

AGENDA

REGULAR CITY COUNCIL MEETING

MARCH 5, 2018

1. City Council Agenda Only

Documents:

CITY COUNCIL MEETING AGENDA 2018-03-05.PDF

2. City Council Agenda And Packet

Documents:

CITY COUNCIL MEETING AGENDA AND PACKET 2018-03-05.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
MARCH 5, 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:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) February 21, 2018 Special City Council Meeting Minutes

PROCLAMATIONS:

Proc 25-17/18 Proclamation Honoring Officer Jonathan Lackee as Police Officer
(Tab 2) of the Month for January 2018 – Sponsored by Mayor Ethan K. Strimling.

Proc 26-17/18 Proclamation Honoring Nelle Hanig, Economic Development
(Tab 3) Department, as Employee of the Month for January 2018 – Sponsored by Mayor Ethan K. Strimling.

Proc 27-17/18 Proclamation Honoring Moore Middle School Students – Sponsored by
(Tab 4) Councilor Justin Costa.

APPOINTMENTS:

CONSENT ITEMS:

Order 162-17/18 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and
(Tab 5) 5826(6) Re: Justin Neves – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$ 720.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Justin Neves.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

**Order 163-17/18
(Tab 6)**

Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jeffrey Jackimocz– Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$2,150.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jeffrey Jackimocz.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

**Order 164-17/18
(Tab 7)**

Order Declaring July 28, 2018 the 16th Annual Greater Portland Festival of Nations – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, July 28, 2018, the 16th Annual Greater Portland Festival of Nations, a festival of music, crafts and cuisine from around the world to be held at Deering Oaks Park, 11:00 a.m. - 7:00 p.m.

Admission is free. Refreshments, crafts, artwork, and other items will be for sale. The festival is held rain or shine.

The Farmers Market is held in Deering Oaks Park on Saturdays. For just the date of the festival, they will move their setup to Bowling Green Lane so that setup for the Festival of Nations can take place at the Bandstand and along Farmers Market Road. The Friends of Deering Oaks Park have reviewed and endorsed the festival.

**Order 165-17/18
(Tab 8)**

Order Declaring August 4, 2018 the Picnic Craft Fair Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, August 4, 2018 the Picnic Craft Fair Festival to be held at Lincoln Park from 11:00 a.m. to 6:00 p.m.

The festival will showcase over 100 artists who will sell handmade products. There is no admission fee to the festival. Friends of Lincoln Park have endorsed the event.

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

LICENSES:

**Order 166-17/18
(Tab 9)**

Order Granting Municipal Officers' Approval of Elsmere Portland LLC dba Elsmere BBQ and Wood Grill. Application for a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 2/9/2018. New City and State applications. Location was formerly Sianos.

Five affirmative votes are required for passage after public comment.

**Order 167-17/18
(Tab 10)**

Order Granting Municipal Officers' Approval of Cumberland County & Global Spectrum, L.P. dba Cross Insurance Arena. Application for a Civic Auditorium with Entertainment with Dance at 1 Civic Center Square – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 2/13/2018. New City and State Applications. This is a change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 16-17/18
(Tab 11)**

Communication Re: 2018/2019 Work Plan Associated with Portland's Economic Development Growth – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the 2018/2019 Work Plan to the City Council as a communication.

In an effort to support collaboration of many partners involved in supporting Portland's economic growth, the 2018/2019 Work Plan is presented as a communication item for the City Council. Partners working with the City on the Work Plan include:

- Creative Portland
- Portland Community Chamber of Commerce
- Portland Downtown
- Visit Portland

The 2018/2019 Work Plan includes many items, for example, supporting public policy initiatives and identifying funding opportunities which address substance use disorder, panhandling, housing insecurity, ADA compliant infrastructure; creation of ‘mini-score card’ to provide limited set of metrics on important economic indicators; review ordinances related to outside seating, street vendors, sound, and trash storage; continue to educate the community on the “Case For Growth”; engagement with academic institutions for business and career opportunities; engage immigrant community in existing business networking opportunities; and support the growth of the City’s Office of Economic Opportunity. Other areas of emphasis include workforce development, business recruitment, transportation opportunities, and tourism.

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

**Com 17-17/18
(Tab 12)**

Communication Re: Fiscal Year Ending 2017 Tax Increment Financing District Annual Report – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the Fiscal Year Ending 2017 Tax Increment Financing District Annual Report to the City Council as a communication.

The City Tax Increment Financing (TIF) Policy requires the preparation and presentation of an annual TIF district activity report. The FYE2017 TIF Annual Report represents the fifth year of reporting.

Highlights of this year’s report notes City Council TIF actions during FYE2017. This includes:

- Approval of the ImmuCell TIF District for a term of 12 years in support of its expansion at 45 Evergreen Drive to construct a two-story, 12,625 sq. ft. production facility for its Mast Out drug development for treatment of mastitis in lactating dairy cows;
- Referring possible TIF Policy amendments to the Economic Development Committee for review and recommendation back to the Council (post FY2017 – the City Council approved the amended TIF Policy at its November 20, 2017 meeting, which Amended TIF Policy is an attachment to the FY2017 Report); and,
- Authorizing the assignment of the McAuley Place TIF District CEA from McAuley Place at Baxter Woods to Retirement Community, Inc.,

to Sea Coast at Baxter Woods Associates, Inc. and Motherhouse Associates, LP.

The Report also has a table showing the past five-year trend, as well as an Appendix which lists all the current TIFs and the activity numbers associated with them.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 161-17/18 (Tab 13) Order Amending the 2002 Waterfront Tax Increment Financing District by Adding the WEX Project Site and the Union Wharf Project Site to the District – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development met on February 6, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

On March 18, 2002, the Portland City Council approved the ten-year Waterfront TIF District at 1% capture the first year, followed by 100% capture for the remaining nine years, for the City to retain increased property tax revenue for specified municipal public infrastructure investment. This was followed by an amendment by the City Council on June 7, 2010, for the purposes of:

- Extending the term by 20 years, through FY2032, at the 100% capture rate;
- Reducing the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements (CEA) within the Waterfront Central Zone; and,
- Established a Sub-District and authorize a CEA with the Developer in furtherance of the Cumberland Cold Storage Project at the specified capture rates.

At this time, there are currently two projects under construction in the Waterfront TIF District that could provide additional TIF revenue for the District as of April 1, 2018, particularly the WEX office construction project at Hancock and Thames Streets, and the mixed use development at Union Wharf which includes office, restaurants, food court, and open market.

In adding these parcels to the Waterfront TIF District, the City would realize additional tax sheltering savings at approximately \$145,000 yearly for the duration of the District, over and above the estimated \$220,000 annual tax sheltering savings the District now supports.

Additional TIF proceeds for municipal use with the added TIF districts would produce an estimated \$495,000 annually, over and above the current estimated annual TIF proceeds at \$540,000.

It is noted that later this year City staff intends to recommend adding additional waterfront properties to the TIF District located on Portland's East and West End.

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

ORDERS:

**Order 168-17/18
(Tab 14)**

Order Setting Public Hearings on Fiscal Year 2019 Annual Action Plan and Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program – Sponsored by Jon P. Jennings, City Manager.

As required by the Department of Housing and Urban Development approved, citizen participation process, Public Hearings are held each spring to consider the City's Housing and Community Development Program (CDBG) proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by Council, reviewed each application and made funding recommendations. The Committee is given an opportunity to make a presentation to the Council at this meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and Emergency Solutions Grant funds.

Public hearings will be held on March 19, 2018 and on April 18, 2018 at a City Council Meeting held at 5:30 p.m., both in Portland City Hall Council Chambers, 389 Congress Street.

Five affirmative votes are required for passage after public comment.

**Order 169-17/18
(Tab 15)**

Order Amending Traffic Schedule Re: Unrestricted to Time-Restricted Parking on Kennebec Street – Sponsored by Jon P. Jennings, City Manager.

