 10-19-2015; Ord. No. 196-15/16, 3-21-2016)

Sec. 14-486. Reduction of fees.**Sec. 14-487. Ensuring Workforce Housing.**

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability/Conditional Use Requirement/Sunset.* This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

(c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.

This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) ~~Workforce-Low-Income Housing Minimum.~~ At least ~~ten~~ twenty percent (20%) of the units in the project shall meet the definition of workforce-low-income housing unit for sale or for rent. The number of units required is rounded down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.

(e) Standards.

Division 30 Amendments Proposed by Mayor Strimling

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. ~~Workforce-Low-income housing~~ units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. ~~Workforce-Low-income~~ units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ±20 percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower.
4. As an alternative to providing ~~workforce-low-income~~ housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. ~~Workforce-Low-income~~ housing units for sale, if converted to ~~workforce-low-income~~ housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 10 percent ~~workforce-low-income housing~~ units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years

Division 30 Amendments Proposed by Mayor Strimling

50%	20 years
100%	10 years

(f) *Implementing Regulations.* Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

Comparison Chart of Proposed Staff Recommendations

Attachment 3

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

No Changes

Sec. 14-485. Definitions

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and
- (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) ~~(a)~~ —The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);
- (b) The unit is rented to a household earning 80% or less of AMI; and
- (cb) Annual rent increases for that unit are limited~~The requirements of (a) and (b) above are limited in perpetuity~~ by deed restriction or other legally binding agreement for the applicable length of time in this ordinance, to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning 80% or less of the HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a multi-family dwelling, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of

Low-income housing unit for sale means a dwelling unit for which:

- ~~(a)~~ ~~(a)~~ — The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI;
- ~~(b)~~ The unit is sold to a household earning 100% or less of AMI; and
- ~~(cb)~~ The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement for all future sales -unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- ~~(a)(c)~~ Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive

existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and (d) Projects shall not be considered “eligible projects” solely because they are subject to Section 14-487 (“Ensuring Workforce Housing”). <i>Workforce housing unit for rent</i> means a dwelling unit which: (a) Is affordable to a household earning less than 100% of HUD AMI; and (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size. <i>Workforce housing unit for sale</i> means a dwelling unit for which: (a) The purchase price is affordable to a household at 120% of HUD AMI; and (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.	reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and (d) Projects shall not be considered “eligible projects” solely because they are subject to Section 14-487 (“Ensuring Workforce Housing”). <i>Workforce housing unit for rent</i> means a dwelling unit for which: (a) (a) — The rent is affordable to a household earning <u>100% or less than 100% of HUD-AMI</u>; (b) <u>The unit is rented to a household earning 100% or less of AMI; and</u> (bc) <u>The requirements of (a) and (b) above are Annual rent increases for that unit are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.</u> <i>Workforce housing unit for sale</i> means a dwelling unit for which: (a) (a) — The purchase price is affordable to a household <u>earning at 120% or less of HUD-AMI</u>; (b) <u>The unit is sold to a household earning 120% or less of AMI; and</u> (c) <u>The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size for the applicable length of time in this ordinance.</u>
Sec. 14-486. Reduction of fees.	Sec. 14-486. Reduction of fees. No proposed amendments
Sec. 14-487. Ensuring Workforce Housing. (a) <i>Purpose.</i> Based on the city’s Comprehensive Plan and the housing study completed	Sec. 14-487. Ensuring Workforce Housing. (a) <i>Purpose.</i> Based on the city’s Comprehensive Plan and the housing study completed in 2015, it is in the

in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) Applicability/Conditional Use Requirement/Sunset.

This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

(c) All Developments of Ten Units or More Conditional Uses. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.

This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) Workforce Housing Minimum. At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. The number of units required is rounded

public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) Applicability/Conditional Use Requirement/Sunset. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~

(c) All Developments of Ten Units or More Conditional Uses/Sunset. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 ~~unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.~~

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

This section 14-487 shall be in effect until September 30, 2024, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) Workforce Housing Minimum. At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or~~

down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.	shall include a fractional value in cases where a project prefers to pay a fee in lieu as per (e)3. below. The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.
(e) Standards. 1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations. 2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units. 3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be 10 percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower. 4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. 5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units. 6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.	<u>(e) Standards.</u> 1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations. 2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units. 3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be <u>no less than</u> 10 percent of the total number of bedrooms in the development. For the purposes of <u>calculating the number of bedrooms in a development this section, for every 400 square feet in each a-market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms, the actual number of bedrooms in the unit is lower.</u> 4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. 5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units. 6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:		7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:	
Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units	Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances	10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years	25%	30 years
50%	20 years	50%	20 years
100%	10 years	100%	10 years

Portland, Maine



Yes. Life's good here.

Office of the Mayor, Ethan K. Strimling

TO: Housing Committee, Councilor, Jill Duson, Chair; Councilors David Brenerman and Brian Batson
FROM: Ethan Strimling, Mayor
DATE: November 29, 2017

Inclusionary Zoning Changes

- Increase the percentage of units required from 10% to 20%
- Drop income eligibility levels from 120 to 100% AMI for home ownership and from 100 to 80% for rental
- Change AMI to Portland Median Income

The Lincoln Institute described the need for inclusionary zoning well: “skyrocketing housing prices push middle class and low-income residents far away from well-paying jobs, reliable transportation, good schools, and safe neighborhoods. Inclusionary housing alone will not solve our housing crisis, but it is one of the few bulwarks we have against the effects of gentrification.” Indeed, more than 500 communities nationwide have adopted such ordinances.

And despite strong concerns expressed when this passed the council 7-2 in 2015, – “You’re going to get less housing” and “Small developers will say, ‘if the limit is 10, I’ll do nine” – nothing could be further from the truth of what actually happened. In reality, Housing construction has continued at a solid pace with 195 units permitted in 2016 and 296 in 2017. Both years after the IZ was put in place, compared to 136 in 2014 (2015 is an odd year as it has a few huge projects permitted, like Federated, that have yet to be built).

However, despite the adoption of our own IZ ordinance two years ago, there is, as this committee is well aware, still an affordable housing crisis in Portland. And while the IZ ordinance has certainly not had a detrimental impact on housing development, it also has not seen the impact it could. Raising the percentage of low-income units required from the current 10% to 20% will better utilize this existing tool, and aggressively targeting lower-income percentages for homeownership and rentals will follow “best practices” from other communities, according to staff, to target those who benefit most.

A few quick facts on how our IZ compares to other communities:

- In a 2014 study of communities around the country with inclusionary zoning ordinances, about 77% used greater than 10% as the required set-aside, with 73% of municipalities at 15% or higher. Over half are at 20% or higher, the level I am requesting the committee consider today.
- Additionally, according to our planning staff, 80% and 100% affordability are considered “best practice.”

A few quick facts on the affordability crisis:

- As we heard two weeks ago, 1200 people in Portland have applied to Avesta for housing, and they have only been able to help 100. Additionally, this morning I went to the new Avesta Project on Carleton Street, where they have brand new affordable units ranging from \$500-\$1000 a month. They already have 65 applications for the 37 units, and they aren't even open. They have closed the process.
- A third of all Portland owner-occupied households pay 30% or more of their income on housing and about half of rental households pay 30% or more.
- 74% of households are unable to afford the median home price in the city and 62% of renter households cannot afford the average two-bedroom apartment.
- For a house to be affordable at the median household income, the cost would need to be about \$143,479. However, the median home price in Portland last year was \$262,250, which requires an annual income of \$80,110.
- Of the 976 homes sold in Portland in 2016, only 34 were considered affordable.
- About 43% of Portland renters and 29% of homeowners are considered to be living in poverty.
- The median renter household earns \$31,028, meaning that affordable median rent is \$776 a month. Unfortunately, the median rent for a two bedroom is almost \$300 higher (\$1,052). Nearly 62% of renter households cannot afford this.
- Median rents citywide averaged an increase of 7.2% from last year to this year, with vast differences between neighborhoods.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 3, 2017

Subject: Proposed Amendments to the Inclusionary Zoning Ordinance and Review of
Fee-in-lieu Payment

Summary:

This memo contains two topics for review in regards to the City's Inclusionary Zoning Ordinance. The first topic item outlines two proposed staff amendments to the Inclusionary Zoning Ordinance. The second topic item is a review of the fee-in-lieu payment.

Topic One: Staff Amendments to the Inclusionary Zoning Ordinance

Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site.

A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation would be provided in the form of a proportional fee-in-lieu that is related to the cost of providing an affordable housing unit within the development project. The amendment would apply to on-site projects as the current ordinance allows developers to round the number of units down. This would address the concern that the requirement, while listed at 10%, can be as low as 5.25%.

For example, currently a 10-unit project and a 19-unit project may both meet their workforce housing requirements by providing one workforce unit on-site. No change is recommend for the 10-unit project (it would continue to meet the requirement by



providing one unit on site;) however, the 19-unit project would have to provide the unit on-site and also pay 90% of the fee-in-lieu (currently \$92,250.) This is consistent with how many other communities handle proportional units.

OVERALL ESTIMATED COST/REVENUE: Approximately \$10,250 per 10% of each fractional unit obligation.

Amend the Inclusionary Zoning Ordinance to remove the sunset clause.

Removing the sunset clause from the Inclusionary Zoning Ordinance would address the concern that this clause may result in land banking, especially as 2021 approaches. Given the need for housing production, staff recommends that the sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

The Mayor has two additional recommendations which are outlined in the attached July 18th Council Memo.

Topic Two: Review of the fee-in-lieu payment

Last month, staff presented the 2017 Housing Report to the Housing Committee. Section II. b. of the report presented the accomplishments of current City policies and initiatives in place to address issues of housing affordability and availability. While discussing the accomplishments of the Inclusionary Zoning Ordinance, the Housing Committee requested staff to prepare a separate report regarding how Portland and other municipalities determine an appropriate fee-in-lieu payment.

Background

In October 2015, the City Council approved amendments to the City's zoning ordinance mandating inclusionary zoning within all residential development projects of ten or more units. Section 14-487, Ensure Workforce Housing, requires all projects to make available a minimum of 10% of their units as workforce housing to eligible households. Developers also have the option of building units off-site within the same census block or paying a fee-in-lieu of some or all units into the City's Housing Trust Fund.



The fee for affordable units not provided was set at \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is \$102,500 per unit.

Since adoption of Inclusionary Zoning, eleven qualifying residential or mixed-use projects proposed by private developers have been approved by the Planning Board as of October, 2017. From those eleven projects, 14 units of workforce housing are proposed, and five out of eleven developers chose to pay the fee-in-lieu into the City's Housing Trust Fund for a total of \$1,266,250 (the actual funds will be deposited when the certificate of occupancy is requested).

Establishing a Fee-in-lieu Payment Amount

A March 5, 2015 staff memorandum to the Housing and Community Development entitled "*Proposed Inclusionary Zoning Ordinance- Next Steps*" noted:

It is important to keep in mind that the fee-in-lieu is theoretically supposed to cover the cost of creating an affordable unit at the target income levels. While it is hard to find a specific number that meets that goal, we generally find that the cost of producing an affordable unit is about \$125,000.

In Massachusetts the state's Department of Housing and Community Development recommends a fee-in-lieu "be determined as a per-unit cost as calculated from regional construction and sales report".

New Jersey and California also have state-wide inclusionary zoning policies. According to the National Housing Council, these two states and Massachusetts account for nearly 80% of all inclusionary zoning programs in the United States. New Jersey's fee-in-lieu requirement is \$180,000 per unit, while California requires an "in-lieu fee that is reasonably related to the cost of providing the affordable unit forgone by the developer's election to pay the fee".

Examples from Other Communities

Some communities are moving away from the option of offering a fee-in-lieu option. Others are increasing their fee-in-lieu in recognition of their preference for on-site units.



Many use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

Some examples of fees-in-lieu from other municipalities are in the table below.

<u>Municipality</u>	<u>Fee-in-Lieu</u>
Boston, MA	\$200,000- \$380,000 per unit depending on location
Brookline, MA	Based on sales price (\$175,000 for a typical 8-unit project, \$341,250 for a typical 15-unit project)
Burlington VT	\$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	\$85,000
San Francisco, CA	\$148,506-\$521,431 per unit depending on the size of the market units (\$366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Tirburon, CA	\$275,000
Watertown, MA	\$259,000-\$399,000 depending on the size of the market rate

Development Costs Analysis

Housing and Community Development Division Staff analyzed development costs associated with sixteen affordable housing projects in Portland which received some type of subsidy from the City (HOME, CDBG, TIF, etc.) from 2000 to 2013. The analysis revealed the average development cost per unit was \$192,664.

Conclusion

Portland, California, and Massachusetts each consider the per unit cost of producing a unit of affordable housing, given unique local circumstances (cost of land, need for infrastructure, current construction costs, etc.), when determining the fee-in-lieu. Staff recommends the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project.

However, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down –



Planning & Urban Development Department

the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

Attachment - Mayor's Proposed Amendments

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Ethan Strimling, Mayor

DATE: July 18, 2017

SUBJECT: Amendments to Inclusionary Zoning Ordinance

SPONSOR: Ethan Strimling, Mayor
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading 7/24/17 Final Action TBD

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

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

I. ONE SENTENCE SUMMARY

Amendments are being proposed to Division 30 related to the Inclusionary Zoning ordinance, including proposals to increase the percentage required to 20% and lower the income maximums.

II. AGENDA DESCRIPTION

Submission of proposed changes to the Inclusionary Zoning ordinance in Chapter 14 Division 30, for referral to the Housing Committee. This submission includes changes proposed by the Mayor and other changes proposed by City Staff.

III. BACKGROUND

In October 2015, the City Council passed the City's inclusionary zoning ordinance in section 14-387. That ordinance was part of a package known as "Encourage and Ensure" that included significant density bonuses for housing production, and also the inclusionary requirement for larger developments. In summary, the current ordinance requires that all developments of 10 units or more include 10% of their units as affordable at 100% of Area Median Income (about \$80,000 for a family of 4) if they are rentals, or at 120% of Area Median Income (about \$96,000 for a family of 4) if they are for sale. The number of units is rounded down, so a development of between 10 and 19 units has to provide 1 affordable unit. Alternatively, a developer can pay a fee-in-lieu to the City's Housing Trust of \$100,000 a unit (adjusted annually, currently \$102,500.) That amount is not rounded down, so a 19-unit building would have to pay a fee-in-lieu of \$194,750.

Since the ordinance went into effect, housing developments proposals have continued at a similar pace as prior to the ordinance. Attached is a list of projects that are subject to the ordinance and their proposed method of meeting its requirements. Developers have generally been cooperative with staff in thinking through how to meet its requirements, and have noted the flexibility of the ordinance as an asset. Note that some projects that opened after October 2015, such as the Hiawatha on Congress Street, were not subject to the ordinance as they applied for site plan approval prior to its effective date.

This item proposes to forward to the Housing Committee two sets of amendments. One set, proposed by the Mayor, would increase the percentage requirement in the ordinance to 20%, and also require that the units be affordable at low-income (80% of Area Median Income, or about \$65,000 for a family of 4, if for rent; or 100% of Area Median income if for sale.)

The second set of amendments, proposed by staff, are primarily designed to fine tune the ordinance. They include some clarifications of definitions and corrections of scrivener's errors. Staff is also proposing that when units are provided on-site, a developer will have to pay a fee-in-lieu for a fractional unit as per the size of the project. In the 19-unit example above, if the 1 unit were provided on-site, the developer would also have to pay \$90,250 into the Housing Trust. This would address the concern that the requirement, while listed as 10%, can be as low as 5.25%.

Finally, the existing ordinance includes a sunset clause that requires that it automatically expire in 2021. Staff has raised the concern that this clause may result in land banking, especially as 2021 approaches, by land owners hoping to sell their property with an inclusionary zoning requirement. Given the need for housing production, staff recommends that sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The goal is to increase production of low-income affordable housing and to implement the Council goal to: "Implement policies to capitalize the Housing Fund."

V. FINANCIAL IMPACT

None currently anticipated, but would be studied as part of the Housing Committee and Planning Board processes.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Staff has been monitoring the Inclusionary Zoning ordinance to determine its effectiveness to date. Generally, it has been working very well for what it was intended to accomplish. However, there are some relatively minor changes staff is recommending at this time to fine tune the ordinance. The Mayor's recommended changes would make the ordinance similar to those in Cambridge and Somerville, Massachusetts, which both recently increased their inclusionary requirement to 20%. The income levels recommended in the Mayor's changes are not unusual for Inclusionary Zoning ordinances nationally. At this point, staff recommends forwarding these proposed changes to the Housing Committee for further discussion.

VII. RECOMMENDATION

Referral to the Housing Committee and potentially Planning Board for recommendations to the full Council.

VIII. LIST ATTACHMENTS

Draft text amendments to Division 30

Income limits for 2017

Projects subject to Inclusionary Zoning to date

Prepared by: Jeff Levine

Date: July 18, 2017

Bean/agendarequestmemo/rev 1/23/2017

Order 14-17/18

Passage: 6-3 (Batson, Duson, and Ray) on 7/24/2017

Effective 8/3/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER REFERRING
THE INCLUSIONARY ZONING AMENDMENTS
TO THE HOUSING COMMITTEE

ORDERED, that the City Council hereby refers the proposed inclusionary zoning amendments, attached hereto, to the Housing Committee; and

BE IT FURTHER ORDERED, that the Housing Committee review the proposed ordinance and provide its final recommendation on this issue to the City Council.

DIVISION 30. AFFORDABLE HOUSING

...

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and
- (b) Annual rent increases for that unit are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~-future sales of the unit to an amount that is affordable to a household earning ~~120~~100 80% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

- (a) The following fees, as described in this chapter:
site plan review and inspection fees; subdivision
review and inspection fees; and administrative fees;
and
- (b) Construction and permit fees as described in chapter
6. "Development fees" does not include any fees
charged for reviews conducted by a party other
than the city.

Dwelling unit has the same meaning as that term is
defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of
this chapter in the zone in which it is
proposed;
- (b) That will be a multi-family dwelling ,as defined in
section 14-47, and will not be located in an R-1 or
R-
2 zone;
- (c) That creates new dwelling units, among which is at
least one low-income or workforce housing unit for
rent or ~~workforce housing for sale~~, through new
construction, substantial rehabilitation of
existing structures, adaptive reuse or conversion
of a non-residential use to residential use, or any
combination of these elements. Affordable
housing units for sale or rent may not differ in
exterior design from other units within an eligible
project; and
- (d) Projects shall not be considered "eligible
projects" solely because they are subject to
Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling
unit which:

- (a) Is affordable to a household earning 100% or less
~~than 100%~~ of HUD AMI; and

- (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household earning at 120% or less of HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

...