Kennebec Street, between Forest Avenue and Brattle Street, is one-way with 12 on-street parking spaces. The requested Council action would change the Traffic Schedule to make the north side of Kennebec Street, from approximately 175 feet east of Forest Ave to the opposite of Brattle Street, from unrestricted to 30-minute parking. This would apply to ten of the twelve parking spaces; the two closest to the Century Plaza driveway are already 30-minute spaces.

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

AMENDMENTS:

**Order 170-17/18
(Tab 16)**

Amendment to Portland City Code Re: Text Amendments to Division 9. B-1 and B-1b Neighborhood Business Zones – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on February 13, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The B-1 and B-1b Neighborhood Business zones are intended to foster mixed-use development in its traditional form, with residential uses located over ground-floor commercial spaces. Under the current ordinance, this form is maintained in off-peninsula locations by tying the density of ground-floor residential units to the adjacent or nearest residential zone and by increasing the permitted density for residential units located above ground level. While effective, this regulatory strategy is somewhat incompatible with fair housing laws which require that residential projects of four or more units provide ADA accessible ground-floor units where no elevator exists, or make all units and common spaces accessible in a building where an elevator does exist.

Given the zone's transitional role between residential neighborhoods and commercial districts, lot sizes are typically small, and the scale and scope of projects permitted is necessarily and appropriately limited. As a result of site conditions and both market and regulatory constraints, the installation of an elevator for universal building access in small-scale mixed-use projects is oftentimes challenging if not cost prohibitive, thus requiring a ground-floor residential unit. Under current standards, this required unit severely impacts the number of units permitted above ground floor which is contrary to both the City's Comprehensive Plan and to the purpose statement of the B-1 and B-1b zones.

In response to this incongruity, the staff is proposing amendments to the B-1 and B-1b zones in an effort to establish less prescriptive regulatory standards that still facilitate the types of mixed-use development traditionally sought for these zones. Given that the city's zoning does not supersede state and federal fair housing requirements, the approach being proposed is to offer acceptable outlets for providing ground-floor units while still maintaining activated street frontages.

Under this proposal, these units would be permitted as either live/work units, permissible within any location on the ground floor, or as straight residential units, permitted in ground-floor locations where a minimum depth of 25 feet along the principal street frontage is maintained for active commercial uses.

In order to effectively accommodate these uses, the staff is proposing to remove onerous restrictions on ground-floor units and establish a new fixed-rate density requirement for all residential units in off-peninsula locations based upon the existing upper-floor ratio.

In order for final Certificates of Occupancy be issued for this project at 50 Stevens Avenue, staff is requesting that the second reading be waived and the order be passed as an emergency. Seven affirmative votes are required to waive the second reading. Emergency enactment requires seven affirmative votes after public comment.

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

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

IN COUNCIL REGULAR MEETING FEBRUARY 21, 2018 VOL. 133 PAGE 188

ROLL CALL: Mayor Strimling called the meeting to order at 6:00 P.M. (Councilor Duson, Ray and Cook arrived during Public Comment).

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

ANNOUNCEMENTS: Councilor Ray announced that the City is Hosting listening Sessions for the R6 Zoning. There are two meeting dates: Monday February 26, 2018 at 7:00 P.M. at East End School and March 24, 2018 at East End School.

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Costa and seconded by Councilor Ray for approval of the February 5, 2018 Regular City Council Meeting Minutes. Passage 9-0.

PROCLAMATIONS:

Proc 23-17/18 Proclamation Honoring Officer Jeffrey Druan as Police Officer of the Month for December 2017 – Sponsored by Mayor Ethan K. Strimling.

Proc 24-17/18 Proclamation Honoring Barron Center Skilled Nursing Facility - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 154-17/18 Order Appointing Members to Various Boards and Committees - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair.

The Nominating Committee met on January 31 and voted unanimously to forward this item to the City Council with a recommendation for passage.

This order appoints the following individuals to various boards and committees:

Name	Committee	Term Expires
Luke Beland	Police Citizen Review Subcommittee	03/30/2021
Mary Zwolinski	Police Citizen Review Subcommittee	03/30/2021
Kristin Blum	Portland Housing Authority Board	06/30/2023
Robin Tucker	Portland Housing Authority Board	06/30/2019
Julia Tate	Portland Historic Preservation Board	11/30/2018

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Julie Landry Viola	Portland Development Board	09/30/2019
Briana Volk	Portland Development Board	09/30/2021
Nicole Gray	Zoning Board of Appeals	12/31/2021
David Silk	Planning Board	02/28/2021
Austin Smith	Planning Board	02/28/2021
Sean Dundon	Planning Board	02/28/2021
Lisa Bloss	Creative Portland Board	11/30/2020
Nicole Barna	Creative Portland Board	11/30/2021
Daniel McKrell	Fair Hearing Officer	11/30/2021
Marpheen S. Chann-Berry	Fair Hearing Officer	11/30/2021

Councilor Thibodeau disclosed that Marpheen Chan-Berry worked on his campaign.

Councilor Mavodones disclosed that two candidates have done work for Casco Bay.

Councilor Costa disclosed that Marpheen Chan-Berry worked on his campaign.

Councilor Duson disclosed that she worked on Marpheen Chan-Berry's campaign.

Motion was made by councilor Mavodones and second by Councilor Ray for passage. Passage 9-0.

Order 155-17/18 Order Appointing Constables for 2018 Re: Permitting and Inspections Department – Sponsored by Jon P. Jennings, City Manager.

This order appoints Kevin Hanscombe, Matt Sarapas, James Fahey, Jason Duval, Tom Williams and Gordon "Eric" Cobb as constables from the Permitting and Inspections Department for 2018.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 9-0.

MAYOR'S COMMENTS ON FISCAL YEAR 2019 CAPITAL IMPROVEMENT PLAN:

Mayor Ethan K. Strimling will present his comments on the Fiscal Year 2019 Capital Improvement Plan.

CONSENT ITEMS:

- Order 156-17/18** **Order Declaring April 22, 2018 through October 31, 2018 the In the Square Festival – Sponsored by Jon P. Jennings, City Manager.**
- Order 157-17/18** **Order Declaring the Friends of Eastern Promenade 2018 Summer Community Concert Series Festival – Sponsored by Jon P. Jennings, City Manager.**
- Order 158-17/18** **Order Declaring July 13 to July 29, 2018 the Eurydice in the Park Festival – Sponsored by Jon P. Jennings, City Manager.**
- Order 159-17/18** **Order Declaring July 14, 2018 the Dance Mile Portland 2018 Festival – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage of the consent items. Passage 9-0 .

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

- Order 151-17/18** **Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Allen Avenue from Summit Street to Washington Avenue and Auburn Street – Sponsored by Jon P. Jennings, City Manager.**

It was given a first reading on February 5, 2018

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 9-0.

- Order 152-17/18** **Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Cumberland Avenue from Elm Street to State Street – Sponsored by Jon P. Jennings, City Manager.**

IN COUNCIL REGULAR MEETING FEBRUARY 21, 2018 VOL. 133 PAGE 191

It was given a first reading on February 5, 2018

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 153-17/18 Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Danforth Street from High Street to Vaughan Street - Sponsored by Jon Jennings, City Manager.

It was given a first reading on February 5, 2018

Motion was made by Councilor Batson and seconded by Councilor Thibodeau for passage. Passage 9-0.

ORDERS:

Order 160-17/18 Order Approving the Lease of 94 Free Street and the Spring Street Garage Revenue Sharing Agreement with Portland Hockey LLC – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 161-17/18 Order Amending the 2002 Waterfront Tax Increment Financing District by Adding the WEX Project Site and the Union Wharf Project Site to the District – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is its first reading.

AMENDMENTS:

EXECUTIVE SESSION:

Motion was made by Councilor Costa and seconded by Councilor Ray to adjourn the regular City Council meeting and move into Executive Session pursuant to 1 M.R.S. §405 (6)(D). Passage 9-0, 7:30 P.M.