Sec. 14-487. Ensuring Workforce Housing.

a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

b) *Applicability* ~~/Conditional Use Requirement/Sunset~~. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter

14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case staff shall determine compliance with this section.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

d) Workforce Low-Income Housing Minimum. At least ~~ten~~ twenty percent (~~120~~20%) of the units in the project shall meet the definition of workforce low-income housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (c)3. below. The project shall have the option of paying a partial fee-in-lieu as per (c)3 below for the fractional value, or providing an additional unit on site.~~

e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

~~2.~~ Workforce Low-income housing units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

~~3.~~ Workforce Low-income units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ~~120~~ 20 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development this section, ~~for every 400 square feet in each a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~if the actual number of~~

~~bedrooms in the unit is lower.~~

4. As an alternative to providing workforce low-income housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000-102,500 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. ~~5.~~ Workforce Low-income housing units for sale, if converted to workforce low-income housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce or low-income housing units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 120 percent workforce low-income housing units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 ears



Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 21, 2017

Subject: Inclusionary Zoning Review

The attached packet of information contains an outline of the four Inclusionary Zoning Housing Policy proposals for the Housing Committee's consideration. The proposals are:

- Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.
- Amend the Inclusionary Zoning Ordinance to remove the sunset clause.
- Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.
- Amend the Inclusionary Zoning Ordinance to lower the affordability income level.

Also included is a memo titled Inclusionary Zoning Review which assesses Inclusionary Zoning provisions for the Housing Committee's evaluation. The provisions for review are:

- Approach for setting Fees
- Affordability Terms
- Income Targeting
- Inclusionary Set Aside Percentages



To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 21, 2017

Subject: Inclusionary Zoning Review

Introduction

On November 9, the Housing Committee received a memo from staff reviewing the City's fee-in-lieu payment option. The fee-in-lieu is theoretically meant to cover the cost of creating an affordable unit at the target income levels. Portland's fee-in-lieu is set at \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is \$102,500 per unit. In the November 9 memo, staff recommended the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project. Per the request of Mayor Strimling, staff has prepared this memo to review the fee-in-lieu policy in other communities as well as a review as to why some communities are eliminating the fee-in-lieu option from their Inclusionary Zoning requirement.

Approaches for Setting Fees

By the end of 2016, of the 886 municipalities across 25 states and Washington D.C. that have adopted Inclusionary Zoning, generally one of four approaches is chosen when setting the fee-in-lieu option. Those options are as follows:

- *The funding gap or existing production cost method* - The in-lieu fee is based on the average amount that the public has historically invested to actually produce each additional off-site affordable unit. For example, if it generally costs \$250,000 to build a new unit and qualified low-income buyers could generally afford \$200,000, then the fee would be \$50,000



Planning & Urban Development Department

- *The affordability gap or developer's opportunity cost method* - The in-lieu fee is based on the typical difference in price (or rent) between market rate and affordable units. For example, if a typical market rate home sold for \$300,000 and the affordable price was \$200,000 the fee would be \$100,000.
- *Percent of overall development costs* – The in-lieu fee is set as a fixed percentage of estimated development costs calculated on a per square foot basis rather than by unit.
- *Full cost of unit development* – The in-lieu fee equals the most current total development cost.

Portland's Inclusionary Zoning ordinance incorporates the "affordability gap or developer's opportunity cost fee-in-lieu method.

Communities that adopted the "funding gap or existing production cost method" did not successfully attain the goal of creating affordable housing units. This method set fees so low that when they were collected, the total dollar amount was often insufficient to produce the same number of affordable units that would have been produced had developers opted to build the affordable units themselves. Additionally, with a low fee-in-lieu payment, developers were more inclined to select the fee-in-lieu option rather than build the unit as paying the fee was in their financial best interest.

The "affordability gap or developer's opportunity cost method" requires the determination of the developer's opportunity cost (i.e. what the developer gives up by selling or renting for less than market value). Once determined, communities can set the fee-in-lieu at a level that encourages either the creation of affordable on-site units, or encourages payment of the fee-in-lieu depending upon the communities' preference. When all other things being equal, the higher the fee above the developer's opportunity cost, the higher the chance the developer will choose to build units on-site. Developers of luxury units have a higher opportunity cost and thus a strong incentive to pay the fee-in-lieu because they stand to lose more by constructing affordable units on site (Massachusetts Association of Community Development Corporations, 2006)

The "percent of development costs method" equally impact smaller homes and larger, luxury homes. Municipalities set fees as a fixed percentage of estimated development



costs based on assumptions of profitability and prices. Subsequently, developers marketing their units at \$1 million are proportionally impacted as the developer marketing their units at \$250,000.

The "full cost of development method" is determined as a per-unit cost of development as calculated from regional construction and sales reports. The fee-in-lieu is indexed annually for accuracy.

Examples from Other Communities

Communities are moving away from offering a fee-in-lieu option. The report *Inclusionary Housing in the United States: Prevalence, Impact, and Practices* (2017) found of 886 jurisdictions studied, newer (2007 to 2017) Inclusionary Zoning ordinances were "less likely to use in-lieu fees as an option for developers to fulfill the program." Instead communities adopted or amended their ordinance eliminating the in-lieu option thus requiring developers to provide affordable housing on-site. At the same time other communities increased their fee-in-lieu in recognition of their preference for on-site units. And many now use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

New York City, Chicago, and San Diego do not permit a fee-in-lieu option to ensure developers actually create the affordable units rather than paying to get out of the obligation. San Francisco set a high fee designed to make creating the affordable unit on-site more attractive to developers.

Examples of fees-in-lieu from other municipalities are in the table below. As the vast majority of Inclusionary Zoning jurisdictions are located in New Jersey (45%) which has a fixed fee in-lieu of \$180,000 per unit, Massachusetts (27%), and California (17%), many of the examples provided do include comparable communities located in Massachusetts.



Municipality	Fee-in-lieu
Boston, MA	\$200,000- \$380,000 per unit depending on location
Boulder, CO	Complex formula based on rental/ownership, size of the project, and percent of development cost
Brookline, MA	Based on sales price (\$175,000 for a typical 8-unit project, \$341,250 for a typical 15-unit project)
Burlington, VT	\$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	\$85,000
Framingham, MA	No longer permits fee-in-lieu
Haverhill, MA	15% of average fair market value of proposed dwelling units
Nashua, NH	Fee equivalent to the cost of constructing the dwelling unit
Newton, MA	12% on sale price for developments of 6 or less units
San Francisco, CA	\$148,506-\$521,431 per unit depending on the size of the market units (\$366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Watertown, MA	\$259,000-\$399,000 depending on the size of the market rate
Waltham, MA	10% of the development cost

According to a 2013 study conducted by HUD (*Inclusionary Zoning and its Effect on Affordable Housing: Lessons from Two Counties*), examining the Inclusionary Zoning programs in the two "seasoned" counties of Montgomery County, Maryland and Fairfax County, Virginia, developers "considered clear requirements and consistent administration necessary. Developers who were interviewed stressed the importance of being able to plan, estimate costs, and accurately calculate their profit". The study also found that Inclusionary Zoning ordinances are "dynamic, rather than static, and change markedly over time."

Affordability Term

A recent national study found that more than 80 percent of inclusionary housing programs require units to remain affordable for at least 30 years, and one-third of those require 99-year or perpetual affordability (Hickey, Sturtevant, and Thaden 2014). The



Lincoln Institute of Land Policy noted "the overwhelming trend has been for inclusionary housing programs to adopt very long-term affordability periods, even programs with 30-year affordability restrictions frequently aim to preserve affordability in perpetuity by "resetting the clock" on each transaction and by maintaining the preemptive option to buy back the unit upon transfer. It is not entirely clear who benefits from shorter-term restrictions. For homeownership projects, a developer forced to sell units with 15-year restrictions faces the same economic cost as selling units with 99-year restrictions. For rental properties, the economics are a bit more complex. An investor might pay more for a property with rent restrictions that expire after 15 years than for one with 99-year restrictions, but the difference might be slight. In other words, the length of affordability makes a big difference to the long-term impact of the program but only a small difference on the front end" (Jacobus *Inclusionary Housing* 2015). Portland's affordability term is based on a sliding scale beginning with the longest term permitted under federal, state, local laws, and ordinances for the lowest percentage of workforce units provided, to a ten-year term for the highest percentage (100%) of workforce units provided.

Income Targeting

Income targeting is the term used to identify the population that will be served by Inclusionary Zoning. Inclusionary housing programs often target higher income levels than those targeted by federal housing programs (such as HUD's HOME program). Federal Housing programs are only eligible to fund the creation of low and very low-income housing. HOME funds must benefit rental households with income levels at or below 60% AMI, and homeownership households with income levels at or below 80% AMI. Portland has used its HOME funding to develop approximately 813 units of low-income housing through the allocation of approximately \$7.1 million in funds since 2000. Funding aimed exclusively towards the creation of rental and ownership housing above HUD HOME guidelines does not exist. Portland's Inclusionary Zoning Ordinance targets those excluded households.

Successful Inclusionary Zoning policies target income groups that cannot find housing in the local market. To determine housing needs based on income, a comparison of Household Income (as reported by the U.S. Census) in Portland during 2010 and 2015



was conducted to determine which income group population has declined (i.e. a decline indicated an income group that cannot find housing) to which income group population has increased (i.e. an increase indicates an income group that can find housing).

For rental households, the income group with the greatest percentage decrease, at 3.0%, is households earning \$5,000 to \$9,999 per year. This income range falls within the poverty income level (defined by HUD), as do all but one other income group that experienced a percentage decrease in population. Rental households defined as low-income (80% AMI) to workforce-income (100%) also experienced a population decrease. Portland's Inclusionary Zoning targets rental households earning income levels at or below 100% AMI. The income group with the greatest percentage population increase is rental households earning \$100,000 to \$149,999 which increased by 2.6% from 2010 to 2015.

Renter Occupied Units

2010	(16,596)	
Income Level	Population	Percentage
Less than \$5,000	800	4.9%
\$5,000 to \$9,999	2,094	12.6%
\$10,000 to \$14,999	1,887	11.3%
\$15,000 to \$19,999	1,404	8.5%
\$20,000 to \$24,999	1,406	8.5%
\$25,000 to \$34,999	2,217	13.4%
\$35,000 to \$49,999	2,758	16.6%
\$50,000 to \$74,999	2,416	14.6%
\$75,000 to \$99,999	1,074	6.5%
\$100,000 to \$149,999	400	2.4%
\$150,000 or more	140	.8%

2015		(17,050)	Percentage
Income Level	Population	Percentage	Change
Less than \$5,000	1,256	7.4%	2.5% increase
\$5,000 to \$9,999	1,641	9.6%	3.0% decrease
\$10,000 to \$14,999	1,958	11.5%	.2% increase
\$15,000 to \$19,999	1,245	7.3%	1.2% decrease
\$20,000 to \$24,999	1,228	7.2%	1.3% decrease
\$25,000 to \$34,999	2,321	13.6%	.2% increase
\$35,000 to \$49,999	2,510	14.7%	1.9% decrease
\$50,000 to \$74,999	2,281	13.4%	1.2% decrease
\$75,000 to \$99,999	1,378	8.1%	1.6% increase
\$100,000 to \$149,999	860	5.0%	2.6% increase
\$150,000 or more	372	2.2%	1.4% increase



For owner-occupied households, the income group with the greatest percentage decrease, at 2.1% is households earning \$75,000 to \$99,999 per year. This range falls within the upper end of households earning 100% AMI, and the lower end of households earning 120% AMI. Portland's Inclusionary Zoning targets owner-occupied households earning income levels at or below 120% AMI. The income group with the greatest percentage population growth is owner-occupied households earning \$150,000 or more which grew by 4.4% from 2010 to 2015.

Owner Occupied Units

2010	(14,090)	
Income Level	Population	Percentage
Less than \$5,000	178	1.3%
\$5,000 to \$9,999	155	1.1%
\$10,000 to \$14,999	374	2.7%
\$15,000 to \$19,999	290	2.1%
\$20,000 to \$24,999	495	3.5%
\$25,000 to \$34,999	1,049	7.4%
\$35,000 to \$49,999	1,674	11.9%
\$50,000 to \$74,999	3,022	21.4%
\$75,000 to \$99,999	2,813	19.9%
\$100,000 to \$149,999	2,627	18.7%
\$150,000 or more	1,413	10%

2015	(13,069)	Percentage	
Income Level	Population	Percentage	Change
Less than \$5,000	272	2.1%	2.7% increase
\$5,000 to \$9,999	130	1.0%	.1% decrease
\$10,000 to \$14,999	344	2.6%	.1% decrease
\$15,000 to \$19,999	375	2.9%	.8% increase
\$20,000 to \$24,999	427	3.3%	.2% decrease
\$25,000 to \$34,999	722	5.5%	1.9% decrease
\$35,000 to \$49,999	1,585	12.1%	.2% increase
\$50,000 to \$74,999	2,572	19.7%	.7% decrease
\$75,000 to \$99,999	2,325	17.8%	2.1% decrease
\$100,000 to \$149,999	2,439	18.7%	stable
\$150,000 or more	1,878	14.4%	4.4% increase

"Ownership units typically cost developers relatively more to produce. While it would be possible to require that developers price ownership units so that they serve the same income group that is being served in rental housing, this would have a greater impact



on financial feasibility for ownership projects. Many cities have determined that allowing developers of ownership units to serve a higher-income group can reduce the burden of the program on ownership projects while still serving a real affordable-housing need" (2017 InclusionaryHousing.Org "The Set-Aside Requirement.") "The challenge presented by Homeownership Association dues is one reason many cities allow ownership units to serve a higher income group compared to rental units" (Cambridge Inclusionary Housing Study, 2016). Portland's income target for rental housing is 100% AMI and 120% AMI for ownership households.

Inclusionary Set Aside Percentage

The inclusionary set aside identifies the percentage of units that must meet affordable requirements in new developments. The percentage varies widely by locality but some communities allow developers to build fewer units if they serve a higher need population (i.e. households at the lower end of the income spectrum) conversely, higher set-asides percentages are associated with higher income targets. Aggressive inclusionary zoning has a high set aside percentage with low income level targets. Burlington, VT directs the highest percentage of set asides (up to 25%) on the most expensive developments. Portland's set aside is 10% of all developments of ten units or more.

Conclusion

The integrity of the fee-in-lieu option rests upon the assumption that the value of the fee is at least equal to the value of the subsidy required to build the forgone unit elsewhere. This logic asserts that the subsidy a developer pays for building an affordable unit is the financial loss the developer stands to bear from selling or renting the unit below its natural market rate (*Building Better: Recommendations for Boston's Inclusionary Development Policy*, 2006). Portland's Inclusionary Zoning ordinance incorporates the "affordability gap or developer's opportunity cost fee-in-lieu method which is based upon this assumption.



Planning & Urban Development Department

Staff reiterates the recommendation to the Housing Committee from November 9 that the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project. Additionally, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down – the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

Staff is not recommending any changes at this time to the affordability term sliding scale, the income targeting levels, or the inclusionary set aside percentage. The current scales, levels, and percentages provide developer incentives to increase the creation of affordable housing while striking a balance between aggressive affordable housing parameters and providing developers with flexibility on meeting the Inclusionary Zoning requirements.



To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 3, 2017

Subject: Proposed Amendments to the Inclusionary Zoning Ordinance and Review of
Fee-in-lieu Payment

Summary:

This memo contains two topics for review in regards to the City's Inclusionary Zoning Ordinance. The first topic item outlines two proposed staff amendments to the Inclusionary Zoning Ordinance. The second topic item is a review of the fee-in-lieu payment.

Topic One: Staff Amendments to the Inclusionary Zoning Ordinance

Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site.

A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation would be provided in the form of a proportional fee-in-lieu that is related to the cost of providing an affordable housing unit within the development project. The amendment would apply to on-site projects as the current ordinance allows developers to round the number of units down. This would address the concern that the requirement, while listed at 10%, can be as low as 5.25%.

For example, currently a 10-unit project and a 19-unit project may both meet their workforce housing requirements by providing one workforce unit on-site. No change is recommend for the 10-unit project (it would continue to meet the requirement by



providing one unit on site;) however, the 19-unit project would have to provide the unit on-site and also pay 90% of the fee-in-lieu (currently \$92,250.) This is consistent with how many other communities handle proportional units.

OVERALL ESTIMATED COST/REVENUE: Approximately \$10,250 per 10% of each fractional unit obligation.

Amend the Inclusionary Zoning Ordinance to remove the sunset clause.

Removing the sunset clause from the Inclusionary Zoning Ordinance would address the concern that this clause may result in land banking, especially as 2021 approaches. Given the need for housing production, staff recommends that the sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

The Mayor has two additional recommendations which are outlined in the attached July 18th Council Memo.

Topic Two: Review of the fee-in-lieu payment

Last month, staff presented the 2017 Housing Report to the Housing Committee. Section II. b. of the report presented the accomplishments of current City policies and initiatives in place to address issues of housing affordability and availability. While discussing the accomplishments of the Inclusionary Zoning Ordinance, the Housing Committee requested staff to prepare a separate report regarding how Portland and other municipalities determine an appropriate fee-in-lieu payment.

Background

In October 2015, the City Council approved amendments to the City's zoning ordinance mandating inclusionary zoning within all residential development projects of ten or more units. Section 14-487, Ensure Workforce Housing, requires all projects to make available a minimum of 10% of their units as workforce housing to eligible households. Developers also have the option of building units off-site within the same census block or paying a fee-in-lieu of some or all units into the City's Housing Trust Fund.



The fee for affordable units not provided was set at \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is \$102,500 per unit.

Since adoption of Inclusionary Zoning, eleven qualifying residential or mixed-use projects proposed by private developers have been approved by the Planning Board as of October, 2017. From those eleven projects, 14 units of workforce housing are proposed, and five out of eleven developers chose to pay the fee-in-lieu into the City's Housing Trust Fund for a total of \$1,266,250 (the actual funds will be deposited when the certificate of occupancy is requested).

Establishing a Fee-in-lieu Payment Amount

A March 5, 2015 staff memorandum to the Housing and Community Development entitled "*Proposed Inclusionary Zoning Ordinance- Next Steps*" noted:

It is important to keep in mind that the fee-in-lieu is theoretically supposed to cover the cost of creating an affordable unit at the target income levels. While it is hard to find a specific number that meets that goal, we generally find that the cost of producing an affordable unit is about \$125,000.

In Massachusetts the state's Department of Housing and Community Development recommends a fee-in-lieu "be determined as a per-unit cost as calculated from regional construction and sales report".

New Jersey and California also have state-wide inclusionary zoning policies. According to the National Housing Council, these two states and Massachusetts account for nearly 80% of all inclusionary zoning programs in the United States. New Jersey's fee-in-lieu requirement is \$180,000 per unit, while California requires an "in-lieu fee that is reasonably related to the cost of providing the affordable unit forgone by the developer's election to pay the fee".

Examples from Other Communities

Some communities are moving away from the option of offering a fee-in-lieu option. Others are increasing their fee-in-lieu in recognition of their preference for on-site units.



Many use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

Some examples of fees-in-lieu from other municipalities are in the table below.

<u>Municipality</u>	<u>Fee-in-Lieu</u>
Boston, MA	\$200,000- \$380,000 per unit depending on location
Brookline, MA	Based on sales price (\$175,000 for a typical 8-unit project, \$341,250 for a typical 15-unit project)
Burlington VT	\$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	\$85,000
San Francisco, CA	\$148,506-\$521,431 per unit depending on the size of the market units (\$366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Tirburon, CA	\$275,000
Watertown, MA	\$259,000-\$399,000 depending on the size of the market rate

Development Costs Analysis

Housing and Community Development Division Staff analyzed development costs associated with sixteen affordable housing projects in Portland which received some type of subsidy from the City (HOME, CDBG, TIF, etc.) from 2000 to 2013. The analysis revealed the average development cost per unit was \$192,664.

Conclusion

Portland, California, and Massachusetts each consider the per unit cost of producing a unit of affordable housing, given unique local circumstances (cost of land, need for infrastructure, current construction costs, etc.), when determining the fee-in-lieu. Staff recommends the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project.

However, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down –



Planning & Urban Development Department

the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Ethan Strimling, Mayor

DATE: July 18, 2017

SUBJECT: Amendments to Inclusionary Zoning Ordinance

SPONSOR: Ethan Strimling, Mayor
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading 7/24/17 Final Action TBD

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

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

I. ONE SENTENCE SUMMARY

Amendments are being proposed to Division 30 related to the Inclusionary Zoning ordinance, including proposals to increase the percentage required to 20% and lower the income maximums.

II. AGENDA DESCRIPTION

Submission of proposed changes to the Inclusionary Zoning ordinance in Chapter 14 Division 30, for referral to the Housing Committee. This submission includes changes proposed by the Mayor and other changes proposed by City Staff.

III. BACKGROUND

In October 2015, the City Council passed the City's inclusionary zoning ordinance in section 14-387. That ordinance was part of a package known as "Encourage and Ensure" that included significant density bonuses for housing production, and also the inclusionary requirement for larger developments. In summary, the current ordinance requires that all developments of 10 units or more include 10% of their units as affordable at 100% of Area Median Income (about \$80,000 for a family of 4) if they are rentals, or at 120% of Area Median Income (about \$96,000 for a family of 4) if they are for sale. The number of units is rounded down, so a development of between 10 and 19 units has to provide 1 affordable unit. Alternatively, a developer can pay a fee-in-lieu to the City's Housing Trust of \$100,000 a unit (adjusted annually, currently \$102,500.) That amount is not rounded down, so a 19-unit building would have to pay a fee-in-lieu of \$194,750.

Since the ordinance went into effect, housing developments proposals have continued at a similar pace as prior to the ordinance. Attached is a list of projects that are subject to the ordinance and their proposed method of meeting its requirements. Developers have generally been cooperative with staff in thinking through how to meet its requirements, and have noted the flexibility of the ordinance as an asset. Note that some projects that opened after October 2015, such as the Hiawatha on Congress Street, were not subject to the ordinance as they applied for site plan approval prior to its effective date.

This item proposes to forward to the Housing Committee two sets of amendments. One set, proposed by the Mayor, would increase the percentage requirement in the ordinance to 20%, and also require that the units be affordable at low-income (80% of Area Median Income, or about \$65,000 for a family of 4, if for rent; or 100% of Area Median income if for sale.)

The second set of amendments, proposed by staff, are primarily designed to fine tune the ordinance. They include some clarifications of definitions and corrections of scrivener's errors. Staff is also proposing that when units are provided on-site, a developer will have to pay a fee-in-lieu for a fractional unit as per the size of the project. In the 19-unit example above, if the 1 unit were provided on-site, the developer would also have to pay \$90,250 into the Housing Trust. This would address the concern that the requirement, while listed as 10%, can be as low as 5.25%.

Finally, the existing ordinance includes a sunset clause that requires that it automatically expire in 2021. Staff has raised the concern that this clause may result in land banking, especially as 2021 approaches, by land owners hoping to sell their property with an inclusionary zoning requirement. Given the need for housing production, staff recommends that sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The goal is to increase production of low-income affordable housing and to implement the Council goal to: "Implement policies to capitalize the Housing Fund."

V. FINANCIAL IMPACT

None currently anticipated, but would be studied as part of the Housing Committee and Planning Board processes.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Staff has been monitoring the Inclusionary Zoning ordinance to determine its effectiveness to date. Generally, it has been working very well for what it was intended to accomplish. However, there are some relatively minor changes staff is recommending at this time to fine tune the ordinance. The Mayor's recommended changes would make the ordinance similar to those in Cambridge and Somerville, Massachusetts, which both recently increased their inclusionary requirement to 20%. The income levels recommended in the Mayor's changes are not unusual for Inclusionary Zoning ordinances nationally. At this point, staff recommends forwarding these proposed changes to the Housing Committee for further discussion.

VII. RECOMMENDATION

Referral to the Housing Committee and potentially Planning Board for recommendations to the full Council.

VIII. LIST ATTACHMENTS

Draft text amendments to Division 30

Income limits for 2017

Projects subject to Inclusionary Zoning to date

Prepared by: Jeff Levine

Date: July 18, 2017

Bean/agendarequestmemo/rev 1/23/2017

Order 14-17/18

Passage: 6-3 (Batson, Duson, and Ray) on 7/24/2017

Effective 8/3/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER REFERRING
THE INCLUSIONARY ZONING AMENDMENTS
TO THE HOUSING COMMITTEE**

ORDERED, that the City Council hereby refers the proposed inclusionary zoning amendments, attached hereto, to the Housing Committee; and

BE IT FURTHER ORDERED, that the Housing Committee review the proposed ordinance and provide its final recommendation on this issue to the City Council.

DIVISION 30. AFFORDABLE HOUSING

...

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and
- (b) Annual rent increases for that unit are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~-future sales of the unit to an amount that is affordable to a household earning ~~120~~100 ~~80~~% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a multi-family dwelling, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for~~ sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and
- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

- (a) Is affordable to a household earning 100% or less ~~than 100%~~ of HUD AMI; and

- (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household earning at 120% or less of HUD AMI; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

...

Sec. 14-487. Ensuring Workforce Housing.

a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

b) *Applicability* ~~/Conditional Use Requirement/Sunset.~~
This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter

14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case staff shall determine compliance with this section.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

d) Workforce Low-Income Housing Minimum. At least ~~ten~~ twenty percent (~~12~~20%) of the units in the project shall meet the definition of workforce low-income housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases where a project prefers to pay a fee in lieu as per (c)3. below.~~ The project shall have the option of paying a partial fee-in-lieu as per (c)3 below for the fractional value, or providing an additional unit on site.

e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

~~2.~~ Workforce Low-income housing units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

~~3.~~ Workforce Low-income units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be 20 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development this section, ~~for~~ every 400 square feet in ~~each~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~if the actual number of~~

~~bedrooms in the unit is lower.~~

4. As an alternative to providing workforce low-income housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000-102,500 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. ~~Workforce Low-income~~ housing units for sale, if converted to workforce low-income housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce or low-income housing units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required ±20 percent workforce low-income housing units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 ears

Order 247-17/18
Tab 31 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: AFFORDABLE HOUSING**

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

*That Chapter 14, Sections 14-485 and 14-487 are hereby
amended to read as follows:*

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);

(b) The unit is rented to a household earning 80% or less of AMI; and

(c) Annual rent increases for that unit are limited~~The requirements of (a) and (b) above are limited in perpetuity~~ by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI; ~~and~~
- (b) The unit is sold to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement for ~~all~~ future sales ~~unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place~~ for the applicable length of time in this ordinance.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, ~~as defined in section 14-47,~~ and will not be located in an R-1 or R-2 zone;
- (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for sale,~~ through new

construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

- (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

- (a) ~~The rent is~~Is affordable to a household earning 100% or less than 100% of HUD-AMI; and
- (b) The unit is rented to a household earning 100% or less of AMI; and
- (c) The requirements of (a) and (b) above are Annual rent increases for that unit are limited by deed restriction or other legally binding agreement— for the applicable length of time in this ordinance. to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

- (a) The purchase price is affordable to a household earning at 120% or less of HUD-AMI; and
- (b) The unit is sold to a household earning 120% or less of AMI; and
- (c) The requirements of (a) and (b) above are The resale price is limited by deed restriction or other legally binding agreement— for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size for the applicable length of time in this ordinance.

...

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability* ~~/Conditional Use Requirement/Sunset.~~ This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~

(c) *All Developments of Ten Units or More Conditional Uses* ~~/Sunset.~~ Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.~~ The project shall have the option of paying a partial fee-in-

lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each ~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. the actual number of bedrooms in the unit is lower.
4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a

development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) Implementing Regulations. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) Reporting to City Council. In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

Order 248-17/18
Tab 32 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: STREET ACCESS**

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

*That Chapter 14, Section 14-403 is hereby amended to read
as follows:*

Sec. 14403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

~~(a) In general. No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirtyfive (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 1447, except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any lot abutting such street shall, without compensation or claim for damages, and at his own cost and expense, first submit to the building authority (a) a deed from the owner of such lot conveying to the city all his right, title and interest in and to such street or any portion thereof; and (b) an agreement by such owner forever releasing the city from any and all claims for damages for the laying out and taking of such street and indemnifying the city against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the corporation counsel and to encumber and run with the land. Permanently paved and accepted streets or island streets. The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) an existing street on an~~

island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear built width shall be as follows:

1. For one- or two-family dwellings - 25';
2. For all other buildings - 28'.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) Streets to be upgraded in connection with development. The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;
2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.

~~I — Exceptions. The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible:~~

- ~~1. Dingley Court;~~
- ~~2. Morgan Court.~~

(c) Other exceptions. The building or structure is one of the following:

1. An accessory building; or
2. Part of a Planned Residential Unit Development.

MEMORANDUM

City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Stuart O'Brien, Director, Planning Division

DATE: May 21, 2018

SUBJECT: Text Amendments to Section 14-403. Street Access

SPONSOR: Sean Dundon, Chair, Portland Planning Board

Public Hearing, May 17, 2018. Board unanimously recommended (6-0, Whited absent) to City Council the adoption of the revised Section 14-403. Street Access.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading June 4, 2018 Final Action June 18, 2018

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

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

Sean Dundon, Chair, Planning Board and Stuart O'Brien, Director, Planning Division- 5 to 10 minutes total

I. ONE SENTENCE SUMMARY

Proposed amendments to Section 14-403. Street Access applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits and the overriding goals of the text amendments are to increase the predictability and clarity while managing the competing needs of new housing construction, sustainability of infrastructure and public safety.

II. AGENDA DESCRIPTION

Section 14-403 Street Access is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. The goals of the text amendments are to increase the predictability and clarity of Section 14-403 while managing the competing needs of new housing construction, sustainability of infrastructure, and public safety. Maintenance of public roadways and related infrastructure is a significant expense for the City and one where our priority must be on addressing deferred maintenance and existing needs. As required by the Portland's Plan 2030, the city must try to find a balance between the sometimes competing needs of a sustainable, equitable, secure and connected community. The proposed amendments, unanimously recommended by the Planning Board, seek to achieve that balance by allowing development on undersized built streets that meet minimum standards for emergency services and to continue to require undeveloped streets to be improved to meet current city street standards. The substance of proposed amendments remains consistent with current policy, while seeking to simplify and clarify the regulations.

III. BACKGROUND

Section 14-403 was enacted over 30 years ago (A. Torregrossa memo, Attachment 1 of Planning Board Report). The section prohibited construction of residential building on streets of less than 35 feet and then

in 1984, the section was amended to require the street to be brought up to city standards. As stated in Anne Torregrossa's memo, "The City Manager and staff recognized the requirements in Sec 14-403 limited development even on City-accepted streets, and also that the section was complicated, difficult to apply, and duplicated many of the rules and requirements that are now part of the site plan review process." Staff members from Corporation Counsel, Public Works, Fire, Permitting and Inspections, and Planning collaborated on the proposed rewrite of Section 14-403 "...in an attempt to streamline and clarify the requirements of the section..."

The basic elements of the proposal are as follows:

- 1- Simplifies and clarifies the language in Section 14-403;
- 2- Reduces the minimum width required for the construction of new dwelling units on permanently paved and accepted streets from 35' to 25' for one and two-unit structures and 28' for other buildings;
- 3- Establishes a mechanism for a waiver from the developed street standards with the written approval of the Fire Chief and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired;
- 4- Continues to require unimproved streets subject to new development to build the street to city standards from where existing pavement ends and along the full extent of lot frontage;
- 5- Provides waivers for unimproved streets to be reviewed under the same criteria used for modifications contained in the subdivision ordinance; and
- 6- Exceptions have been modified to list only an accessory building or part of a planned residential unit development.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Portland 2030- Comprehensive Plan: The vision statement conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for housing production be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety.



V. FINANCIAL IMPACT

VI. PLANNING BOARD ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The proposed text amendments are intended to simplify and clarify the language of Section 14-403 Street Access. It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. There are built streets in Portland, particularly on the peninsula, that are narrow and do not meet city standards. There are also undeveloped streets, particularly off the peninsula, where property owners seek to develop. Current standards call for 28 feet of minimum pavement width, but many of the existing built streets were constructed well before such standards were in place. The proposed amendments allow development on undersized built streets that meet minimum standards for public safety access, where appropriate. The amendments also continue to require undeveloped streets be improved to meet current city street standards.

Street extensions under 14-403 are reviewed administratively under the site plan ordinance and must meet the City's engineering specifications for streets, sidewalks, public utility installations, and stormwater management. Over the past five years five (5) street extensions were approved and currently, there are two (2) pending applications. In that same time frame, four (4) single family subdivisions (with Stroudwater Preserve to be built in 3 phases) were approved that created new streets.

The Planning Board found that the comprehensive plan calls for the City to operate facilities and services in an efficient, transparent, and effective manner that is responsive to all residents. The policies and strategies support a fix-it first approach to the extensive infrastructure within Portland. One action states, “Develop long-range asset management plans for public facilities in order to ensure that our limited public funds are maintained and investing in strategically.” In addition, the plan for fiscal stability includes the actions:

- Keep tax rate increases manageable and provide predictability and stability in tax rate increases while supporting City services and a stable labor force.
- Make fiscal stability a factor in land use planning by considering both public investments and potential gains in the City’s tax base when planning for a sustainable future for the city, while recognizing that not all land use decisions will be driven by the fiscal impacts of the development produced.

Thus, creating new infrastructure within the city is intended to be carefully evaluated, so that investments are strategic, sustainable, and manageable for the long-term responsibility of the City. The proposed amendments to Section 14-403 are proposed to provide clear regulations for street access for private development that can be maintained effectively by the City without overburdening the Departments of Public Works and Fire.

The need for housing and affordable housing is clear in Portland. Again, the City is seeking to encourage housing where there are concentrations of services, transit and community facilities. Generally, the 14-403 road extensions support single family development in lower density neighborhoods. While this addresses the preferences for some Portland residents, the City is emphasizing more strategic investments that support higher levels of housing construction. Thus, the proposed amendments allow for private investments to occur for low density housing development that again can be served efficiently by the City without overburdening the tax base.

VII. PLANNING BOARD RECOMMENDATION

At the public hearing on May 17, 2018, the Planning Board unanimously (6-0, Whited absent) found that the proposed text amendments to Division 24, Use Regulations and Exceptions of the Land Use Code., Section 14-403, Street Access, are consistent with the Comprehensive Plan and recommend adoption of the proposed amendments to the City Council.

VIII. LIST ATTACHMENTS

Attachment A- Planning Board Report

Attachments to Report:

1. Memorandum from Anne Torregrossa, Associate Corporation Counsel, March 5, Attachments to the memo include:
 1. Joe Gray memo, 1984
 2. Gary Wood memo, 2012
2. Proposed Text Amendments to Section 14-403

Public Comment

- | | |
|------|--|
| PC 1 | Matt Power, 3-3-18 |
| PC2 | Victoria Morales with Attachment, 3-9-18 |
| PC3 | Liv Chase 3-11-18 |
| PC4 | Brent Adler 3-11-18 |
| PC5 | John McGovern 3-19-18 |
| PC6 | John McGovern 3-27-18 |
| PC 7 | Liv Chase 5-3-18 |
| PC8 | Brent Adler 5-3-18 |
| PC9 | Matt Power 5-8-18 |

Prepared by: Barbara Barhydt, Development Review Services Manager
Date: May 21, 2018

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) *Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25’;
2. For all other buildings – 28’.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;
2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or
2. Part of a Planned Residential Unit Development.



PLANNING BOARD REPORT

TO CITY COUNCIL PORTLAND, MAINE

LAND USE CODE TEXT AMENDMENTS – SECTION 14-403. STREET ACCESS

City of Portland, Applicant

Submitted to: Mayor Strimling and City Council From: Chair Dundon and Portland Planning Board Public Hearing – June 18, 2018	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 21, 2018
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I. INTRODUCTION:

Section 14-403 Street Access is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. The goals of the text amendments are to increase the predictability and clarity of Section 14-403 while managing the competing needs of new housing construction, sustainability of infrastructure and public safety. Maintenance of public roadways and related infrastructure is a significant expense for the City and one where our priority must be on addressing deferred maintenance and existing needs. As required by the Portland's Plan 2030, the city must try to find a balance between the sometimes competing needs of a sustainable, equitable, secure and connected community. The proposed amendments, unanimously recommended by the Planning Board, seek to achieve that balance by allowing development on undersized built streets that meet minimum standards for emergency services and to continue to require undeveloped streets to be improved to meet current city street standards. The substance of proposed amendments remains consistent with current policy, while seeking to simplify and clarify the regulations.