Motion was made by Councilor Cook and seconded by Councilor Costa to come out of Executive Session. Passage 9-0, 7:48 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

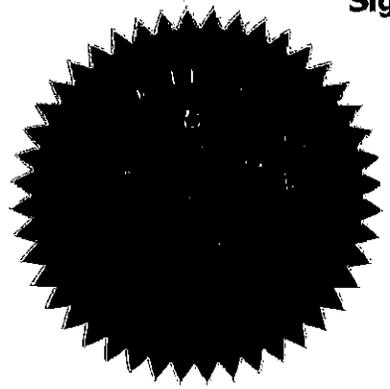
*Proc 25-17/18
Tab 2 3-5-18*

**PROCLAMATION
HONORING
OFFICER JONATHAN LACKEE**

- WHEREAS,** **Officer Lackee** came to the department as an experienced correctional officer, with an Associate's in criminal justice from Husson University. He joined the department in August of 2013 and has been an integral part of the patrol team since, and
- WHEREAS,** **Officer Lackee** is a newly minted Field Training Officer, who quickly stepped up to provide coverage while another officer was away, providing guidance to a newly sworn officer, and
- WHEREAS,** **Officer Lackee** is well versed in the usage of the department's drug identification system, and volunteers to help other agencies that frequently ask for assistance with their drug cases. He also attends K9 handler trainings on his own time, and
- WHEREAS,** **Officer Lackee** was the first officer to arrive on the scene at the recent homicide on Dorothy Street. He conducted himself in a professional manner, by remaining calm and instructing his trainee with valuable scene preservation techniques once the scene was stabilized, and
- WHEREAS,** **Officer Lackee** 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 Jonathan Lackee as **Officer of the Month for January 2018.****

Signed and sealed this 5th day of March 2018



**Ethan K. Strimling, Mayor
City of Portland, Maine**

Proc 26-17/18
Feb 3 35-18

PROCLAMATION
Honoring
Nelle Hanig
Employee of the Month
January 2018

WHEREAS: **Nelle Hanig** of the Economic 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

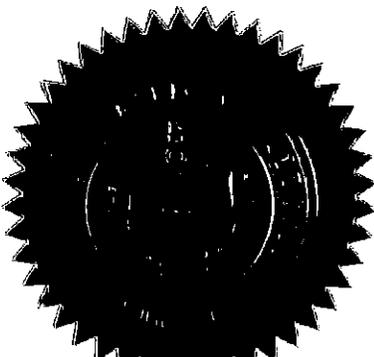
WHEREAS: This award is presented in recognition of **Nelle's** work as a Business Development Representative with over 14 years of service. **Nelle** works tirelessly on various programs of service which require the utmost attention to detail, including the Facade Grant Program; Business Assistance Grant Program for Job Creation; and Portland Development Corporation Loans and Grants, including the Brownfields Loan Program. There are so many intricacies to these programs to move them forward to completion and **Nelle** does this successfully time and time again; and

WHEREAS: **Nelle** is recognized for her "can do" attitude as demonstrated by her work in securing federal grant funding to invest in public infrastructure for the Portland Technology Park and opening up four sites for development. **Nelle's** efforts have been relentless and fruitful despite many obstacles, which have included protecting watershed areas located near the City Business Park and all City, state and federal regulatory approvals. **Nelle's** work resulted in Patrons Oxford Insurance moving their headquarters to one of the development sites; and

WHEREAS: **Nelle** is an outstanding team player and provides exceptional customer service to both City staff and to the public. **Nelle** is a remarkable representative of the City and the programs she works with. **Nelle** truly is an asset to the Economic 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 **Nelle Hanig** as **City Employee of the Month, January 2018.**

Signed and Sealed this 5th day of March, 2018



Ethan K. Strimling, Mayor
City of Portland, Maine

PROCLAMATION
HONORING
Moore Middle School Students

WHEREAS: Students from Lyman Moore's sixth grade hosted a Candidate's Forum just a few days before the local elections were held for City Council and School Board seats; and

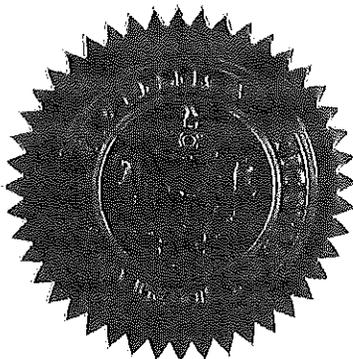
WHEREAS: In preparation for the event, students in their social studies classes researched background information on the candidates and made flyers for each of them, delving into the differences and similarities between local, state and federal government and preparing questions to ask the candidates on the day of the forum; and

WHEREAS: On the day of the forum, they ran the event from start to finish, greeted the candidates with a smile as they came through the school doors, they acted as master of ceremonies of the event and they grilled the candidates with insightful and refreshing questions that had all the candidates thinking on their feet; and

WHEREAS: The candidates were quoted as saying, "this was the best forum of the entire election season."

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and members of the Portland City Council do hereby recognize the Moore Middle School Students for their active role in the democracy of the city.

Signed and sealed this 5th day of March, 2018



A large, stylized handwritten signature in black ink, which appears to read "Ethan K. Strimling".

Ethan K. Strimling, Mayor
City of Portland, Maine

Order 162-17/18
Tab 5 3-5-18

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 TRANSFER OF FUNDS UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: JUSTIN NEVES**

ORDERED, that the City Council hereby accepts the amount of \$720.00 in forfeited assets in the case of State of Maine vs. Justin Neves from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached "Approval of Transfer."

MEMORANDUM
City Council Agenda Item

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

FROM: Michael J. Sauschuck, Chief of Police

DATE: February 16, 2018

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading next available Final Action

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

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

- I. **ONE SENTENCE SUMMARY.** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. **AGENDA DESCRIPTION** *State v. Justin Neves CR 17-3559 and seven hundred and twenty dollars (720.00 US Currency)*
- III. **BACKGROUND.** The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.
- IV. **INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED.** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- V. **FINANCIAL IMPACT.** The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.
- VI. **STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION**
- VII. **RECOMMENDATION**
- VIII. **LIST ATTACHMENTS**

Prepared by: Catherine Hooper
Date: February 16, 2018

**STATE OF MAINE
Cumberland, SS**

**UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-3559**

State of Maine

v.

**Justin Neves,
Defendant**

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**City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)**

AND
\$720.00 U.S. CURRENCY
DEFENDANT IN REM

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$720.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

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

Dated: _____

Mayor

(Impress Legislative Body Seal Here)



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine, 04101
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

Bath
(207) 443-5104

February 15, 2018

Chief Michael Sauschuck
Portland Police Department
109 Middle Street
Portland, ME 04101

RE: State v. Justin Neves, CR-17-3559
City of Portland Approval

Dear Chief:

Enclosed please find a City of Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL

State of Maine

By: *Lea-Anne Sutton*

Lea-Anne Sutton

Assistant Attorney General

#8186

*Order 163-17/18
Tab 6 3-5-18*

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 TRANSFER OF FUNDS UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: JEFFREY JACKIMOCZ**

ORDERED, that the City Council hereby accepts the amount of \$2,150.00 in forfeited assets in the case of State of Maine vs. Jeffrey Jackimocz from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached "Approval of Transfer."

MEMORANDUM
City Council Agenda Item

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

FROM: Michael J. Sauschuck, Chief of Police

DATE: February 16, 2018

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading next available **Final Action** _____

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

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

- I. **ONE SENTENCE SUMMARY.** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. **AGENDA DESCRIPTION** *State v. Jeffrey Jackimocz CR 17-5984 and two-thousand one hundred fifty dollars (2,150.00 US Currency)*
- III. **BACKGROUND.** The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.
- IV. **INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED.** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- V. **FINANCIAL IMPACT.** The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.
- VI. **STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION**
- VII. **RECOMMENDATION**
- VIII. **LIST ATTACHMENTS**

Prepared by: Catherine Hooper
Date: February 16, 2018



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine, 04101
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

Bath
(207) 443-5104

February 15, 2018

Chief Michael Sauschuck
Portland Police Department
109 Middle Street
Portland, ME 04101

RE: State v. Jeffrey Jackimocz, CR-17-5984
City of Portland Approval

Dear Chief:

Enclosed please find a City of Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL

State of Maine

By:

Lea-Anne Sutton
Lea-Anne Sutton

Assistant Attorney General

#8186

**STATE OF MAINE
Cumberland, SS**

**UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-5984**

State of Maine

v.