The legislative history and public purposes of the section are outlined in a memorandum prepared by Anne Torregrossa, Associate Corporation Counsel ([Attachment 1](#)). As stated in Anne Torregrossa's memo, "The City Manager and staff recognized the requirements in Sec 14-403 limited development even on City-accepted streets, and also that the section was complicated, difficult to apply, and duplicated many of the rules and requirements that are now part of the site plan review process." Staff members from Corporation Counsel, Public Works, Fire, Permitting and Inspections, and Planning collaborated on the proposed rewrite of Section 14-403 "...in an attempt to streamline and clarify the requirements of the section...."

The basic elements of the proposal are as follows:

- 1- Simplifies and clarifies the language in Section 14-403

- 2- Reduces the minimum width required for the construction of new dwelling units on permanently paved and accepted streets from 35' to 25' for one and two-unit structures and 28' for other buildings
- 3- Establishes a mechanism for a waiver from the developed street standards with the written approval of the Fire Chief and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.
- 4- Continues to require unimproved streets subject to new development to build the street to city standards from where existing pavement ends and along the full extent of lot frontage.
- 5- Waivers for unimproved streets are proposed to be reviewed under the same criteria used for modifications contained in the subdivision ordinance.
- 6- Exceptions have been modified to list only an accessory building or part of a planned residential unit development.

A workshop on the proposed text amendments was held with the Planning Board on March 22, 2018 and the material was presented at the Council's Housing Committee on March 28, 2018. The Planning Board held a public hearing on May 17, 2018 and found the proposed amendments consistent with the Comprehensive Plan and unanimously recommends (6-0, Whited absent) to City Council the adoption of the proposed amendments.

II. NOTICE AND PUBLIC COMMENT

This item will be noticed for the Council public hearing. It was noticed in the Legal Ad that appeared in the Portland Press Herald on April 30 and May 1, 2018, posted on the City's web page on April 26th and sent to interested citizens through Notify Me on that same date. The public comments received to date are included in the packet under public comment, PC1 – PC9.

III. PROPOSED TEXT AMENDMENTS

The proposal is to replace the existing Section 14-403, Street Access, with a rewritten section. Please refer to Attachment 1 (Torregrossa memo) for a summary of the amendments and Attachment 2 for the proposed ordinance text. A comparison of the existing and proposed language is below.

Current Section 14-403 Language	Proposed Section 14-403 Language
a) <i>In general.</i> No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 14-47¹, except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any lot abutting such street shall, without compensation or claim for damages, and at his own cost and expense, first submit to the building authority (a) a deed from the owner of such lot conveying to the city all his right, title and interest in and to	A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met. (a) <i>Permanently paved and accepted streets or island streets.</i> The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows: 1. For one- or two-family dwellings – 25';

¹ Street: A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

Attachment A- Planning Board Report to Council

such street or any portion thereof; and (b) an agreement by such owner forever releasing the city from any and all claims for damages for the laying out and taking of such street and indemnifying the city against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the corporation counsel and to encumber and run with the land.	2. For all other buildings – 28’. These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.
(b) <i>Minimum requirements for street improvements on unimproved and improved but unpaved streets.</i> For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.	(b) <i>Streets to be upgraded in connection with development.</i> The owner or developer of the lot will do all of the following in connection with the development of that lot: 1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code; 2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and 3. Obtain site plan approval for the work required under this subsection.
i <i>Exceptions.</i> The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible: Dingley Court; Morgan Court.	(c) <i>Other exceptions.</i> The building or structure is one of the following: 1. An accessory building; or 2. Part of a Planned Residential Unit Development.

IV. HOUSING COMMITTEE COMMENTS

The Housing Committee met on March 28th to discuss the proposed amendments. The Committee is composed of Councilors Dusen, Ali and Cook. Councilor Ray also attended the meeting. The Committee is seeking the Board's recommendation to be submitted to the City Council and the Committee is not forwarding a separate recommendation. The Housing Committee did request additional information from the staff, which includes:

- a) Map of unaccepted streets and adjoining developable land
- b) Cost estimates if the City were to accept and improve those streets;
- c) Any projects in recent history that have not moved forward because of the requirements in 14-403; and
- d) Clarification of the projects in the chart of street extensions that are improved streets under 14-403 and those that are new subdivision streets.

Items a and b are considered to be part of a larger policy discussion about housing and infrastructure needs that will be studied as part of the Recode efforts in the future. A full evaluation of vacant land, infrastructure needs, and costs of development will be needed to update the city's land use code and will be undertaken as part of the ReCode project. The requests of c and d are addressed below under the staff analysis.

The Housing Committee also made specific requests for the Planning Board's consideration:

- a) With respect to unaccepted streets, specifically consider the fairness of requiring one lot owner to pave the entire street, benefiting the remaining lot owners; and
- b) With respect to accepted streets, consider the impact of the minimum width requirements.

As stated above, these important questions will be analyzed and addressed as part of the larger effort to revise the City's Land Use Code to address the City's goals in the Comprehensive Plan and to incorporate current best practices for development standards.

V. PLANNING BOARD ANALYSIS

A. Purpose of Section 14-403

The proposed text amendments are intended to simplify and clarify the language of Section 14-403 Street Access, which is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. The section applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. There are built streets in Portland, particularly on the peninsula, that are narrow and do not meet city standards. There are also undeveloped streets, particularly off the peninsula, where property owners seek to develop. Ideally, all city streets would be built to the current standards of 28 feet of minimum pavement width, but many of the existing built streets were constructed well before such standards were in place. The proposed amendments address both developed and undeveloped streets by allowing development on undersized built streets that meet minimum standards for public safety access where appropriate. The amendments also continue to require undeveloped streets be improved to meet current city street standards. Staff members from Corporation Counsel, Public Works, Fire, Permitting and Inspections, and Planning collaborated on updating Section 14-

403 to improve the clarity of the ordinance and retain the underlying public purposes of encouraging development where adequate public safety access is available without imposing significant new City expenses for street construction and maintenance. Again, the proposed text amendments seek to simplify and clarify Section 14-403, while retaining the substance of the current public policy.

B. Built Streets That Do Not Meet Standards

In terms of the specific amendments, subsection (a) address development on existing streets that are built, but do not meet today's standards. The current standards for a local street require a right-of-way width of 50 feet with a pavement width of 28 feet. There are streets, particularly on the peninsula and islands, that do not meet current dimensional standards and in some cases are inaccessible for emergency and public works vehicles. Recent development has occurred on some of these undersized streets, such as Tate and Oak Streets. During those reviews, staff members sought to ensure public safety with careful consideration of public safety access, parking regulations, and street improvements on a case by case basis.

The proposed text amendments are proposed to provide clearer and more transparent regulations for the built streets. The proposed revisions establish a minimum clear street width between curbs as follows:

- (d) The minimum clear width shall be as follows:
 - 1. For one- or two-family dwellings – 25’;
 - 2. For all other buildings – 28’.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

The Planning Board concurred with the intent of the amendments to be transparent about the minimum clear widths required for development to occur on such streets. Acting Fire Chief Keith Gautreau noted that safe and adequate public safety access is vital to serve each new unit on a substandard street. The proposed waiver is intended to allow for flexibility or fairness within the city's built infrastructure, where both the Fire Chief and Public Works Director find that public services and public safety access are not unreasonably impaired. The Board supported the transparency of setting minimum standards for developed streets, so that there is clarity on the expectations for all future development. The Board also recognized the need for flexibility in the ordinance due to the broad range of circumstances within the built environment. Thus, they supported the provision requiring both the Fire Chief and DPW Director's concurrence on waiver requests. As proposed, new development may occur on existing undersized developed streets that meet minimum requirements or where services and access can be achieved without being unreasonably impaired. However, the burden of meeting these criteria will be on the developer. This approach should help to clarify the standards and avoid issues that had previously not always become apparent until site plan review began on a project and substantial funds were expended by the applicant; while at the same time, allowing for certain flexibility from the city.

C. Unimproved Streets for New Development

Subsection (b) addresses streets that are unimproved for new development. It requires the street to be improved to current street standards by the applicant, which is consistent with the City's current policy. The intent is to provide adequate access for city services, while not burdening the tax base with street construction costs. This includes building streets within right-of-ways where no improvements have been made or only dirt and gravel surfaces exist. Since the adoption of Sec 14-403 over 30 years ago, new

development along undeveloped streets requires an applicant to bring the road up to standards from where the existing street pavement ends and along the full extent of lot frontage.

Many, but not all, paper streets are located off-peninsula with numerous abutting lots (both vacant and developed lots). As noted earlier, an evaluation of the amount of vacant land and the total costs for building out these streets will need to be part of the more expansive analysis to as part of the ReCode project. Section 14-403 addresses unimproved streets or dedicated and undeveloped right-of-ways by requiring streets to be upgraded to city standards in order to construct a new home or add a dwelling unit.

In response to the Housing Committee's question as to the equity of the 14-403 as applied to unaccepted and improved streets, the staff would like to clarify that the only time an owner is required to build out the roadway is when they propose constructing a new dwelling or structure. There is also no prohibition on their collaborating with abutting owners who will benefit from the road. The requirement is only that the road be brought up to the legal standards before any additional housing units are brought online. The PB considered the impact of this on housing and did agree that this needed to be part of future conversations moving forward, but that the amendment, as proposed, is an appropriate step in the right direction - recognizing the ability to open up additional lots for development while still being conservative with City resources and safety needs. While the costs for a property owner are significant, without these standards the City could face potentially unsafe conditions and expensive infrastructure work that is not meeting targeted goals. There is no question there is substantial inconsistency with how service provision and residential constructions on unaccepted streets has been managed in Portland over the last century; however, the goals here is minimize the perpetuation of these practices not incentivize them.

D. Review Process

Street extensions under 14-403 are reviewed administratively under the site plan ordinance as either a Level I or Level II application. The level of review is based upon the amount of impervious surface area that is being added. The standards of review are the same for both applications. Briefly, the review process requires a survey stamped by a licensed surveyor and engineered plans for the street meeting the City's technical standards. Portland's Technical Manual contains the engineering specifications for streets, sidewalks, public utility installations, and stormwater management (<http://www.portlandmaine.gov/756/City-Codes-Ordinances-Regulations-Maps>). Over the past five years there have been five approved street extensions that are summarized in Table 1 below. Two applications are currently undergoing review and are also listed on the table 1. To address the Housing Committee's question of how many streets were vacant versus some level of improvement, this chart has been updated with this information.

Table 2 on the following page lists single family subdivisions approved over the past 5 years. Skylark is a subdivision that had paper streets, but the lots and streets were reconfigured to meet current standards. The other subdivisions created new street right-of-ways and lots. Under Portland's Subdivision Ordinance, recording plats cannot be recorded without posting a performance guarantee for the street infrastructure work to be completed.

Table 1: Approved & Pending Street Extensions within Dedicated Right of Ways under 14-

403

All approved applications had a 50 foot wide ROW and a 28 foot wide pavement width

Street Name	Street Length	Turn Around	Granite Curbs	Side-walks	Development	Initial Condition	Status
Hingham	357	yes	seeking waiver	seeking waiver	5 lots with frontage and 2 side yards	gravel and vacant	Pending Review
Florida Ave	165	no-gravel road beyond	seeking waiver	seeking waiver	2 property owners for 2 sf lots	gravel	Pending Review
Pomeroy	200	yes	yes		Single Family	vacant	Built
Gertrude	93	no-gravel road beyond	yes	waived	Single Family	gravel	Built
Hillcrest	200	no-gravel road beyond	no- open drainage	waived	Single Family	gravel	Built
Pamela	585	no- linked existing Pamela & Alice St	yes	yes	10 Single Family House Lots	vacant	Built
Motley	94	no- gravel road beyond	no-open drainage	waived	2 Single Family House Lots	gravel	Built
Van Vechten	584	no - gravel road beyond	no-open drainage	waived	4 House Lots	gravel	Approved

Table 2		Approved Subdivisions with New Streets or Street Extensions					
All approved applications had a 50 foot wide ROW and a 28 foot wide pavement width							
Sudivision Name	Street Name	Street Length	Turn Around	Granit e Curbs	Side-walks	Development	Status
Skylark Subdivision- Phase I	Skylark Drive	530	yes	yes	one	Phase I: 7 sf lots & 1 existing vacant lot, plus existing home	Phase I complete
Knight Farm	Abner Lane	445	yes	yes	one side	8 sf lots & 1 existing house lot w/ house	Under Construction
Brandy Lane Subdivision	Brandy Lane	970	yes	yes	one side	16 sf lots	Approved
Stroudwater Preserve- Phase 1	(not named yet)	2,074	yes	yes	one-side	47 lots	Under Construction
Stroudwater Preserve- Phase 2	(not named yet)	2,325	No/connects to streets	yes	one side	48 lots	Approved
Stroudwater Preserve- Phase 3	private road- PRUD	800	cul-de-sac	no	one	25 townhouses	Approved

E. Waivers

Under the present version of Section 14-403, an applicant may seek to have the sidewalk waived, if the street is not a school walking route and the curbing may be waived by the Public Works Director. The proposed draft eliminates the waiver language within Section 14-403, and instead allows waivers to be considered using provisions already established under the City Code. In regard to sidewalks and curbs, Section 14-506 Modifications in the Subdivision Ordinance establishes waiver criteria applied during subdivision and site plan reviews. The waiver criteria for curbs and sidewalks are excerpted below.

Sidewalks-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

Curbing-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
2. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
3. The street has been rehabilitated without curbing in the last 60 months.
4. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

In no event shall the waiver have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose and policies of the land development plan relating to transportation and pedestrian infrastructure and the regulations of this article.

Lastly, the exceptions listed in subsection (c) of Section 14-403 for Morgan and Dingley Court. Both of these streets are improved and narrower than today's standards with development on the adjoining lots. The proposal is to remove these streets from the exception list and instead apply the new provisions for any further development on these streets. The proposed draft does exempt accessory buildings, such as garages and sheds, and Planned Residential Unit Developments (PRUD) from 14-403. PRUDs have separate requirements for the construction and maintenance of the private street network serving the development.

VI. **COMPREHENSIVE PLAN**

The central vision of Portland's Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic,

authentic and secure. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for housing production be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety.



Portland's Plan 2030 has three goals under the Facilities and Services section that are relevant to this policy Initiative. The goals are:

- Use planning and fiscal management to sustainably maintain a high level of service for existing infrastructure and programs.
- Coordinate infrastructure planning and investments with areas of greatest anticipated growth.
- Provide public safety, emergency response, and emergency management facilities and services that can effectively meet the needs of all residents.

As support for these goals there are three strategies and accompany actions that address the proposed amendments:

- Provide services to all residents
 - Ensure transparency and access to City services and facilities for all residents.
 - Operate City facilities and services in an efficient and effective manner that is responsive to all segments of the community.
- Develop asset management plans
 - Develop long-range asset management plans for public facilities in order to ensure that our limited public funds are maintained and investing in strategically.
- Plan for Fiscal Stability
 - Keep tax rate increases manageable and provide predictability and stability in tax rate increases while supporting City services and a stable labor force.
 - Make fiscal stability a factor in land use planning by considering both public investments and potential gains in the City's tax base when planning for a sustainable future for the city, while recognizing that not all land use decisions will be driven by the fiscal impacts of the development produced.

The policies and strategies of the Comprehensive Plan support a fix-it first approach to the extensive infrastructure within Portland. Portland seeks to provide quality public services and public safety for all residents. Thus, creating new infrastructure within the city is intended to be carefully evaluated, so that investments are strategic, sustainable, and manageable for the long-term responsibility of the City. The proposed amendments to Section 14-403 are proposed to provide clear regulations for street access for

private development that can be maintained effectively by the City without overburdening the Departments of Public Works and Fire.

The comprehensive plan also contains goals to increase housing. Two of the goals state the following:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

The need for housing and affordable housing is clear in Portland. Again, the City is seeking to encourage housing where there are concentrations of services, transit and community facilities. Generally, the 14-403 road extensions support single family development in lower density neighborhoods. While this addresses the preferences for some Portland residents, the City is emphasizing more strategic investments that support higher levels of housing construction. Thus, the proposed amendments allow for private investments to occur for low density housing development that again can be served efficiently by the City without overburdening the tax base.

VII. PLANNING BOARD RECOMMENDATION

At the public hearing on May 17, 2018, the Planning Board unanimously (6-0, Whited absent) found that the proposed text amendments to Division 24, Use Regulations and Exceptions of the Land Use Code, Section 14-403, Street Access, are consistent with the Comprehensive Plan and **recommend** adoption of the proposed amendments to the City Council.

ATTACHMENTS:

1. Memorandum from Anne Torregrossa, Associate Corporation Counsel, March 5, Attachments to the memo include:
 1. Joe Gray memo, 1984
 2. Gary Wood memo, 2012
2. Proposed Text Amendments to Section 14-403

Public Comment

- PC 1 Matt Power, 3-3-18
- PC2 Victoria Morales with Attachment, 3-9-18
- PC3 Liv Chase 3-11-18
- PC4 Brent Adler 3-11-18
- PC5 John McGovern 3-19-18
- PC6 John McGovern 3-27-18
- PC 7 Liv Chase 5-3-18
- PC8 Brent Adler 5-3-18
- PC9 Matt Power 5-8-18

MEMORANDUM

TO: City of Portland Planning Board
FROM: Anne M. Torregrossa, Associate Corporation Counsel
DATE: March 5, 2018
RE: Proposed changes to § 14-403

Section 14-403 has been in place for more than thirty years. Initially, it prohibited the construction of residential buildings on streets less than 35' in width. In 1984, however, the City Council added to § 14-403 to require that streets be brought up to standard before any building could be constructed. This included paving, curbing, sidewalks, and sewers. The 1984 changes were spurred by concerns about the significant costs to the City to upgrade these streets at taxpayer expense, and the danger that undersized or substandard streets posed to the provision of City services and the response of emergency vehicles. As described by the City's then-Director of Planning & Urban Development, development on unimproved streets "tends to create incessant demand for costly City-funded street improvements and also makes servicing of these areas by emergency and public safety vehicles extremely hazardous and uncertain." A copy of that memorandum is attached.

Even as recently as 2012, the City Council reaffirmed its commitment to ensuring that streets are safe before they can be built upon, and that developers bear the cost of their development. In 2012, the Zoning Board of Appeals ("ZBA") granted a hardship variance to a developer, exempting his project from the requirements of § 14-403. In response, the City Council amended § 14-473, which governs the ZBA's authority over variances, to eliminate that possibility. In a memo to the Planning Board addressing the reasons for eliminating this loophole, then-Corporation Counsel wrote that, "the decision sets the stage for variances that could defeat the purpose of Section 14-403 by leading to long paper streets with a number of homes or buildings being served by substandard streets and put the City in a difficult situation." That memo is also attached.

The City Manager and staff recognized that the requirements in § 14-403 limited development even on City-accepted streets, and also that the section was complicated, difficult to apply, and duplicated many of the rules and requirements that are now part of the site plan review process. In an attempt to streamline and clarify the requirements of that section, staff from the Planning Department, Fire Department, Department of Public Works, Permitting and Inspections Department, and Corporation Counsel collaborated on the attached proposed revision. The revision accomplishes the following:

1. Reduces the minimum width for permanently paved and accepted City streets from 35' to 25' for one- and two-family dwellings, and to 28' for other buildings. These widths may be further reduced with the determination of DPW and the Fire Department that ability of the City to provide services will not be impaired. This change makes the minimum required widths consistent with those provided for elsewhere in the Code and also provides flexibility where

2. Requires that all streets that are not accepted and paved, be upgraded and dedicated to the City. This is consistent with the previous version of § 14-403 but does remove many of the details from the ordinance, as they are all captured elsewhere, including the site plan review requirements and the technical standards. DPW has the ability under the technical standards to waive certain requirements, as appropriate.
3. Removes certain exceptions, including for Dingley Court, Morgan Court, and single-family dwellings that have been owned since November 19, 1984. These exceptions have been removed because they defeat the intent of the section to protect individuals who might want to build under those circumstances. Additionally, Dingley Court and Morgan Court appear to have been fully built, and there are few undeveloped lots remaining that have been in one ownership since 1984. Additionally, that provision had been abused by certain developers who simply “flipped” the house, rather than living there, as contemplated by the ordinance.
4. Retains the exceptions for island streets.

CITY OF PORTLAND, MAINE
MEMORANDUM

DATE: 9/17/84

TO: Stephen T. Honey, City Manager
FROM: Joseph E. Gray, Jr., Director of Planning & Urban Development
SUBJECT: Development on Unaccepted/Unimproved Streets

Please place the following item on the September 24th City Council Agenda:

Amendment to Portland City Code Chapter 14 (Land ^{USE} ~~UP~~), Article III (Zoning) Section 14-403 (Street Access) Re: Required Street Improvements.

Statement of Fact

Planning and Public Works officials have been concerned for some time about the accelerating pace of development on unimproved streets and in legally grandfathered subdivisions. Such developments tends to create incessant demand for costly City-funded street improvements and also makes servicing of these areas by emergency and public safety vehicles extremely hazardous and uncertain.

In a related development, the Corporation Counsel recently determined that accepted streets which were abandoned between 1946 and 1976, and unaccepted streets which were dedicated before 1946, do not meet the Zoning Ordinance's requirements that buildable lots have frontage on an accepted or dedicated street. A copy of Mr. Lourie's opinion is attached for your reference.

Against this backdrop, a task force consisting of Planning, Public Works and Corporation Counsel staff has recommended enactment of the attached amendment dealing with development on unimproved streets. A summary of the amendment follows:

Legal Status of Streets

The first part of the amendment deals with the issue of "lapsed" and "abandoned" streets. The amendments would expressly reincorporate "lapsed" and "abandoned" streets into the category of buildable streets, provided that the property owner first gives to the City (1) a release and indemnification from and against all claims for damages in the event the City should decide to take the street by eminent domain, and (2) a release deed to any property rights he may have in the street.

Required Street Improvements

The remainder of the amendment deals with the issue of unimproved streets. The amendment would require that certain improvements be made in the following two instances as a condition precedent to development:

Improved but unpaved streets: For lots abutting an improved (i.e., in common and ordinary use) but unpaved portion of street, that portion which abuts the lot must be improved to public work's minimum roadway specifications (sidewalks and curbs not included).

Unimproved streets: For lots abutting an unimproved (i.e., not in common and ordinary use) portion of street, that portion which abuts the lot, and any portion between that portion and the nearest improved portion which is the principal access to the lot, must be improved to public work's minimum roadway specifications (sidewalks and curbs not included).

These Amendments were approved by the City Council Housing Committee at their meeting on September 12, 1984 by a vote of 3-0. The items are being sponsored by Councilor Abromson, Chairman of the Housing Committee.

CITY OF PORTLAND

MEMORANDUM

TO: Mayor and Council
FROM: Gary Wood
DATE: August 21, 2012
RE: Amendment to Portland City Code Chapter 14, Section 14-473 (Variances)

This amendment contains two components. The first component amends Section 14-473 so that the limitation on the Board of Appeals authority to grant variances references the specific limitations already articulated in subparagraph (c)(4), as well as referencing subparagraph (c)(3). The omission of a reference to (c)(4) may have been an oversight. The reference to Paragraph (c)(3) in the current ordinance should be retained because there are some subsections contained within (c)(3) that make it clear that practical difficulty variances cannot be used in certain circumstances in the City's Shoreland Zone.

The second component of the amendment prohibits the Board of Appeals from granting variances from the standards set forth Section 14-403 by adding that section to subparagraph (c)(4).

"Paper" streets are rights of way designated on approved subdivision plans but never built to city standards or accepted by the City as city streets. The City has over 407 paper streets at this time that are shown on subdivisions recorded prior to September 29, 1987. Under state law the City has until September 29, 2017 to decide whether to continue the City's right to accept one or more of these streets or vacate the potential public rights in them. Current law also allows the Council to extend the deadline another 20 years.

Section 14-403 was created many years ago (see attached memo) to prevent individuals who own lots on paper streets from developing substandard access ways or driveway along the right-of-way beneath the paper street such that the City would end up with a number of residential units accessible only by driveways or private roads down which public safety vehicles might not safely pass and that the City might ultimately be asked to eventually take over and improve to City standards.

The section avoids that result by imposing a requirement on property owners who wish to build residential units along a paper street to build the road to city standards for the entire length of the individual's property abutting the paper street.

The requirement that the road be built along the entire length of the abutting property prevents a property owner from stopping the construction of a road built to city standards at that

point along his property where he has established enough road frontage to meet city road frontage requirements thus leaving a potential gap for the next abutting property owner should that person subsequently wish to also build a residential unit on their lot.

Although the City's Board of Appeals has for the most part refused to grant variances from Section 14-403 nothing in the current ordinance prevents them from doing that and on June 21, 2012 the Board did grant a variance from Section 14-403 requirements.

In granting that variance, the Board acted within its current authority in the ordinance and also in a situation in which a large number of residential units could not be built along the roadway because of its short length. However, this decision sets the stage for variances that could defeat the purpose of Section 14-403 by leading to long paper streets with a number of homes or buildings being served by substandard streets and put the City in a difficult situation.

In order to prevent developers or other property owners from taking advantage of the current authority in the ordinance to grant variances from Section 14-403 the proposed amendment has a retroactive date to the date upon which the Board of Appeals issued its decision. No additional applications have been filed since that decision seeking a variance from the Section 14-403 requirements although, there is one pending application that may be amended to do so.

Because the proposed amendment is to Chapter 14, it should be referred to the Planning Board for a recommendation back to the Council before the Council can act on it.

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) *Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25’;
2. For all other buildings – 28’.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;
2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or
2. Part of a Planned Residential Unit Development.

Fwd: Public Comments for March 13th Planning Meeting

Barbara Barhydt <bab@portlandmaine.gov>
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Sun, Mar 4, 2018 at 8:11 AM

Public comment for 14-403.

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

----- Forwarded message -----

From: **Matt Power** <power.matt@yahoo.com>
Date: Sat, Mar 3, 2018 at 9:40 AM
Subject: Public Comments for March 13th Planning Meeting
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>

3-2-2018

Hello Barbara,

I've been corresponding with Kim Cook over the last week about the Portland ordinance that the planning board is taking up for comment on March 13th, section 14-403. I'm submitting my comments in writing below, because I am away on business on the 13th, and can't be there in person. Kim has been very kind to assist me and follow up on this matter.

Here are my public comments.

An Argument for Preventing "Ghost Lots" with 14-403

My partner and I own a parcel on Tarball Ave in the Riverton neighborhood, one of many so called paper streets in Portland. It's .6 acre lot on an unpaved road. Tarbell Ave has several homes on it, including one that is past us, on the end of the street, and another, at 119 Tarbell, that was built after the restrictive language in 14-403 was adopted in 1987 (**see attached document**). Many outbuildings have also been added after the ordinance. The street is plowed by the city, trash and recycling are picked up, street lights are serviced, electric, sewer and water are already at the street. To my understanding, on a paper street, none of these are supposed to be provided by the city (per the notes sent to the 119 Tarbell property). This rule is apparently not followed, and I'm glad—as are the many residents of Tarbell Ave.

We would like to be able to build a small home and garden-related outbuildings on our property, but we have been blocked by 14-403, because as it's written, we would have to widen, pave and add curbs to the entire dirt street, a huge expense we could not afford. This restrictive ordinance as its written makes no sense for streets like ours. A new home on the street would add little or no infrastructure burden, and bring in new taxes.

Under 14-403, public works can waive the curb requirement, but not the other street upgrades. This means the only recourse for property owners on paper roads wanting to build a home or even an outbuilding is to appeal the interpretation of the ordinance, with slim chance of success.

As you know, last year, [Maine ordered municipalities to declare paper streets as city streets or revert them to abutting owners](#), but left a loophole that Portland took, buying them 20 more years of procrastination on paper streets. I understand why the city did it...paving all those streets would cost a fortune. But at the same time, the combination of this choice, and strict interpretation of 14-403, have effectively "locked out" properties like ours, which are ideally situated for small scale new construction.

As written, 14-403 is outdated. I assume the initial intent was to push the cost of street upgrades onto large scale developers, but unfortunately it has caught small landowners in its net, at a time when Portland needs new ways of adding housing. The ordinance needs to be relaxed to allow for common sense development. A street that is already serviced and occupied should not have "ghost lots" created by a heavy-handed ordinance.

Possible Solutions

1. **Make street exceptions easier.** There is currently one mechanism for building on a paper street. The street can be declared an exception. A few streets are on this short list, but my understanding is that adding a street requires a full council vote. Why not add some codified, basic criteria that supports an exception? If the street is occupied and serviced by the city already, for example, the exception process should be easier. Perhaps a simple appeal can redefine the street as a "De Facto City Street." In other words, it's a city street in all but name, not subject to the same high level of upgrades, but much more flexible for landowners looking to build homes or outbuildings.

I **Exceptions.** The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible:

1. Dingley Court;

2. Morgan Court.

{Code 1968, § 602.18.B; Ord. No. 193-84, § 1, 11-19-84; Ord. No. 178-87, 11-2-87; Ord. No. 372-89, 3-20-89; Ord. No. 273-90, 3-19-90}

2. **Allow for individual parcel appeals.** Add language that allows for smaller residential projects to appeal the restrictive road requirements for paper streets. An appeal would not challenge the interpretation of this ordinance. It would challenge the application of the ordinance to specific lots on a street, based on the level of additional infrastructure costs.

3. **Give public works more waivership options.** At present, they can only waive the curb requirement. Give them the ability to waive road widening, storm drains, sidewalks, paving and other requirements if they don't see them as essential to current maintenance of a paper street. —excerpt from 14-403 below:

(b) **Minimum requirements for street improvements on unimproved and improved but unpaved streets.** For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the

4. **Add off-grid and tiny house options.** Landowners who are willing to build a home that is low impact, supplies its own water, electricity and so on should be held to a less stringent infrastructure standard. Tiny homes are [included in the Maine state building code now](#). They are also talked about on the [now outdated City faq page](#) about tiny homes:

"The city is actively looking at the issue of tiny houses and what role they might play in helping address our housing needs. The biggest challenge appears to be the state building code, which the city is required to utilize."

That challenge is **no longer an issue**. It's a good time to add some language opening the door to eco-friendly housing options that would allow Portland to live up to its goals of being a "green" place to live

Please consider these suggestions as you modify 14-403. Building in the city limits is the most sustainable kind of new development. Without changes to 14-403, the options for adding new housing stock over the next 20 years will be extremely limited, and the residents will be poorly served.

Thank you,

Matt Power

Portland

207-619-2713



Records for 119 Tarbell Ave-websized.pdf

4838K



Barbara Barhydt <bab@portlandmaine.gov>

March 13th PB workshop RE: proposed changes to 14-403

1 message

Victoria Morales <victoria@moraleslaw.me>

Fri, Mar 9, 2018 at 2:29 PM

To: Barbara Barhydt <bab@portlandmaine.gov>, "sgo@portlandmaine.gov" <sgo@portlandmaine.gov>

Dear Planning Board Members and Planning Staff,

Please accept this email and attachment with additional suggestions to the proposed amendments to section 14-403 of the land use code.

I represent MTR, LLC, a small residential construction company interested in building homes that are between 1,400 and 1,600 square feet and are affordable for working middle class families. To further that goal, my client is looking at lots in Portland near schools and green space, and with frontage on streets acceptable to the City. Many undeveloped lots in the City are on gravel roads that have been dedicated for public travel many years ago through the recording of a subdivision plan (paper streets). The barrier to creating housing on many of these lots is the cost of building the road, including the subsurface infrastructure, drainage, and lighting that is currently required. Larger scale developers can often absorb these costs and role them into the return on the higher end product. That is not the same for smaller developers.

My goal in submitting these suggestions is to request that the Planning Board take a good look at the street and infrastructure standards in Chapter 25 and the Technical Manual, which present significant barriers to building residential housing in the City, particularly for building one single family home on a gravel road that already has other residential homes on it. Admittedly, the amendments I offer do not go far enough to unlock the potential for creating more housing on the many undeveloped lots in the City. However, my hope is that the Planning Board, staff, and DPW can gather and examine the data regarding the existing list of unaccepted roads, unpaved roads, and available lots to remove the barriers that exist today to meeting the goals of the Comprehensive Plan to create more much needed housing in the City.

Very truly yours,

Victoria

Victoria Morales, Esq.**Morales Law****Land Use and Government
Relations Counsel**

188 State Street, Suite 3, Portland Maine 04101

207.216.0643**<https://www.linkedin.com/in/victoria-morales-a69b7550>**

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3/9/2018

City of Portland Mail - March 13th PB workshop RE: proposed changes to 14-403

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Edits to proposed changes 14-403 v.11(1).docx

20K

Further suggested changes to the proposed amendments to 14-403 in red.

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) *Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25’;
2. For all other buildings – 28’.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street between the lot and the nearest permanently paved and accepted City street **by paving the existing travel way or the minimum clear width measurement as described above, as determined by the Public Works Authority, and meeting the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;**

i. The widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

2. Take all necessary steps under Chapter 25, Article III, Section 47 of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or
2. Part of a Planned Residential Unit Development.

Street Acceptance – Portland Code, Chapter 25

Victoria's suggested changes in red

Sec. 25-47.

Acceptance of streets and ways dedicated for public travel prior to July 7, 1948. A street or way dedicated for public travel prior to July 7, 1948, **including paper streets**, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

(a) Minimum width. Such street or way shall have a minimum width of fifty (50) feet unless the owners of property adjoining the street or way shall convey to the city sufficient land to lay out a fifty (50) foot street; provided, however, that the Public Works **and Planning Authority may allow the minimum clear width or less, as described in 14-403** when a fifty (50) foot street is impracticable.

Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) **(change to: the minimum clear width standard in 14-403)** feet.

(b) Recorded plan. A plan of the street or way shall have been recorded in the county registry of deeds prior to July 7, 1948.

(c) Petition by abutters. A majority of the abutters upon the street or way shall in writing, on a form to be prescribed by the public works authority, petition the city council to improve the street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this article, a majority of the abutters shall mean those abutters who own more than fifty (50) percent of the frontage, both in front-feet and in assessed value.

(d) Assessment of costs. When the street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on the street or way in the manner, and with the same right of appeal, provided in 23 M.R.S.A §§ 3601--3605.¹ (Code 1968, § 707.2) Cross reference(s)--Uniform procedure for collecting assessments,

¹ 23 M.R.S. §3601. Apportionment of damages or benefits

Whenever the city government lays out any new street or public way, or widens or otherwise alters or discontinues any street or way in a city, and decides that any persons or corporations are entitled to damage therefor, and estimates the amount thereof to each in the manner provided by law, it may apportion the damages so estimated and allowed, or such part thereof as to it seems just, upon the lots adjacent to and bounded on such street or way,

other than those for which damages are allowed, in such proportions as in its opinion such lots are benefited or made more valuable by such laying out or widening, alteration or discontinuance, not exceeding in case of any lot the amount of such benefit, but the whole assessment shall not exceed the damages so allowed. Before such assessment is made, notice shall be given to all persons interested of a hearing before said city government, at a time and place specified, which notice shall be published in some newspaper in said city at least one week before said hearing.

Google Groups

Planning Board Workshop- 3/13- Text amendment 14-403

Liv Chase <livchase@yahoo.com>

Mar 11, 2018 3:39 PM

Posted in group: **Planning Board**

Dear Planning Board Members and Planning Staff,

Thank you for your time and attention in addressing section 14-403 of the City's land use code. This amendment directly effects me because I own 2 properties on accepted city streets that have a width less than 25'. Based on the history of 14-403 and the enforcement of this ordinance, the intention of this code is to address unaccepted city streets, i.e. paper streets. It is my understanding, no permit application or plan for development on an accepted city street was ever denied on the basis of street width, until recently.

The attached comments, attachments, and suggested amendment to 14-403 are to address 14-403 (a) for accepted city streets. Regardless of the prior interpretation, I hope you will agree that accepted city streets which already have city services and established widths, should not be part of this ordinance.