**Jeffrey Jackimocz,
Defendant**

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}
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}
}

**City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)**

AND
\$2,150.00 U.S. CURRENCY
DEFENDANT IN REM

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$2,150.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

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

Dated: _____

Mayor

(Impress Legislative Body Seal Here)

Order 164-17/18
Tab 7 3-5-18

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 SATURDAY, JULY 28, 2018
THE 16TH ANNUAL GREATER PORTLAND
FESTIVAL OF NATIONS**

ORDERED, that Saturday, July 28, 2018 is hereby declared to be the 16th Annual Greater Portland Festival of Nations, sponsored by the Mugadi Foundation; and

BE IT FURTHER ORDERED, that the 16th Annual Greater Portland Festival of Nations area shall include the Bandstand and Farmers Market Road inside Deering Oaks Park, the Ravine Water Play Area and park roadways including Tennis Court Road and Jenny Lane; and

BE IT FURTHER ORDERED, that main road into Deering Oaks Park will be closed to traffic from 10:00 a.m. to 8:00 p.m. on July 28, 2018; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area (interior roadways) shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the 16th Annual Greater Portland Festival of Nations 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 the Mugadi Foundation 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. The Mugadi Foundation 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 Mugadi Foundation 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 following fees and expenses shall be waived by the City and in-kind contributions shall be made by the City to the Festival:

Public Assembly Facilities Division permit fees for use of grounds, banner fees, "No Parking" sign fees, barricade delivery; Public Works Department trash barrels and removal of trash; Business Licensing licensing fees; and

4. No Police, Parking Control, or Emergency Medical Services assistance should be necessary unless the Police Department deems coverage is necessary due to attendance, traffic concerns, etc., in which case, those fees would need to be paid by the Mugadi Foundation;
5. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in a permit issued from the Public Assembly Facilities Division Office shall be adhered to, and the Organizers shall leave on file security deposits for the use of the park;
6. The Mugadi Foundation shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the 16th Annual Greater Portland Festival of Nations; 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: February 14, 2018
RE: **Council Agenda Item – Festival of Nations**

I am requesting that the following order be placed on
the next City Council agenda (Mon. March 5):

Order declaring Saturday, July 28, 2018, as "The 16th Annual Greater Portland Festival of Nations" - a festival of music, crafts, and cuisine from around the world - to be held at Deering Oaks Park, 11am – 7pm.

This will be the 16th annual Festival of Nations held at Deering Oaks Park. The festival, organized by Women In Need Industries and Mugadi Foundation, showcases Maine's ethnic diversity. The festival features music, food, cultural exhibits, children's activities, and folk art from America and many nations around the world. 2,500+ people are expected to attend the day's events. Admission is FREE. Refreshments, crafts, artwork, and other items will be for sale. The Festival is held rain or shine.

This festival will again be held on Saturday. Farmers Market is held in Deering Oaks Park then, and (for just the date of the festival) will be moving their setup to Bowling Green Lane, so that setup for the Festival of Nations can take place at the Bandstand and along Farmers Market Rd. The Friends of Deering Oaks Park has reviewed and endorsed the festival (and Farmers Market have voted to move that day to Bowling Green).

In order to safely hold the festival and to assist in setup, the main roadway into Deering Oaks Park needs to be closed to traffic at approximately 10am, July 28, 2018 (opens back up again at 8pm). This park roadway would also need to be posted "No Parking."

The Festival Zone for this event includes: Deering Oaks Park - to include the Bandstand and grass areas surrounding the bandstand, the Ravine Water Play area, the Bowling Green grass area, and park roadways: Tennis Court Rd., Jenny Lane, and Farmers Market Rd.

The Festival area (north side of the pond) will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the organizer and Mugadi Foundation for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

Vehicles in violation of the "No Parking" signs in the Festival Zone shall be towed at owner's expense.

(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 organizers of The Festival of Nations for the use of the above-described area for said festival, subject to the following conditions:

- In-kind services/waiver of fees from the City of Portland include:
Public Assembly Facilities Division: permit fees for use of grounds, banner fees, "No Parking" sign fees, barricade delivery;
Public Works: trash barrels and removal of trash;
Business Licensing: All related licensing fees;
No Police, Parking Control, or EMS assistance should be necessary unless the Police Department deems coverage is necessary due to attendance, traffic concerns, etc. In that case, those fees would need to be paid by organizer;
- Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division shall be adhered to, and organizers shall leave on file security deposits for use of the park;
- Festival of Nations/Women In Need Industries/Mugadi Foundation 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 "**Festival of Nations**" activities, and the City will be endorsed on the festival organizer's insurance policy;
- Festival of Nations/Women In Need Industries/Mugadi Foundation 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 of Nations; and
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival.

The City Manager is also authorized to waive any fees and 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, PAFD Event Coordinator

*Order 165-17/18
Tab 8 3-5-18*

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 4, 2018
THE PICNIC CRAFT FAIR FESTIVAL**

ORDERED, that Saturday, August 4, 2018 is hereby declared the Picnic Craft Fair Festival, a collaboration by organizers, Noah DeFilippis and Amy Teh, and the organizers are hereby authorized to use Lincoln Park from 11:00 a.m. to 6:00 p.m. for this free event to showcase crafters' and artists' work; and

BE IT FURTHER ORDERED, that the festival area (Lincoln Park itself, the abutting sidewalks, and the parking lane beside the park on Congress Street) will also be closed to street artists pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Picnic Craft Fair, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that setup for the festival begins at 7:30 a.m., and organizers shall finish clean up and exit the park by 7:30 p.m.; and

BE IT FURTHER ORDERED, that parking shall be reserved for Festival vendors on Federal Street and Congress Street (beside Lincoln Park); and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under Section 25-27 of the Portland City Code subject to the following conditions:

- Picnic Craft Fair Festival organizers, Noah DeFilippis and Amy Teh, (hereinafter, the Picnic Craft Fair Festival Organizers) 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. Picnic Craft Fair Festival Organizers shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The Picnic Craft Fair Festival Organizers shall reimburse the City for all expenses incurred by City Departments for said Festival; and
- The Picnic Craft Fair Festival Organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizers to create the least amount of noise disturbance to area residents; and
- The Picnic Craft Fair Festival Organizers agree to leave a Noise Control Security Deposit (amount determined by the Public Works Director or designee) on file at the Public Works Event Office; and
- The Picnic Craft Fair Festival Organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Works Director or designee) on file at the Public Assembly Facilities Division Office; and
- The Picnic Craft Fair Festival Organizers shall have the sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and Food Trucks parking on Congress Street beside Lincoln Park shall be strictly limited to those permitted as a Picnic Craft Fair vendor; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Assembly Facilities Division Office, shall be adhered to; and

BE IT FURTHER ORDERED, that 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 this Festival.



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: Feb. 14, 2018
RE: **Council Agenda Item – “2018 Picnic Craft Fair”**

I am requesting that the following order be placed on
the next City Council agenda (Mon. March 5):

**Order declaring Saturday, August 4, 2018, as "Picnic Craft Fair," a festival of
crafts and local food, to be held at Lincoln Park, 11am – 6pm.**

Picnic Craft Fair is a collaborative effort, headed up by festival organizers and co-founders: Noah DeFilippis and Amy Teh, designers and owners of Pinecone+Chickadee, a store and design studio. This year's event would make it the 10th year the festival is at the park; last year's Picnic event did not take place at Lincoln Park due to construction work there, but now that renovation work is complete, organizers would like to come back to Lincoln Park.

The festival will showcase 100+ of the most talented emerging artists from the local indie craft scene. Crafters and artists will sell handmade products. Shoppers can expect clothing, jewelry, prints, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and more. A few local food vendors will be on site. A small PA system may be used, mainly for announcements. There is no admission fee to the festival. Participating artists and vendors pay a registration fee to be on site at the event.

Overall attendance for the day is anticipated at 500 people (with 75-100 people in the park at any one time). Friends of Lincoln Park have endorsed the event.

Setup for the festival begins at 7:30am. Organizers will be cleaned up and out of the park by 7:30pm. Canopies and tables will be set up on the grass area beside the sidewalks in the park, thereby keeping much of the foot traffic to the hardscape areas.

In order for this festival to be held, some reserved parking is needed on Federal Street and Congress Street (beside Lincoln Park).

(continued)



Sally L. DeLuca

Director

Department of Parks, Recreation & Facilities

Andrew J. Downs

Director

Public Assembly Facilities Division

The Festival area (Lincoln Park itself and the abutting sidewalks as well as Congress Street Parking Lane beside the park) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved for Picnic organizers, for the purpose of conducting the Festival, subject to the direction and control of the City Manager. Organizers also request that the Food Truck parking spots on Congress Street beside Lincoln Park be reserved that day for Picnic Craft Fair vendors (i.e. give exclusivity to Picnic food vendors, and not open up those spots to regular food trucks).

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

- The Picnic Festival organizers, Noah DeFilippis and Amy Teh, shall reimburse the City for all expenses incurred by City Departments for said Festival;
- The Picnic Festival organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizers to create the least amount of noise disturbance to area residents;
- The Picnic Festival organizers agree to leave a Noise Control Security Deposit on file at the PAFD Office;
- The Picnic Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit on file at the PAFD Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The Picnic Festival organizers 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, and in addition, the Food Truck parking on Congress Street beside Lincoln Park, shall be reserved strictly and exclusively for only Picnic Craft Fair affiliated vendors;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PAFD Office, shall be adhered to; and

(continued)



Sally L. DeLuca

Director

Department of Parks, Recreation & Facilities

Andrew J. Downs

Director

Public Assembly Facilities Division

- The Picnic Festival organizers 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 "Picnic Craft Fair Festival" activities, and the City be endorsed on the policy.

The City Manager is also authorized to waive any fees, and 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.

Attachments: Application to use City Property

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 x0
Ted Musgrave tvn@portlandmaine.gov**

**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		1.8.18 Revised: 1-31, 2-5	ORGANIZATION NAME		Picnic LLC				
ORGANIZATION ADDRESS			6 Free Street	CITY	Portland	STATE	ME	ZIP	04101
CONTACT NAME(S)		Noah DeFilippis & Amy Teh			TITLE				co-founders
HOME #	WORK			CELL	FAX				
EMAIL	picnicportland@gmail.com			EMAIL	captainnorlon@gmail.com				

PARK AREA OR PUBLIC SPACE REQUESTED		Lincoln Park and adjoining sidewalks Parking spaces of Congress Street, Pearl Street, Federal Street						
EVENT DAY & DATE(S)		SAT 8-4-2018		RAIN DAY & DATE(S) (50% added fee)		N/A		
EVENT START TIME (i.e. set-up start time)		7:30am	EVENT END TIME (i.e. when event cleanup is complete)		7:30pm	ACTUAL START & END TIME OF EVENT		11am to 6pm

EVENT NAME		EXPECTED ATTENDANCE
Picnic Craft Fair		500

DESCRIPTION OF EVENT:

100+ Crafters and artists will be selling handmade products in a variety of materials. Canopies, tables & chairs will be set up on the grass so that attendees may use the sidewalks areas to view merchandise. Shoppers can expect clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, records, and much more. 2 Food Vendors will be on site. ELEC may be needed (for a Food Truck..?).

10 parking spaces need to be reserved.

Organizer will rent Porta-Restrooms (place on concrete beside the wrought iron fence, close to Federal Street – but just inside the park). Organizers have requested that the FOUNTAIN be turned on.

Food Trucks normally permitted to park on Congress Street beside Lincoln Park **shall not** be allowed to park there during this Festival, unless permitted as a Picnic vendor.

NO CHARGE TO ATTEND. VENDORS PAY FEE TO PARTICIPATE.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: <input checked="" type="checkbox"/> FEE <input type="checkbox"/> PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$150

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
We will need some reserved parking along Federal St, beside the park

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: 100	X		
* Do you wish to set up a tent(s) ? A canopy or tent larger than 10x10 needs to be		X	
* Will you be setting up tables and/or chairs ? How many tables: 100 chairs: 200	X		
* Are other items or equipment being placed on City property?		X	
* Will there be refreshments at the event?	X		

	<p>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.: Yes we will have food, but food vendors have not been finalized yet.</p> <p>PLEASE NOTE: A Temporary Food Service License is NOT needed when:</p> <ol style="list-style-type: none"> 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 <p>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.</p>			
*	<p>Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? 100 vendor booths 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: Clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, records, and much more.</p>	X		
*	<p>Are you setting up a PA (sound) system? Are you planning on having Amplified Music? N Band? N DJ? N Boom Box? N</p>		X	
*	<p>Will your event require electricity? Electricity is available at Lincoln Park. It is turned</p>	X		
*	<p>Are you planning on bringing a Grill for a Barbecue?</p>		X	
*	<p>Will the event require reserved parking spaces / parking meters? How many? 10 "No Parking" signs may be purchased at PAFD Office, 212 Canco Rd.</p>	X		
*	<p>Will your event need safety vests, signs, barricades and/or cones? Please list what you would like to borrow/rent: 15 cones A few orange vests and cones may usually be borrowed/rented from PAFD Office. Barricades and signs are borrowed/rented from Public Works, Customer Service.</p>	X		
*	<p>Will your event require street closures?</p>		X	
*	<p>Will your event require Police assistance?</p>		X	
*	<p>Will your event require Parking Control assistance?</p>		X	
*	<p>Will your event require Fire/EMS assistance?</p>		X	
*	<p>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.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated.</p>	X Organizer will rent.		

INSURANCE CERTIFICATE INFORMATION

*	<p>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.)</p>	X		
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- ◆ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, 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. The terms of this permit and the insurance coverage 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. You shall also be responsible for any and all deductibles and/or self-insured retentions.
- ◆ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to tvm@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as 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.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizer will rent units.

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	ND	DATE	1.8.18
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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, 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	ND	DATE	1.8.18
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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 or more. Porta Restroom User Fee (if attendance is 150+): \$25
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CREDIT CARD INFORMATION

Visa or MasterCard Number		0480	Exp Date (Mon/Yr)	05	21
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CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

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. 12 hours	\$ 2400 - CC to be charged following event	Vest/Cone Deposit: \$15 per/item Barricade Deposit: \$25 per/item	\$ TBD
Admin/Staff Fee (support for events): \$30/hour	\$ N/A	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 500 CC on File
Key Deposit: \$50 per key	\$ N/A	Other (Porta-Restroom User Fee: \$25, etc.) – N/A	\$ TBD
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ N/A	NP Signs: \$1 / \$15 each @ 10 = \$150 Cone Rental: \$2 each @ 15 = \$30	

		Barricade Rental: \$5 each Bike Rack: \$10 each	
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FOR OFFICE USE ONLY

DATE REC'D APPLICATION	2-2-18	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ cc on file	SECURITY DEPOSIT	\$ cc on file
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT
							\$

*Order 166-17/18
Tab 9 3-5-18*

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:**

**Elsmere Portland LLC dba Elsmere BBQ and Wood Grill. Application for a Class XI
Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens Avenue.**



Dear Mr. Mayor and City Council of Portland,

Please consider this our letter of intent for Elsmere BBQ and Wood Grill to open a new location at 476 Stevens Avenue in Portland, Maine.