Regards,

Liv Chase

livchase@yahoo.com

207-522-4345

Section 14-403 was written and adopted in 1968. The interpretation of this code has always been that it applies to non-accepted city streets i.e. paper streets. This section of the land use code has had no bearing on accepted city streets in the past. The City of Portland zoning department has approved many projects on the Portland peninsula on streets which are less than 35' in width (Attachment D). Only recently has section 14-403 been read literally and enforced to deny permit applications on accepted city streets that are less than 35' in width. One of these permit applications is an application submitted in May 2017 to build a small 499sf single family house located at 47 Chapel Street. If the true intention of clarifying this code is related to the impact it will have on city services, please consider the following:

Why are we defining street access?

We are defining street access because it is relevant to fire and life safety.

Why would street width need to be defined for accepted city streets that are already built?

City Services

Accepted city streets already have city services, i.e. water/ sewer, plowing, general upkeep, ect. As property owned by the city, the city already holds the responsibility/cost for maintaining these streets.

Adding additional buildings to a street with city services does not unreasonably impair these services because these services are already in place.

Fire and Life Safety

Accepted city streets are wide enough to allow for the access of fire trucks and ambulances in the event of an emergency. Currently, all accepted city streets are wide enough for a fire truck to drive down (a fire truck is just under 10' in width). A brief conversation with the fire department revealed that the narrowest street for the fire truck is Oak Street. Even though the street width is 24.5 feet wide, cars are allowed to park on both sides of the street. This equals a clear width of 10.5 for the fire truck. Clear width for a fire truck to pass should take into account parked cars on the street (Attachment C)

**City staff has expressed the need to simplify and clarify section 14-403.
The clarification is that 14-403 is not intended for accepted city streets.**

Other Points to Consider:

Accepted city streets on the peninsula have been streets since the 1800's. The peninsula is home to the highest density of building infrastructure in Portland. If there truly was a problem in regards to city services and life safety on accepted city streets, this would have been addressed 30 years ago when the code was revised.

This proposed text amendment will take away property owners rights. There are 53 streets on the peninsula that would be affected by this amendment (Attachment A and B)

It is understood that there is a need to regulate the creation of new city streets (Section 14-403 (b)) and adopt standards for these streets. NFPA 1 fire code determines a minimum clear width of 20 feet for a emergency access in the creation of new streets.

The proposed text amendment establishes an arbitrary street width that is not based on anything pertaining to fire and life safety. Additionally, it allows for this width to be reduced by approval of the fire chief and public works director. This makes the proposed text discretionary and vague. This opinion based flexibility would prove to be beneficial in connection with the development of new streets, but it adds no value to streets which are already defined as to width. Accepted city streets are already developed and most times, they can not be widened because existing infrastructure is built to the right of way.

The proposed text amendment adds more restrictions to 14-403

Current	Proposed
Streets with ROW less than 35’*	Streets less than 25’ not including sidewalk*
Only for residential dwellings	All building regardless of use
Exception for frontage on another street	No exception
Only for new construction	Not specified (adding a unit could be within existing infrastructure)

*See Attachment E

14-403 is in direct conflict with the City’s comprehensive plan. Vacant lots, that meet the minimum required lot size, have the potential to add more dwelling units and create higher densities. Further restriction of these vacant lots is not in line with the comprehensive plan.

Sec. 14-403. Street access.

A building or structure, **intended for use as habitation**, may only be constructed or moved on a lot, ~~or a dwelling unit added to a lot~~, where one of the following is met.

(a) ~~Permanently paved and accepted streets or island streets. The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:~~

- ~~1. For one or two family dwellings 25';~~
- ~~2. For all other buildings 28'.~~

~~These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.~~

(a) **Accepted city streets appearing on the official map of the city are exempt from this section of the land use code.**

(b) **Unaccepted city streets to be upgraded in connection with development.** The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street between the lot and the nearest permanently paved and accepted City street **by paving the existing travel way or the minimum clear width measurement as described above, as determined by the Public Works Authority, and meeting** the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;

i. The widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.
Exception: The above guidelines may be

(c) **Other exceptions.** The building or structure is one of the following:

1. An accessory building; or
2. Part of a Planned Residential Unit Development.

street widths as measured from curb to curb

street name	street width (feet)		street name	street width (feet)
guilford court	10.3		bramhall place	21
horton place	11.7		myrtle street	21
chapel street	12.4		market street	21.1
russel street	12.5		summer street	21.4
joy place	13		alder street	22
tate street	13.8		forest street	22.3
throwbridge place	13.8		south street	23.1
fletcher street	14.7		winthrop street	23.1
maple street	15.3		may street	22.4
montgomery street	15.5		stetson court	22.5
marshall street	16		dow street	22.7
orange street	16		mountfort street	23.4
nye street	16.1		winter street	23.8
stone street	16.2		oak street	24.5
bond street	16.4		neal street	24.9
storer street	16.6		orchard street	25.5
stratton place	18.8		hampshire street	25.9
marion street	19.1		sheridan street	26.1
briggs street	19.4		howard street	26.2
romasco street	19.4		wilmot street	26.6
school street	19.6		clifford street	26.6
brown street	20.2		park street	26.8
locust street	20.8		emerson street	27.2
casco street	20.8		chestnut street	27.3
cedar street	20.9		carlton street	27.7
boynton street	20.9		gray street	27.9
			hammond street	27.9

There are 41 streets that are less than 25' in width

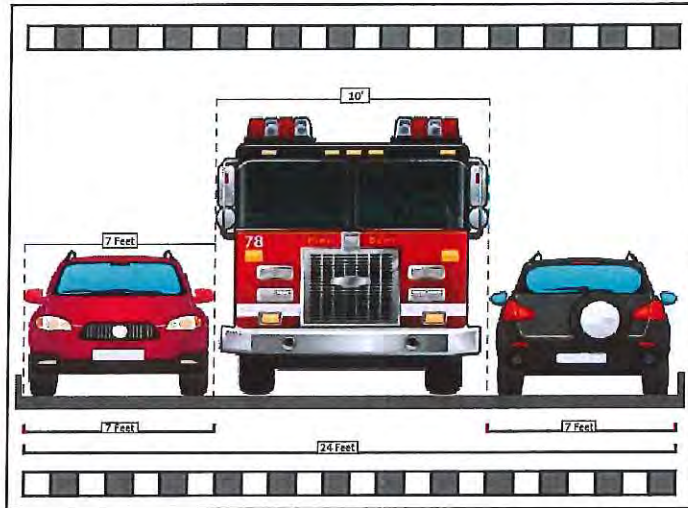
ATTACHMENT B



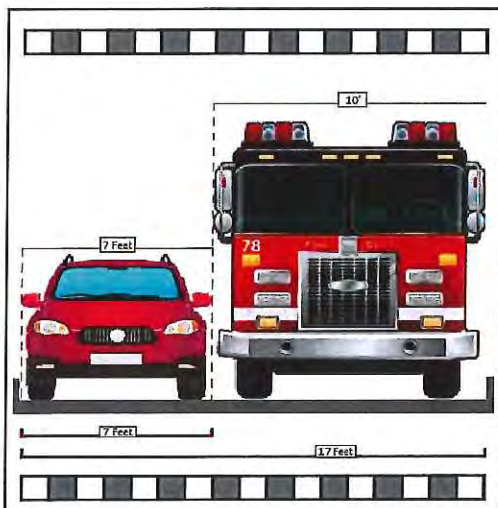
MAP OF THE PORTLAND PENNISULA

ATTACHMENT C

Fire and Life Safety-



Parking on both sides of the street



Parking on one side of the street



No parking on either side of the street

7 feet is the minimum width necessary for parallel parking space. The measurement was based on average vehicle widths and design standards for on-street (parallel) parking space in other municipalities, including the City of Chicago



72 Oak Street

Year Built: 2011
 Use: 37 Units
 Street Width: 24.5 feet
 Parking on 2 sides =
 clear width for fire truck 10.5 feet



22 Tate Street

Year Built: 2016
 Use: 8 Condominiums
 Street Width: 13.8 feet

No on street parking =
 clear width for fire truck 13.8 feet



50 Myrtle Street

Year Built: 2014
 Use: Single Family
 Street Width: 21 feet
 Parking on 1 side =
 clear width for fire truck 14 feet



1 Joy Place

Year Built: Currently being reviewed for permit application
 Proposed Use: 12 Condominiums
 Street Width: 13 feet
 Street Condition: Dirt Path
 Fire truck access = ?

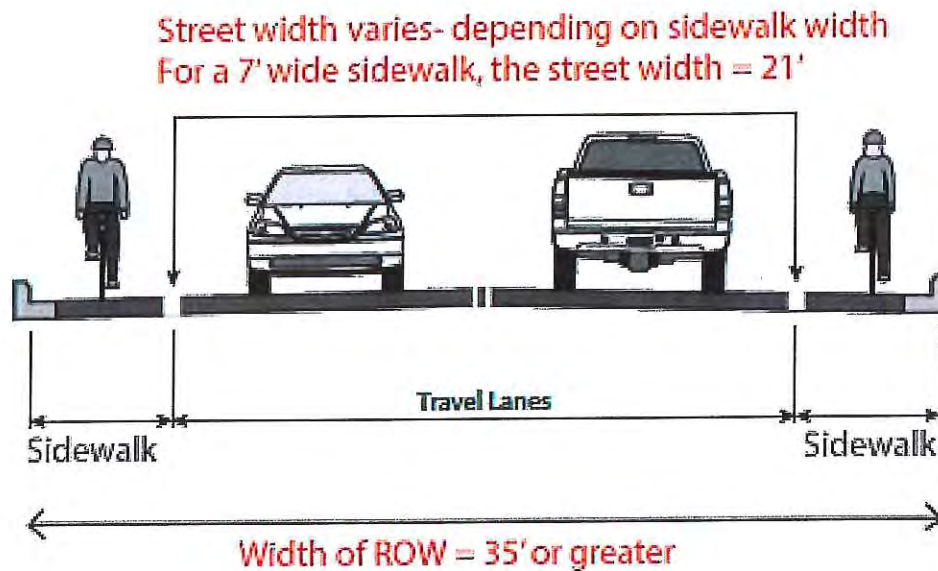


5 Briggs Street

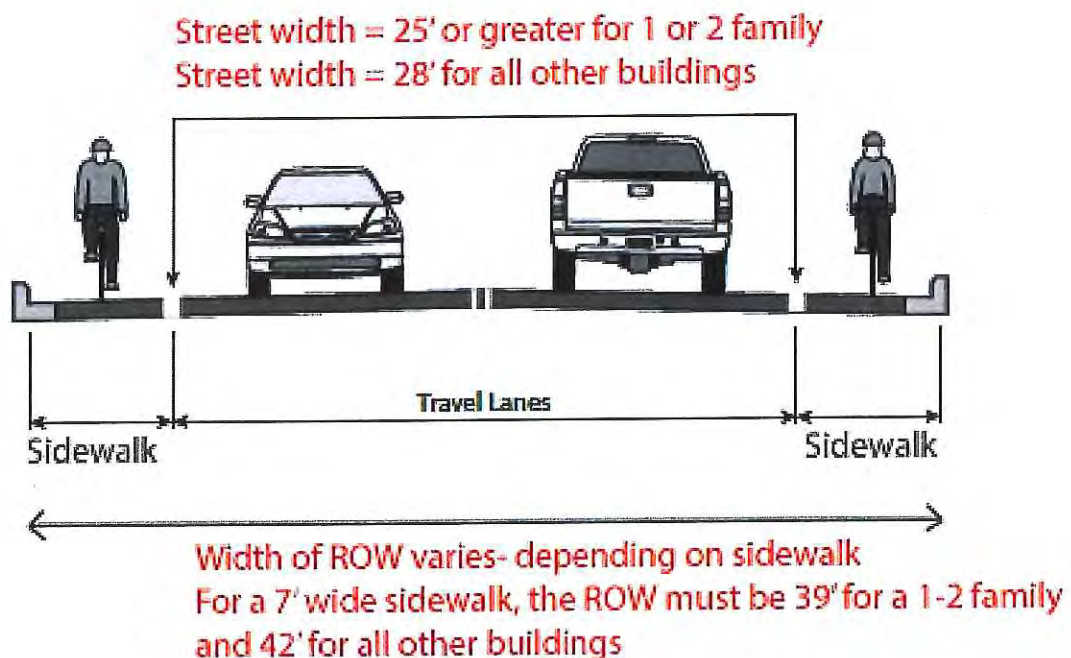
Year Built: 2016
 Use: 3 units
 Street Width: 19.4 feet
 Parking on 1 side =
 clear width for fire truck 12.4 feet

ATTACHMENT E

Current 14-403: "a street width less than 35"



Proposed 14-403: "minimum clear width as measured from the edge of the pavement, excluding sidewalks"



To: Planning Board
3/11/2018
From: Brent Adler
47/49 Chapel Street

RE: Planning Board workshop comments text amendment 14-403

I would like to thank the hard work of Corporation Council and Planning Staff for bringing this text amendment before the planning board. I am happy to see that the proposed text amendment seeks to simplify and clarify issues with the code. Unfortunately, the language in the proposed section will prevent development on small city adopted streets and will allow for discretionary decisions by the Fire Chief and Public Works Director.

Subsection (a) will remove small scale development opportunities on functioning legally non conforming streets that currently have existing public services. 72 Oak Street and 22 Tate Street have working street widths of less than 13'. These two projects were large scale and prove to be a success (72 Oak is a 37 unit apartment building and 22 Tate is a 8 Unit condominium building), approved by the planning board with the support of Public Works and the Fire Department. I would like to provide these as examples of how peninsula streets that are narrow can still be functioning contributing streets to our city that deserve special attention, not to be treated as non buildable streets unable to provide new housing stock as the city grows and we adopt a new comprehensive plan. Public Works has the ability to service narrow streets today the same way they have been servicing their residents over the past 100 years. We have tools available in zoning to allow safe housing on narrow streets that will not negatively contribute to maintenance already provided under Public Works. As a City that has grown around these smalls streets why are we considering abandoning the potential they present for development? We can ask the following questions to help ease the challenges a narrow street presents to emergency and public works vehicles.

Square footage restrictions on the proposed development limited to 1000 sq feet
A larger set back from neighboring buildings
Limiting the height of the building to single level
The proximity of a fire hydrant to the proposed dwelling
Can a narrower street allow for higher density if the building is sprinkled according to NFPA
Parking on both sides or none
One way or two way
The smallest fire engine currently used by the City and its working width, Engine 31?
Do current structures exist on the street and have City Services

I would propose the following as an exception to subsection (a)

No Street width minimum on City approved adopted streets on the peninsula

I am in support of having 14-403 amended but I am not in support of the proposed changes. I am the owner of 47/49 Chapel Street, a lot with 3,450 square footage. A buildable lot with water, sewer, gas, and electric. On a street that is plowed during the winter and maintained by the city. This street is less than a block from the City Hall and services 6 existing houses. My application for a small 500 square foot single family is currently on hold for review with the City. My permit is awaiting denial based on the current interpretation of 14-403. If the proposed changes go through, my paved width being 12.4' excluding sidewalks, will kick my application for review and approval to the Fire Chief and Public Works Director. If I do not have approval by these two departments my lot will become non-buildable. Meaning, for me, a regulatory taking. I am unable to pursue an appeal because of 14-473 in the land use code Section (c)4h. Please consider this text amendment an opportunity to allow small development on small streets and not an exclusionary effort for property owners and developers in my position.

For your information Joseph Gray Jr. Director of Planning and urban development on 10/31/84 has already defined unimproved streets. These streets identified on the peninsula should be the only streets considered under the proposed subsection (a) for non development. Please see attached

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Stephen T. Honey, City Manager
FROM: Joseph E. Gray, Jr., Dir., Planning & Urban Development
SUBJECT: Council Request for Material on Unaccepted Streets

DATE: 10/31/84

At the recent Council workshop on unaccepted streets, Council members asked that we prepare certain additional information for distribution to the Full Council. The material includes:

1) Building Permits

Sam Hoffses, Chief of Inspection Services, has reviewed our files and has determined that since January, 1981, 47 permits have been issued for housing on unaccepted streets. The Council should note that during 1984, 22 permits or almost half those issued, were during this year. This is an indication of the acceleration of development on these streets.

2) List of Unaccepted Streets/Neighborhood Breakdown

The Parks and Public Works Department has prepared a breakdown of unaccepted streets by neighborhoods. This list is enclosed.

3) Charts Used in Staff Presentation

At the request of the Council we have reduced to typing the charts used in staff presentation on unaccepted streets. There are four charts.

- A) Issues Chart
- B) Streets Glossary
- C) Lapsed/Abandoned Streets
- D) Unimproved Streets

"STREETS" GLOSSARY

DEDICATED: Offered to City as public street

ACCEPTED: Accepted by City as public street

LAPSED: Dedicated but not accepted within reasonable
time (40+ years)

ABANDONED: Accepted but not maintained for 30 years
(1946 - 1976)

IMPROVED: In actual existence (paved or unpaved)

UNIMPROVED: Not in actual existence ("paper")

DOWNTOWN

Garden Lane	U
Park Street Court	U
Stratton Street	U
Tolson Place	U
Gulford Court	U
Hall Court	U
High Street Court	U
Nye Street	U

High Street

WEST END

Gilman Place	U
Houlton Street	U
Spring Street Place	U
Trowbridge Place	U
West Street Court	U

EAST END

Gilbert Lane
East Carr Street
Poplar Street
Grand Court

0
0
0
0

Fwd: Section 14-403

Barbara Barhydt <bab@portlandmaine.gov>
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Mon, Mar 19, 2018 at 8:03 AM

Public comment

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

----- Forwarded message -----

From: **john mcgovern** <jtmcgovern1@gmail.com>
Date: Sat, Mar 17, 2018 at 9:30 PM
Subject: Section 14-403
To: bab@portlandmaine.gov

Hello Barbara.

My wife just brought to my attention that the city had a planned meeting on the thirteenth of March regarding changes to the city code section 14-403 on paper streets in the city of Portland. I am pleased to know that the meeting had been postponed do to inclement weather , as I would have missed it. As you know I have been working with the city on making the improvements to Hingham street , I am hoping the timing of this meeting will only have a positive effect on what I have been trying to accomplish on Hingham street. As you know we had a meeting at city hall with your self John Jennings David Brenerman myself and others. I had requested the meeting because of a paragraph in the city code that allows a resident of the city of Portland with a lot of record and being part of a subdivision recorded in the registry deeds , the allows them to petition the city to bare part of the cost of bringing the road up to the standards of the city of Portland. Although the meeting did not resolve the issue of who should bare the expense of these roads I moved forward on my own to make the improvements at my expense. At this point I have invested over nine thousand dollars of my own money in engineering cost and application fees and I am still waiting for the review process to be complete. In closing I would like to say that the city has a enormous untapped revenue of property tax resources by not working with city residents to improve these streets. If the city of Portland wants to be know as progressive pioneer in moving into the twenty first century it is time to be more aggressive in allowing the development of this untapped revenue stream. I do not think it is unreasonable for the city to take on some of the cost burden of these projects. I am strongly against any changes to 14-403 that would have a negative impact on future development of these valuable pieces of property.

Respectfully ,

John McGovern

Sent from my iPad

Fwd: Section 14-403

Barbara Barhydt <bab@portlandmaine.gov>
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Tue, Mar 27, 2018 at 7:57 PM

public comment for 14-403.
Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

----- Forwarded message -----

From: **john mcgovern** <jtmcgovern1@gmail.com>
Date: Tue, Mar 27, 2018 at 7:47 PM
Subject: Re: Section 14-403
To: Barbara Barhydt <bab@portlandmaine.gov>

Hello Barbara.

After careful thought for the amendment allowing street minimum width to be narrowed to 25' for certain streets I have to oppose . It is my understanding from the public works department that the minimum finished street width is twenty eight feet no exceptions.

Allowing for some streets to be twenty five feet wide and yet forcing others to be twenty eight feet wide would put undo hardship on those that bear the extra expense.

Any change to the code in 14-403 should apply to all streets within the city regardless of there status. We need to set a minimum guideline and enforce the code as set forth.

Respectfully .

John McGovern

Thank you.

Sent from my iPad

On Mar 19, 2018, at 11:20 AM, john mcgovern <jtmcgovern1@gmail.com> wrote:

Thank you, Barbara.

John

Sent from my iPhone

On Mar 19, 2018, at 8:07 AM, Barbara Barhydt <bab@portlandmaine.gov> wrote:

Hello Mr. McGovern:

I am including you e-mail as public comment for the Board. Here is the link to the City's website where the memo for the Board is located. http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_03222018-2356?html=true

This is a workshop agenda item and that meeting starts at 4:30. This is the second agenda item, but we may need to move this forward to be the first item.

Thank you for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

On Sat, Mar 17, 2018 at 9:30 PM, john mcgovern <jtmcgovern1@gmail.com> wrote:
Hello Barbara.

My wife just brought to my attention that the city had a planned meeting on the thirteenth of March regarding changes to the city code section 14-403 on paper streets in the city of Portland. I am pleased to know that the meeting had been postponed do to inclement weather , as I would have missed it. As you know I have been working with the city on making the improvements to Hingham street , I am hoping the timing of this meeting will only have a positive effect on what I have been trying to accomplish on Hingham street. As you know we had a meeting at city hall with your self John Jennings David Brenerman myself and others. I had requested the meeting because of a paragraph in the city code that allows a resident of the city of Portland with a lot of record and being part of a subdivision recorded in the registry deeds , the allows them to petition the city to bare part of the cost of bringing the road up to the standards of the city of Portland. Although the meeting did not resolve the issue of who should bare the expense of these roads I moved forward on my own to make the improvements at my expense. At this point I have invested over nine thousand dollars of my own money in engineering cost and application fees and I am still waiting for the review process to be complete. In closing I would like to say that the city has a enormous untapped revenue of property tax resources by not working with city residents to improve these streets. If the city of Portland wants to be know as progressive pioneer in moving into the twenty first century it is time to be more aggressive in allowing the development of this untapped revenue stream. I do not think it is unreasonable for the city to take on some of the cost burden of these projects. I am strongly against any changes to 14-403 that would have a negative impact on future development of these valuable pieces of property.

Respectfully ,

John McGovern

Sent from my iPad

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Planning Board Meeting- 5/8- Text amendment 14-403

Liv Chase <livchase@yahoo.com>

May 3, 2018 5:32 PM

Posted in group: **Planning Board**

Dear Planning Board Members and Planning Staff,
Please see the attached comments for the Planning Board Meeting for May 8th, 2018 in regards to the text amendment for 14-403.
Regards,
Liv Chase
livchase@yahoo.com
207-522-4345

Dear Planning Staff,

I attended the Planning Board Workshop on March 22, 2018. At the workshop there was much discussion over the street width. The current re-write of 14-403 determines a street width as measured from curb to curb. This street width is not clearly defined to reflect a clear width. The clear width is the only factor when determining if a fire truck or ambulance can pass.

Interim Fire Chief Keith Gautreau spoke at the Planning Board Workshop and in his professional opinion, he determined that a width of 25' from curb to curb was wide enough regardless of parked cars on either side.

Parked cars can range in width, with the largest parked car 8.5 feet wide. Most vehicles are approximately 7 feet in width and this is the number that is most commonly used. A standard fire truck is just under 10' wide.

- 1) If fire and life safety are the reasons behind the clarification of 14-403, doesn't it make sense to clearly define the clear width in relationship to parked cars on the street? (the proposed added text does this- see attachment A and B)
- 2) Can planning staff and/or Mr. Gautreau explain how a street with width of 25' curb to curb that has parking on both sides, is more safe than a street that has a width of 11' with no parking on either side?

Thank you for your time.

Regards,

Liv Chase

ATTACHMENT A

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) Permanently paved and accepted streets or island streets. The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25' for streets with parking on both sides;
18' for streets with parking on one side
11' for streets with no parking on either side
2. For all other buildings – 28' for streets with parking on both sides
21' for streets with parking on one side
14' for streets with no parking on either side

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) Streets to be upgraded in connection with development. The owner or developer of the lot will do all of the following in connection with the development of that lot:

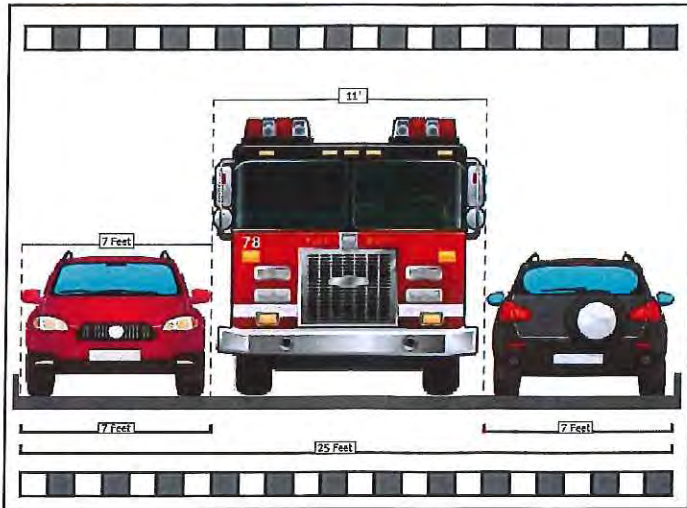
1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;
2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and
3. Obtain site plan approval for the work required under this subsection.

(c) Other exceptions. The building or structure is one of the following:

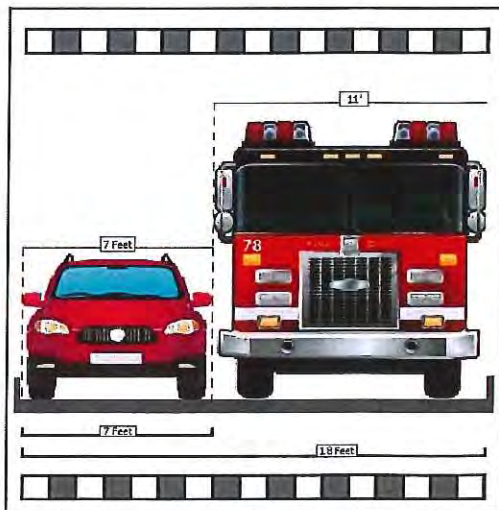
1. An accessory building; or
2. Part of a Planned Residential Unit Development.

ATTACHMENT B

Fire and Life Safety-



Parking on both sides of the street



Parking on one side of the street



No parking on either side of the street

7 feet is the minimum width necessary for parallel parking space. The measurement was based on average vehicle widths and design standards for on-street (parallel) parking space in other municipalities, including the City of Chicago. 9.9 feet is the width of most standard fire trucks.

Planning Board Meeting Public Comment May 8th 2018

Text Amendment 14-403

Comments regarding **Section A** of this text amendment

Hello my name is Brent Adler, 47/49 Chapel Street. I attended the workshop meeting on March 22nd 2018.

I would like to thank staff for taking the time to improve this section of the land use code. I hope my comments and questions will help in determining that there is no need for Section A of this text amendment.

For your information Boston MA has a population of 687,584 people. Portland has a population of 67,067. I spoke with Michael Rooney of the Boston City Planning department and according to him there is no Code in the City of Boston that restricts the addition or development of any unit on a street that is narrow. Instead, the issue of safety is addressed by zoning ordinances that would allow for a deeper set back of a new building for better access of emergency vehicles. Boston has narrow streets like Portland and is a City in the United States.

Boston Fire department has the same fire truck as engine 31 of the Munjoy Hill Station, a Pierce Enforcer 1250/750. Training for the fire department to work on small accepted paved streets should be the solution to service urban infill and development on small accepted City streets, this would be a worthwhile investment for the future.

According to the discussion at the workshop on March 22 the amendment language clarifies our 35' ROW and adds individualized review on a case by case basis by experts in DPW and Fire for any submission of a unit or development on a street less than 25'. Adding units, whether its one 400 square foot or a 30 unit apartment building adds risk and stress onto emergency vehicles and Staff. It was also determined that City accepted streets are the responsibility of the City to maintain.

Up until now we favored the interpretation of 14-403 that the 35' rule did not apply to accepted City streets. I have given many examples, here are a couple more.

9 Romasco Lane- Planning board approved 4 unit in 2015 with a recent permit extension
Joy Place on the west end- condominium project approved in April 2018

It would be important to know how many permits have been denied based on 14-403 for City accepted Streets, this information would help to determine the current interpretation. Moving forward under the amendment we have clearly defined the paved width creating a moratorium

on streets less than 25' and slowing urban infill and housing stock in the City. Blacklisting these streets as we develop the 2030 plan.

During the workshop, Chris Branch stated that accepted City streets are the responsibility of the City unlike unimproved non accepted City Street. How will DPW review an exception for a permit on a street less than 25'? Will he be basing his decision on the condition of the street, and if so wouldn't this be the responsibility of the City and not a condition of issuing an exception?

During the workshop Chief Gautreau stated that a fire trucks width is roughly 10' wide but would need 16' for the outriggers on a ladder truck. Does the fire department use a ladder truck on every call, and if not, what is the working room around a smaller pump truck used for single level access?

If we are going to leave these decision to the experts as Ms Torregrossa stated, why are we not giving them tools to make the decisions with. We have tools for staff during site plan and zoning review. Can we not make this more transparent and in the amendment start to clearly define what an exception would be? Let me give you an example of how my denial letter will read based on the current language of the amendment. My permit for Chapel street is ready for the expert review of the fire department and DPW. It has passed site plan review, design review, code review and zoning. This is what im expecting back from the DPW and the Fire chief when the amendment before you passes

Dear Mr Adler,

Thank you for your request for an exception of 14-403 section A. Unfortunately at this time we do not have the equipment, training, or resources to tend to emergencies at your proposed single family dwelling. This lot is serving the City just fine as a vacant non buildable lot.

*Sincerely
DPW and Fire Chief*

Ms Torregrossa stated that for each 2 bedroom unit there is up to 4 occupants that are added. And each one of these occupants add risk to the equation for emergency vehicles. Under this logic, in the India Street neighborhood where in a 2 block radius over the past 5 years over 200 2-3 bedroom units have been added, increasing the City occupants load at least 1000 people we should carefully consider if our current emergency response is satisfactory for all these new individuals. At what point will a new fire station be needed under the current logic of risk assessment? I do not see the risk on small City approved streets if the occupancy is managed, we know the stock and paved width of all our adopted streets here on the peninsula, this can be gathered through GIS. Why not take the smallest street, drive a fire truck down it and run a drill? I do not see the need to individualize review on small scale development. Can we not work

from the problem and see if it's possible to service the small streets first rather than declaring 25' as the minimum. I am more optimistic about the abilities of our public services than declaring that it's impossible to drive down and put out a fire on a narrow street. There are rural roads in northern Maine that pose more of a problem than an urban City that is littered with Sprinkler Systems, building codes, Fire Hydrants and many fire stations. Can we not get some facts about our current equipment, how long are hoses, how many firefighters does it take to respond and extinguish a 400 square foot residential house that is sprinkled?

Finally, if it is the opinion of staff that its too risky to add occupants and services to city approved streets than there should be no reason why we cant add an exception for structures that do not require these level of services. I'm thinking structures such as garages, storage areas, green houses and beehives. Neither of which would need DPW. Thank you for your time.

Brent Adler

Fwd: Public Comments for Tonight's Planning Comment Session on 14-403

Barbara Barhydt <bab@portlandmaine.gov>
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Thu, May 10, 2018 at 8:49 AM

public comment for Section 14-403
Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

----- Forwarded message -----

From: **Matt Power** <power.matt@yahoo.com>
Date: Tue, May 8, 2018 at 5:57 PM
Subject: Public Comments for Tonight's Planning Comment Session on 14-403
To: Barbara Barhydt <bab@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>

Good Afternoon,

I'm planning to attend the Planning Board public comment session tonight and present my notes below, but I thought it might be very helpful to include them online, so that people can use the live links to review documents and facts associated with it.

Thank you

Matt Power
Portland
207-619-2713
power.matt@yahoo.com

[Comment Follows]

Esteemed Councilors, Good Evening,

Over the past week, I've been doing my homework, researching some of the questions raised about the proposed text amendment to Section 14-403. I hope the information below is helpful in looking at this amendment from a more nuanced perspective that might encourage more, rather than less, housing development, based on sound economic analysis--if the conditions are right.

As a template to look more closely at the issue of Unaccepted Streets, I selected District 5. It's the section of Portland that seems to have the greatest concentration of unaccepted streets. By combining Google Maps data with Information from the **2017 Transportation and Sustainability Committee** (<https://www.portlandmaine.gov/586/Sustainability-Transportation-Committee>) and GIS data, I was able to generate a visual representation of all of the unaccepted streets in that district. Here's what the color-coded map reveals.

300 Empty Lots. There are about 300 empty parcels on these streets (icons may represent multiple parcels). Certainly not all of these parcels are buildable, but many are.

Existing Homes. All of these parcels are located on streets that already include other, existing homes.

Streets with no homes on them are not included on the map. Nor are narrow or short streets unlikely to be built upon.

Infrastructure—Already in Place. Most of these properties appear to benefit from multiple levels of City maintenance and infrastructure. Public Works will need to confirm for each street.

Fire Truck Access—Weight Litmus Test. If trash service is provided to an unaccepted road, we know the road--whether paved or packed gravel---can support a 25-ton loaded garbage truck. A loaded Fire Truck typically weighs a similar amount-- 30 tons, fully loaded with water. <http://www.dot.state.pa.us/public/pdf/InfoBridge/Approximate%20vehicle%20weights.pdf>

The Economic Arguments For and Against Allowing More Housing Development on Unaccepted Streets in Portland

1. **PRO: Ready Made Infrastructure.** Building on open and empty parcels would have minimal costs with regard to city infrastructure, beyond the initial hookup of sewers and water, which could be borne by the owner. Most of the streets, we believe, are already maintained and serviced.

2. **CAVEAT: School Enrollment Must Be Below Capacity.** According to a Massachusetts Study from UMASS Dartmouth 2 years ago (https://www.mhp.net/writable/resources/documents/Cost_Benefit_new_housing_3-15-16.pdf), the one factor that makes the difference in a district's ability to generate enough more revenue from new housing than the additional cost of educating new pupils was the *existing enrollment capacity of the local school*.

Mass. spends \$14,000 per student, about the same as Portland. They looked at the net economic costs and benefits of new residential development. Schools were inevitably the biggest concern at the local level. Research looked at 6 school districts. In half of the districts, new mixed use housing had a **net positive** on the City's bottom line. The other three districts fell into the red economically.

So what happened? The latter three schools were at or past enrollment capacity. That's the deal breaker. However....

3. **PRO: Empty Classroom Seats Put New Housing in the Black.** Researchers found that "The effect of school enrollment on district expenditures had a *statistically significant dependence* on whether or not the school district was operating at or above its enrollment capacity (pvalue= 0.02). In schools with available pupil capacity (i.e. no need to build a new school), new students only cost 61 percent as much per year. That's enough to tip the scales so that new housing contributes more to local fees, taxes, impact fees, and so on than it withdraws.