Just as we have embedded ourselves in the community of the Willard Beach Area of South Portland, we intend to do the same for the Deering Center Community in Portland. We are a family-oriented business that offers food, spirits and so much more. Just as we do in South Portland, we will offer Elsmere BBQ and Wood Grill Portland as a public forum for discourse and the exchange of ideas through our non-profit nights held twice a week. We also, through good stewardship, intend to enhance the quality of life in the Deering Center Neighborhood by providing a safe and friendly alternative to driving downtown to meet with friends and family.

Thank You For Your Consideration,

Adam Powers and Jeremy Rush, Owners

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):	Elsmere BBQ and Wood-Fire Grill Phone: 207 807 8057
Location Address:	476 Stevens Ave Portland me 04103 Zip:
If new, what was formerly at this location:	Siano's
Mailing Address:	476 Stevens Ave Portland me 04103 Zip:
Contact Person:	Jeremy Rush Phone: 207 807 8057
Contact Person Email:	Jeremy@elsmerebbq.com
Manager of Establishment:	Jeremy Rush A Date of Birth: 02/18/74 Phone: 207 807 8057
Owner of Premises (Landlord):	Elsmere Portland LLC
Address of Premises Owner:	Zip:

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

Name of Owner(s)	Date of Birth	Residence Address
Jeremy Rush	02/18/74	60 Farnham St. Portland me. 04103
Adam Powers	12/11/66	22 Southwell Rd. Cape Elizabeth ME 04107

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

Corporate Name		Corporate Mailing Address	
Elsmere Portland LLC		448 Cottage Rd South Portland me 04106 Zip:	
Contact Person:	Jeremy Rush	Phone:	207 807-8057
Principal Officers		Title	Date of Birth
Jeremy Rush	Managing Partner	02/18/74	60 Farnham St. Portland me 04103
Adam Powers	Managing Partner	12/11/66	22 Southwell Rd. Cape Elizabeth me 04107

About Your Establishment

Class of Liquor License:	Class XI		
Type of food served:	BBQ		
Please circle all that will be served:	<input checked="" type="checkbox"/> Beer	<input checked="" type="checkbox"/> Wine	<input checked="" type="checkbox"/> Liquor
Projected percentage of sales:	Generated from Food: 65%	Generated from Alcohol: 35%	
Hours & days of operation:	Su 12-9, M closed, Tu 4-10pm, W 4-10pm, Th 4-10pm, Fr 4-11pm, Sa 12-11pm		

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?	<input checked="" type="checkbox"/> Y
If No, please explain: <u>late night menu</u>	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<input checked="" type="checkbox"/> Y
If yes, give the distance: <u>100 FT.</u>	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<input checked="" type="checkbox"/> Y
Will you permit dancing on the premises?	<input checked="" type="checkbox"/> Y
Will you permit dancing after 1:00 a.m.?	<input checked="" type="checkbox"/> Y
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<input checked="" type="checkbox"/> Y
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).	
Will you have any amusement devices (pinball, <u>video games</u> , juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: <u>1</u> # of pool tables: _____	<u>Free</u>
What is your targeted opening date? <u>5/1/18</u>	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	<input checked="" type="checkbox"/> 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/N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	<input checked="" type="checkbox"/> Y
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<input checked="" type="checkbox"/> Y
If Yes, please explain: <u>Jeremy Rush OVI 8/14/05 OVI 12/14/11</u>	

I Jeremy Rush 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 Owner Member Elected LIC Date 2/7/18

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

**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~~

Business Information	
Business Name (d/b/a):	Elsmere BBQ and Wood Grill
Location Address:	476 Stevens Ave Portland Me.
Mailing Address:	
Contact Person:	Jeremy Rush
Contact Person Email:	jeremy@elsmerebbq.com
Manager of Establishment:	Jeremy Rush
Owner of Premises (Landlord):	
Address of Premises Owner:	

Owner Information

Corporate Name		Corporate Mailing Address	
Elsmere Portland LLC	448 Cottage Rd.	South Portland Me	04106
Contact Person:	Jeremy Rush	Phone:	207 807 8057
Principal Officers	Title	Date of Birth	Residence Address
Jeremy Rush	Managing Partner	02/18/74	60 Farnham St. Portland Me 04103
Adam Powers	Managing Partner	12/11/66	22 Southwell Rd. Cape Elizabeth Me 04107

About Your Establishment

Class of License:	CLASS XI
Type of food served:	BBO
Please circle all that will be served:	Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor <input type="checkbox"/>
Hours & days of operation:	Su 12-9pm, M closed, Tu 4-10, W 4-10, Th 4-10, Fr 4-11, SA 12-11
Number of Tables	4-5
Number of Chairs	15-20

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  Title Owner/manager Date 2/9/18
eleven LLC

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: _____ / _____	_____

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:

- | | |
|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class D) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Elsmere Portland LLC</u>			Business Name (D/B/A) <u>Elsmere BBQ and Wood Grill</u>		
APPLICANT(S) - (Sole Proprietor) <u>Jeremy Rush</u>		DOB: <u>4/18/74</u>	Physical Location: <u>476 Stevens Ave</u>		
APPLICANT(S) - (Sole Proprietor) <u>Adam Powers</u>		DOB: <u>12/11/66</u>	City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04103</u>
Address <u>448 Cottage Rd</u>			Mailing Address		
City/Town <u>South Portland</u>	State <u>ME</u>	Zip Code <u>04106</u>	City/Town	State	Zip Code
Telephone Number <u>207 619 1948</u>	Fax Number		Business Telephone Number		Fax Number
Federal I.D. #			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print <u>Jeremy@elsmerebbq.com</u>			Website:		

- If business is NEW or under new ownership, indicate starting date: 5/1/18
- Requested inspection date: 4/15/18 Business hours: _____
3. If a premise is a hotel, indicate number of rooms available for transient guests: NO
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: _____
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

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

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

Name: Jeremy Rush Date of Conviction: _____
Offense: OWB 8/14/15 OWB 12/4/11 Location: _____
Disposition: Guilty

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

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

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

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

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: 2/12/18

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? Church Which of the above is nearest? 100 Ft

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: SBA LOAN, BANGOR SAVINGS

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 on 2/9, 20 18
Town/City, State Date

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)
Jeremy Rush
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.

*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*

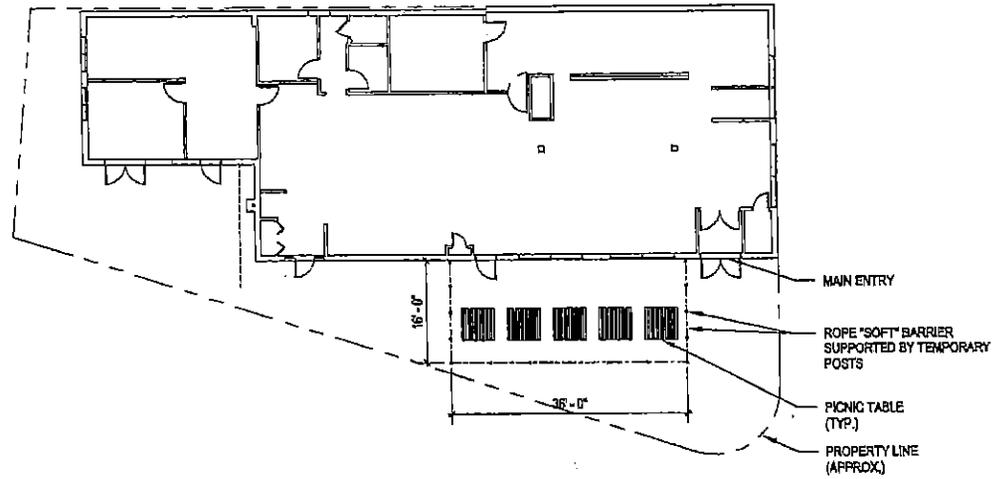
DIVISION USE ONLY
<input type="checkbox"/> Approved
<input type="checkbox"/> Not Approved
BY:

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.

see supplemental image.



02-07-2018

CANAL 5 STUDIO <small>1000 Canal Plaza, Suite 500 Portland, Maine 04103 503.833.0155 canal5@canal5.com</small>	<small>THIS DRAWING IS THE PROPERTY OF CANAL 5 STUDIO AND IS NOT TO BE COPIED OR REPRODUCED IN PART OR WHOLE. ©2018 © CANAL 5 STUDIO</small>	Scale:	Project Title	MARK	Date	Description	Project Status	Drawing Title	Drawing Number
		1/16" = 1'-0"	ELSMERE RENOVATIONS	Revision Schedule		ISSUED FOR PERMIT	OUTDOOR DINING PLAN	A10.3	
		CSS Project No	17016						



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	<input type="checkbox"/> No <input type="checkbox"/>

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.

- Exact legal name: Elsmere Portland LLC
- Doing Business As, if any: Elsmere BBA and Wood Grill
- Date of filing with Secretary of State: 10/21/17 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 10/21/17
- 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 %	
Jeremy Rust	Portland	2/18/74	Maine State Partner	30%	owner
ADAM POWERS	Cape Elizabeth	12/11/16	Maine State Partner	35%	owner
JSE LLC	Cape Elizabeth		Partner	15%	owner
McH Squared	Cape Elizabeth		Partner	15%	owner
Opus Unlimited LLC	Portland		Partner	5%	owner
Nathaniel Towl	S. Portland		Partner	3%	owner
Andrew Lichtenhal	S. Portland		Partner	2%	owner
Jill Frame	Cape Elizabeth		Partner	1%	owner

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

- 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: Jeremy RUSK

Date of Conviction: _____

Offense: OVI 8/14/05 OVI 12/14/11

Location of Conviction: _____

Disposition: Guilty

Signature:


Signature of Duly Authorized Person

2/2/18
Date

Jeremy Rusk
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

STARTERS

SPECIAL FLATBREAD PIZZA 🍷🌱

Check the blackboard or ask your server Priced daily

SLOW SMOKED CHICKEN WINGS

One pound seasoned wings smoked and finished on our wood grill 13
Tossed in Spicy Korean or 1866 Fire Sauce 14

SMOKY SAUSAGE LINK

Elsmere's own smoked, grilled, served with mustard BBQ sauce 8

ELSMERE BBQ OYSTERS

Locally sourced and cooked on the wood grill until just opened,
served as is or with smoked lemon bourbon butter
Each 3 Half Dozen 17 Dozen 29

BURNT END OUTLAW NACHOS

Tortilla chips layered with cheddar jack and chili
served with sour cream 11

CHILI

With cheddar jack cheese and sour cream
Cup 6 Bowl with cornbread 11

MAMA'S BBQ PLATES

THE WORKS

Want it all? Here you go with all five of our smoked meats 36

CHOOSE TWO

Two meats and two sides served with cornbread 21

CHOOSE THREE

Three meats and two sides served with cornbread 24

BRISKET

Tender hand-sliced smoked brisket 18

BELL AND EVANS BBQ CHICKEN

Slow smoked and finished on the wood grill 18

SAUSAGE

Elsmere's own smoked, grilled and sliced to order 16

RIBS

St. Louis style slow smoked and finished on the wood grill
Full rack 24 Half rack 18

PULLED PORK

Slow smoked, tender, and hand pulled 17

All plates except "The Works" served with
choice of two sides and cornbread.

Switch cornbread for a side 1

GREENS & SEAFOOD

ELSMERE SALAD 🌱

Local mixed greens tossed in balsamic dressing, with grape tomatoes,
red onions, toasted almonds, dried cranberries, and goat cheese 11
Add BBQ Chicken 16 Add Hot Smoked Salmon 18

CAESAR SALAD 🌱

Crisp romaine tossed in creamy caesar dressing, toasted bread crumbs,
shaved parmesan, with grilled lemon 11
Add BBQ Chicken 16 Add Hot Smoked Salmon 18

MAHI MAHI TACOS

Marinated grilled mahi served in Pachanga tortillas over cabbage, grilled
corn salsa, chipotle mayo and cilantro
Served with your choice of side and cornbread 17

BLACKENED CATFISH

Farm-raised, sustainable catfish dusted with cajun spice, pan blackened,
served on a bed of greens with your choice of side and cornbread 17

SANDWICHES

BRISKET

The best in town, pit smoked and hand sliced 13

PULLED PORK

Tender, smoky, hand-pulled, and melts in your mouth 11

BELL AND EVANS BBQ CHICKEN

Slow smoked and grilled 12

FARMER'S GATE MARKET BURGER

Maine grass-fed beef featuring a blend of chuck, hanger, and brisket cuts 13

BBQ SALMON SANDWICH

Farm raised, sustainable, hot smoked and served with greens 14

THE ELSMERE TORNADO

Chopped brisket, pulled pork, sausage, and Texas Red BBQ
on a toasted pretzel roll topped with cole slaw 12

TORNADO BURRITO 🌱

Chopped brisket, pulled pork, sausage, Texas Red BBQ, rice and beans,
cheddar jack, and chipotle ranch served with choice of side and cornbread 15

BLACK BEAN BURGER 🌱🌱

Smoked and finished on the grill, served with grilled corn salsa and greens 13

GRILLED PORTABELLA SANDWICH 🌱

Sliced, marinated, and grilled served with greens 10

All sandwiches are served on a toasted Mainly Grains Bakers bun
topped with pickled onions, served with chips, and pickle slices

Add cole slaw 50¢ Add pickled peppers for 75¢ Switch chips for a side 1
Add bacon 2 Pretzel bun or gluten free bun 1

SIDES

ELSMERE SIDE SAMPLER

Choose 3 sides served with cornbread 10

INDIVIDUAL SIDES

Spring mix salad 6 🌱 Collard greens 3 🌱 Marinated cole slaw 2 🌱
Caesar salad 6 🌱 Rice and beans 3 🌱 Cornbread 3 🌱
BBQ beans 3 🌱 Mac and cheese 3 🌱

BUILD YOUR OWN

CHOOSE FILLING

Pork or Sausage 1 Chicken, Bacon, or Brisket 2
Black Bean Burger or Mushroom 2

NACHOS 🌱

Tortilla chips layered with cheddar jack and corn salsa,
served with sour cream 9

BBQ QUESADILLA 🌱🌱

Mozzarella cheese, roasted poblano peppers,
caramelized onions, and chipotle ranch 8

FLATBREAD PIZZA 🌱🌱

Caramelized onions, mozzarella cheese, Texas Red BBQ sauce 10

BURRITO 🌱🌱

Rice and beans, cheddar jack cheese and chipotle ranch
served with your choice of side and cornbread 13

TACOS 🌱

Served in grilled Pachanga tortillas over cabbage, grilled corn salsa, chipotle
mayo and cilantro. Served with your choice of side and cornbread 14

🌱 Indicates that it contains gluten 🌱 Indicates that it is vegan or can be prepared vegan
Please alert your server of any food restrictions prior to ordering. Consuming undercooked or raw items may cause food borne illness.

● E PARTIES

For parties please give us a call. Orders are ready for pick up.