Suggested Case Study: Riverton Elementary School and District 5

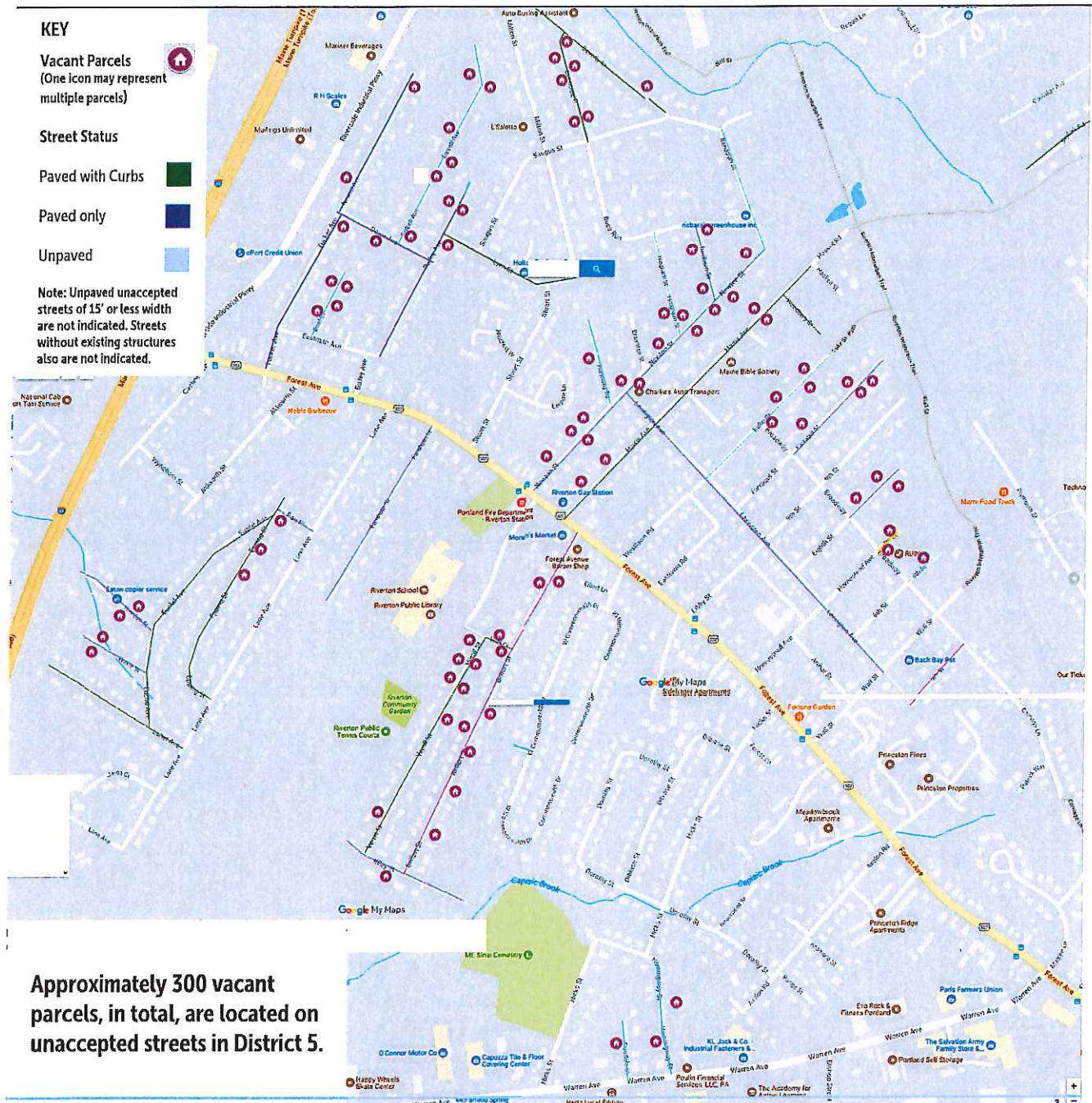
Before making 14-403 more restrictive toward new housing, as the current text amendment suggests, I urge the Board to look closely at just one District. In the light of the research I have linked to above, why not consider the positive implication of bringing hundreds of new families into the area, especially if schools are projected to continue losing students?

I have requested the enrollment history and forecast for Riverton Elementary School in Portland. I will forward it as an addendum to this comment when I get the response. I frankly don't know if the enrollment numbers support my case at this time. From what I can gather from recent news reports, most Portland elementary schools are losing enrollment--other than Reiche. Charter schools are draining away students (<http://www.wmtw.com/article/maine-public-school-enrollment-on-the-decline/9641783>), It seems likely that the City will see an increasing number of empty seats in schools such as Riverton, without new housing options. This means no new facilities will need to be built, and new students can be added at much lower annual cost.

A Future Pathways To Housing Growth. Finally, If schools are at capacity, there's one other way to make local new housing work, with changes to state policy. **The State Needs to Pay Its Fair Share.** The same Massachusetts new housing study notes that the State receives a huge economic boost from new housing, but often doesn't share that bounty with towns in a way that helps schools. Simply by giving back 8 percent of what they make, they could tip the balance into the black for development and away from local property taxes.

Vacant Parcels on Unaccepted Streets in District 5, Portland

Data From May 7, 2018--From Google Maps and 2017 Transportation and Sustainability Committee Results



This map is available as an interactive Google Map that can easily be amended and updated. Data that is not yet embedded, but could be, is whether or not each street is maintained by Portland Public Works--in the way of trash and recycling service, sewer and water. All of these streets appear to have electrical service and snowplowing service.

Order 249-17/18
Tab 33 6-4-18

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT OF PORTLAND CITY CODE CHAPTER 25.
STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES
ARTICLE VIII. REMOVAL OF SNOW AND ICE**

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

1. *That Chapter 25, Article VII, Removal of Snow and Ice.
Sections 25-172 to 25-175, 25-177.5 to 25-178, and 25-180 of the
Portland City Code are hereby amended to read:*

Sec. 25172. Definitions.

For the purposes of this article, the following words shall
have the meanings set forth below:

...

Residential property owner shall mean the owner of property
that contains a building with 1 to 4 residential dwelling units
or a vacant lot that is in an R-zone.

*Repeat Offender means any Residential Property owner or
Commercial Property owner that shall receive three (3) or more
Charges per snow season.*

Sidewalk means the entire paved surface, intended primarily
for use by pedestrians, between the boundaries of a street's
public rightofway and the curb, including any curb ramps and the
area that crosses a driveway.

Street means all public ways or easements and includes
courts, lanes, alleys or squares.

*Snow season shall mean the period beginning November 1 and
ending April 30 of the following year.*

Sec. 25173. Snow and ice to be removed from sidewalks.

(a) *Commercial property* - the following provisions apply to commercial property owners and commercial property:

(1) Commercial property owners, or the manager or any person having responsibility for any commercial building or lot of land which abuts any street where there is a sidewalk shall remove snow from the sidewalk in such a manner as to clear a path four (4) feet wide within twelve (12) hours after snow has ceased to fall and shall thereafter keep the sidewalk clear of snow from that storm including snow placed on the sidewalk as a result of subsequent snow removed by the city from the adjacent street. Property owners whose property abuts a sidewalk containing a curb cut and/or leading to an intersection shall clear a path four (4) feet wide through the curb cut or to be the curb at the intersection, giving access to the street and abutting ADA ramps.

(2) Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice for six (6) hour or more during the daytime, it shall be the duty of the commercial property owners and any person having the responsibility for such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance and reapply as needed.

(3) Either the ~~D~~irector of ~~P~~ublic ~~W~~orks, or the ~~head of the building inspections division~~ Director of the Permitting and Inspections Department, or their respective designees, may arrange for the removal of snow or removal or covering of ice which exists in violation of the provisions of subsections (1) and (2) above. If the city removes the snow or ice which exists in violation of subsections (1) and (2) above, or arranges for its removal, a commercial property owner shall also be charged the cost of removal of the snow or ice, plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the abutting property as soon as practicable after the charges are incurred. For the purposes of this Article, the record owner of each such abutting property shall be

the owner of record as of April 1st of that year as designated in the office of the city tax assessor.

- (4) In addition to any cost of removal charged under subsection (3) above, penalties shall accrue for violations of subsections (1) and (2). The penalty for a first offense shall be two hundred fifty dollars (\$250.00). The penalty for a second offense in the same winter season shall be five hundred dollars (\$500.00). The penalty for any subsequent offense in the same winter season shall be one thousand dollars (\$1,000.00).~~If the city removes the snow or ice or arranges for its removal, a commercial property owner shall also be charged the cost of removal of the snow or ice, plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the abutting property as soon as practicable after the charges are incurred. The record owner of each such abutting property shall be the owner of record as of April 1st of that year as designated in the office of the city tax assessor.~~

(b) Residential property owner - the following provisions apply to residential property owners and their properties:

- (1) Residential property owners, or the manager or any person having the responsibility for any residential property building or lot of land which abuts a street where there is a sidewalk shall remove snow from the sidewalk in such a manner as to clear a path four (4) feet wide within ~~twenty-four~~eighteen (2418) hours after snow has ceased to fall or within ~~twenty-four~~eighteen (2418) hours after the city conducts its last snow clearing for that storm on the adjacent street, whichever is later. In cases where a sidewalk is less than four (4) feet wide, the entire sidewalk shall be cleared. Property owners whose property abuts a sidewalk containing a curb cut and/or leading to an intersection shall clear a path four (4) feet wide through the curb cut or to the curb at the intersection, giving access to the street and abutting ADA ramps.
- (2) Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice for ~~twenty-four~~eighteen (2418)

hours or more, it shall be the duty of the residential property owner and any person having the responsibility for such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance and reapply as needed, so that the sidewalk is suitable for pedestrian use, to a width of four (4) feet. In cases where a sidewalk is less than four (4) feet wide, ice on the entire sidewalk shall be cleared or covered.

- (3) Either the ~~D~~irector of ~~the p~~ublic ~~W~~orks ~~D~~epartment, or the ~~head~~ ~~D~~irector of the ~~building inspections division~~ Permitting and Inspections Department, or their respective designees, may arrange for the removal of snow or removal or covering of ice which exists in violation of the provisions of subsections (1) and (2) above. If the City removes snow or ice which exists in violation of the provisions of subsections (1) or (2) above or arranges for its removal, such owner shall be responsible for the cost of removal of the snow or ice plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the abutting property as soon as practicable after the charges are incurred. For the purposes of this Article, the record owner of each such abutting property shall be the owner of record as of April 1st of that year as designated in the office of the City Tax Assessor.

- ~~(34)~~ In addition to any cost of removal charged under subsection (3) above, penalties shall accrue for violations of subsections (1) and (2). The penalty for a ~~second~~ first offense shall be ~~fifty-seventy-five~~ dollars (\$~~75~~50.00). The penalty for a ~~third~~ second offense in the same winter season shall be one hundred and twenty-five dollars (\$~~125~~50.00). The penalty for any subsequent offense in the same winter season shall be two hundred and fifty dollars (\$~~250~~50.00). ~~If the city removes the snow or ice or arranges for its removal such owner shall also be charged the cost of removal of the snow or ice plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the abutting property as soon as practicable after the charges are incurred. The record owner of each such~~

~~abutting property shall be the owner of record as of April 1st of that year as designated in the office of the city tax assessor.~~

Sec. 25174 Snow or ice threatening use of streets or sidewalks.

(a) *Commercial property* - the following provisions apply to commercial property owners and commercial property:

- (1) When an accumulation of snow or ice on a building poses the threat of falling onto streets or sidewalks, it shall be the duty of the commercial property owner to remove such accumulations in order to make a passage along the streets and sidewalks safe and convenient.
- (2) Such removal shall begin either: (i) whenever a threatening condition occurs; or (ii) within four (4) hours after the head of building inspections or his or her designee has verbally or in writing notified the owner of the condition and ordered the owner to remove such accumulations, whichever occurs first. Whenever snow or ice accumulates in such a manner as to hang over a street or sidewalk, such a condition shall constitute prima facie evidence that the condition is a threatening condition. A determination by the building inspector or his or her designee that an accumulation of snow or ice is a threatening condition shall be conclusive and not subject to challenge or appeal until after the building owner has removed the snow or ice. Notice shall be given to the owner or to an owner's agent who has maintenance responsibility for such building.
- (3) The ~~director of the building inspections division~~Director of the Permitting and Inspections Department or his or her designee may arrange for the removal of snow and ice accumulations which exist in violation of subsection (2) above.

...

Sec. 25175. Regulations relating to snow storage and removal from specified areas.

(a) When snow is to be plowed or removed from privately owned or operated expansive parking, storage or other open

areas, such as, but not limited to, filling stations, parking lots, used car lots, hospitals and truck terminals, no such snow shall be placed within the area reserved for sidewalk or street purposes. All snow plowed or removed from such areas shall either be stored within the boundaries of the premises for which it is plowed or removed or hauled to the city snow dump or other location suitable to the public works authority.

(b) Either the ~~D~~irector of ~~p~~ublic ~~w~~orks, or the ~~head of the building inspections division~~Director of the Permitting and Inspections Department, or their respective designees, may arrange for the removal of snow which exists in violation of the provisions of subsection (a) above.

(c) The penalty for an offense shall be two hundred fifty dollars (\$250.00), plus attorney's fees and costs. When the ~~C~~eity removes or arranges for the removal of snow or ice accumulations the owner shall also be charged the costs of removal, plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the building as soon as practicable after the charges have been incurred. The record owner of each such building shall be deemed to be the owner as of April 1st that year as designated in the office of the city tax assessor.

...

Sec. 25-177.5. Rules and regulations.

(a) Prior to October 1, 2012, the public works authority shall establish rules and regulations governing exceptions to the requirement for residential property owners to clear the sidewalk abutting their property under 25-173(b)(1). Such exceptions shall take into account pedestrian safety, the city's priority snow removal areas, and whether the property is on a street where sidewalks are to be plowed by the city on at least one side.

(b) No less than 7 days before promulgating any rules or regulations under paragraph (a) above, the public works authority shall notify the public through notice to the media, posting on the city website, ~~F~~acebook and other available electronic media, that the public works authority will be promulgating such rules, that a copy of the proposed rules or amendments may be obtained at the public works authority office and on the city website, and that a public hearing will be held at a specified date, time and place. A copy of the rules shall

be placed upon the city council agenda as a communication after such public hearing. The rules will take effect within 15 days after being placed on the council agenda, unless disapproved or amended by the city council.

(c) The director shall review any rules promulgated under paragraph (a) annually and shall ensure that the city council and the public are notified of the rules through the media, website, ~~F~~facebook and e-mail lists prior to November 1 of each year. Any amendments to such rules shall be promulgated in the same manner as provided in paragraph (b) above by October 1 of such year.

Sec. 25178. Enforcement.

(a) This article shall be enforced by the ~~ad~~Director of ~~P~~ublic ~~W~~orks, or the ~~head of the building inspections division~~Director of the Permitting and Inspections Department or their respective designees.

~~(b) A written warning shall be given for each violation except that no warning is required for a violation of section 25-174. Such warning must inform the property owner or the resident manager or person having the responsibility for the removal of snow or ice or the covering of ice that the city has the authority to remove the snow or ice or cover the ice twenty-four (24) hours after the time that the warning is given for a violation and bill the property owner the costs for such service plus a ten (10%) percent charge for administration. A written warning posted on the property containing the required information shall be sufficient to meet the requirements of this section.~~

~~Such written warning shall include contact information whereby the property owner may appeal the warning to the director of public works on the basis that the property owner is unable to remove the snow or ice due to its weight, composition or height. The director shall make a determination as to such appeal prior to any further enforcement action. The director's determination shall be final.~~

(~~eb~~) The city manager, or his or her designee, may declare a delay of enforcement of this article. Such a declaration shall be for the purpose of giving property owners additional time to clear their sidewalks of snow or ice which has accumulated, or for other good cause state in the declaration. Any such declaration shall be reduced to writing as soon as

practicable thereafter, stating the reasons therefore. Such declaration shall be communicated to such representatives of the communications media as the city manager may direct.

...

Sec. 25-180. Appeals. Reserved.

(a) Procedure. An appeal to the City Manager may be taken by a person in receipt of a notice of violation of this Article within ten (10) days of the mailing of notice of the violation or receipt of written notice of the violation, whichever occurs first. The appeal shall be in writing and shall state the basis for appeal. The City Manager shall designate himself/herself or any agent or employee to act as hearing officer in the appeal. The hearing officer shall provide such person with the opportunity to be heard and to demonstrate why the decision is in error.

(b) Notice of hearing. Notice of the hearing shall be given by regular United States mail at least seven (7) days in advance of the hearing date.

(c) Action by hearing officer. The hearing officer may affirm, modify or vacate the decision of the Public Works authority. The written decision of the hearing officer shall be issued to the appellant. Any person aggrieved by a decision of the hearing officer may obtain review available by law in the superior court in accordance with the Maine Rules of Civil Procedure 80B.

BE IT FURTHER ORDERED, that this amendment shall be effective on
July 1, 2018.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English

FROM: Troy Moon, Sustainability Coordinator

DATE: May 21, 2018

SUBJECT: Amendments to Chapter 25, Winter Snow Removal Ordinance

SPONSOR: Councilor Thibodeau, Chair, Sustainability and Transportation Committee
(The Committee voted on April 23 to advance the ordinance, 3-0)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading X Final Action

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

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

I. ONE SENTENCE SUMMARY:

The proposed amendments enhance the ability of City staff to enforce the removal of snow and ice from public ways by clearly defining the responsibilities of private property owners to remove snow and ice from public ways and by increasing penalties for non-compliance.

II. AGENDA DESCRIPTION

The proposed amendments enhance the ability of City staff to enforce provisions of City Code that require the owners of property abutting sidewalks and ADA ramps to make them safe for pedestrian use by clearing accumulations of snow and ice. The specifically define the responsibilities of commercial property owners to create and maintain passage 4 feet wide within 12 hours after snow ceases to fall. Residential property owners must create and maintain passage 4 feet wide 18 hours after City snow clear efforts end. The ordinance contains escalating penalties for non-compliance that reach \$1000 for commercial property owners and \$250 for residential property owners. Any property owner who commits three offenses in one winter season may be declared a repeat offender and the City may act to remove snow immediately after snow has ceased to fall and to recover costs from the property owner.

III. BACKGROUND

During the winter months City crews are responsible for clearing sidewalks in the downtown area and on designated school walking routes. The safe passage of pedestrians on other sidewalks results from efforts by property owners of abutting properties maintain safe passage after snow removal efforts by the City cease. During the past several years City staff have found that they need additional authority to encourage compliance, particularly in the instance of commercial properties who may plow snow from parking lots onto sidewalks or fail to remove snow banks that interfere with pedestrian access to the walks. Increased penalties for non-compliance as well as the proposed repeat offender provision should provide this. To further increase the safety of pedestrians staff has recommended that property owners be required to remove snow and ice more quickly than in the past. In these amendments residential property owners will be required to remove snow and ice from sidewalks abutting their property 18 hours after City street plowing efforts cease, which is reduced from 24 hours.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Enhancing the ability of staff to enforce the snow and ice removal ordinance should increase the safety of pedestrians.

V. FINANCIAL IMPACT

We anticipate minimal financial impact. The ordinance contains provisions to recover costs in instances where the City must remove snow and ice from private property. New provisions create escalating penalties for individuals or businesses who repeatedly fail to remove snow and ice from the walkways adjacent to their properties. However, the goal of the City is to gain voluntary compliance with the ordinance and it is difficult to predict how the amount of money that will be generated from penalties for non-compliance.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

VII. RECOMMENDATION

Staff recommends passage of the amendments.

VIII. LIST ATTACHMENTS

Draft ordinance as recommended by the Sustainability and Transportation Committee

Prepared by: Troy Moon, Sustainability Coordinator

Date: May 21, 2018