ROUND

Vanilla 9

9

18

11

Twelve pieces 15

AD

12

12

SLAW

quart 9

quart 9

IS

quart 17

ESE

quart 12

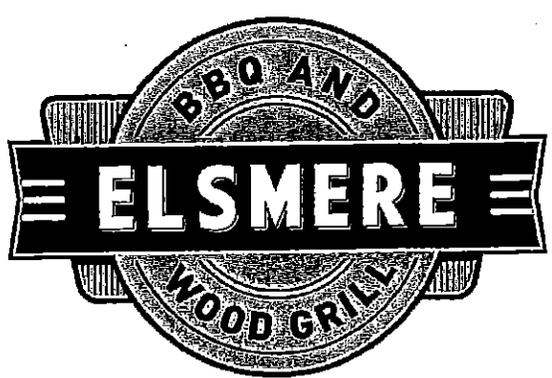
DESSERTS

WHOOPIE PIE 5 
(gluten free available)

CUPCAKE 2

BROWNIE 4

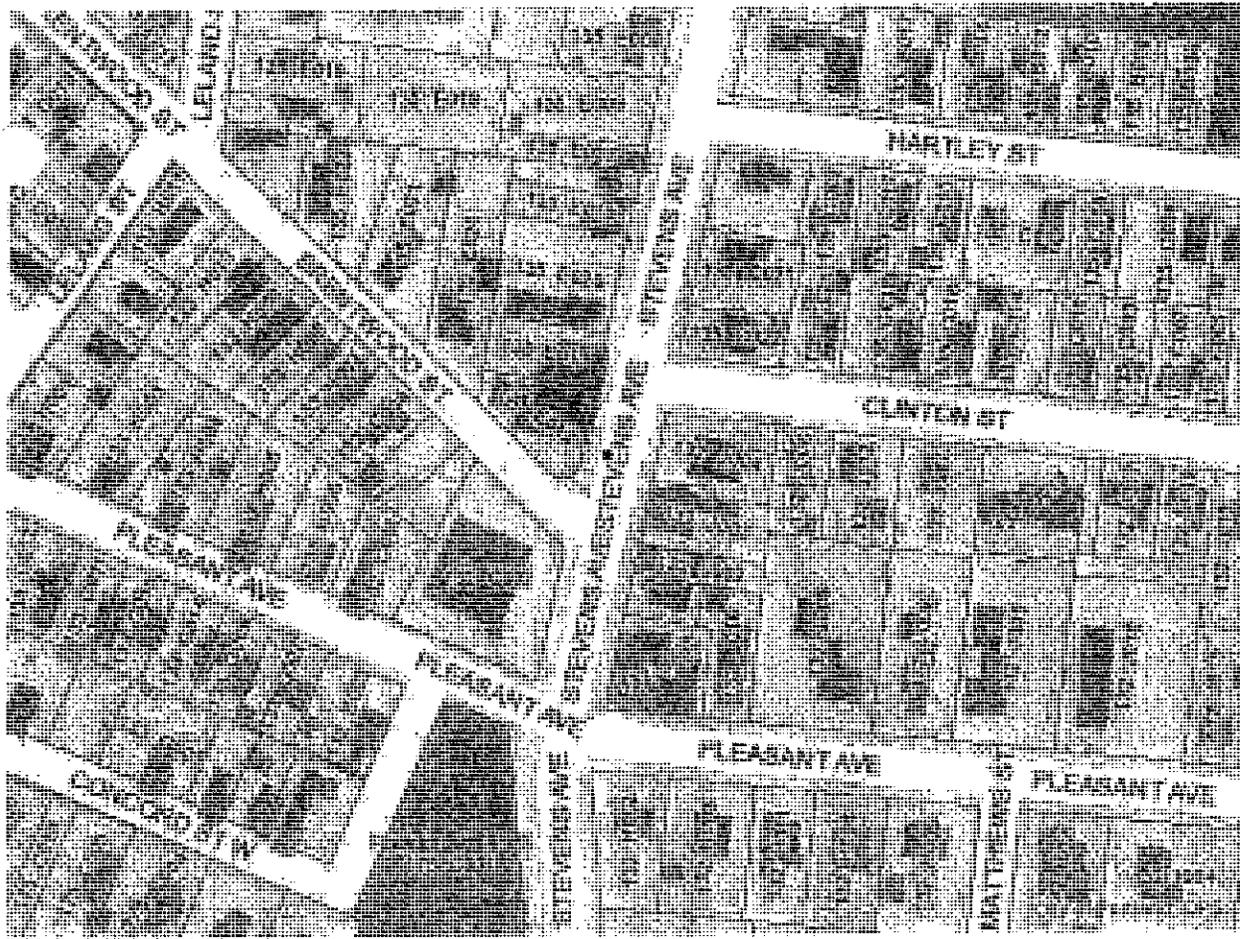
HOUSE DESSERT *priced daily*



DINE-IN BAR TAKE OUT

207-619-1948

Elsmere BBQ and Wood Grill
448 Cottage Road
South Portland, ME 04106
www.elsmerebbq.com
www.facebook.com/ElsmereBBQ





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Elsmere BBQ

Mon, Feb 12, 2018 at 4:43 PM

Kevin Cashman <kevindc@portlandmaine.gov>

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, Feb 12, 2018 at 12:56 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Elsmere BBQ, 476 Stevens Ave for a Class XI Restaurant/Lounge with outdoor dining on private property. Former location of Sianos

They will be going before council on 3/5/2018.

Owner us
Elsmere Portland LLCContact is
Jeremy Rush
207-807-8057
jeremy@elsmerebbq.com

The information has been added to UI for 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)



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 #: MIQ99D500220

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2018-02-12) :

Inquiries Name(s) JEREMY RUSH (1974-02-18)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2018-02-12**

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of

former crimes is available from this Bureau.

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (399221A).

Identification

Subject Name/or potential Alias Name(s)

RUSH, JEREMY MICHAEL
RUSH, JEREMY M (AKA)

Subject Description (date information provided listed in parentheses)

State ID Number

ME0232194

DOC Number

Unknown/NA

Sex

Male

Race

White

Skin Tone

Unknown/NA

Height

509 (2011-12-03)
509

Weight

180 (2011-12-03)
185

Date of Birth

1975-02-18
1974-02-18

Hair Color

Brown (2011-12-03)
Brown

Eye Color

Blue (2011-12-03)
Blue

Scars, Marks, and Tattoos

Unknown/NA

Place of Birth

ME

Citizenship

US (2011-12-03)

Residence

Residence as of
Address

2014-11-14
117 FLORIDA AVE
PORTLAND, ME 04106 US

Residence as of
Address

2014-08-16
34 LEONARD STREET
PORTLAND, ME 00000

Residence as of
Address

2011-12-03
34 LEONARD ST
PORTLAND, ME 04101

Caution Information

Firearms Disqualified

X - Unknown

Criminal History**Cycle 001**

ATN/Tracking Number 399221A
Earliest Event Date 2005-08-14

Arrest/Charge (Cycle 001)
Arrest/Charge Date 2005-08-14
Arresting/Charging Agency SP BARRACK B GRAY; MEMSP0B00
Subject Name(s) RUSH, JEREMY M
Arrest Type Adult
Charge 1

Charge Number 399221A 001
 Charge Tracking Number 399221A
 Charge Case Number SPB2005-056727
 Agency SP BARRACK B GRAY; MEMSP0B00
 Offense Date 2005-08-14
 Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 9878
 Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 001)
Court Case Number PORDCCR200505777
Court Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Charge 1

Charge Number 399221A 001
 Charge Tracking Number 399221A
 Agency 9TH DISTRICT COURT PORTLAND; ME003035J
 Offense Date 2005-08-14
 Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 9878
 Severity Misdemeanor
 Disposition 2005-11-17; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 001)
Court Case Number PORSCCR200502629
Court Agency SUPERIOR COURT PORTLAND; ME003015J
Charge 1

Charge Number 399221A 001
 Charge Tracking Number 399221A
 Agency SUPERIOR COURT PORTLAND; ME003015J
 Offense Date 2005-08-14
 Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
 State Sequence Code 9878
 Severity Misdemeanor
 Disposition 2005-11-17; TRANSFER FOR JURY TRIAL
 2006-02-16; GUILTY

Sentencing (Cycle 001)
Sentencing Agency SUPERIOR COURT PORTLAND; ME003015J
 Court Case Number PORSCCR200502629
 Charge Number 399221A 001
 Charge Sequence Number 1
 Charge Tracking Number 399221A
 Sentence 2006-02-16: FINED \$850.00
 2006-02-16: INCARCERATED 10 days ALL BUT 0 years 0
 months 0 days 0 hours suspended
 2006-02-16: LICENSE SUSPENSION 90 days

Corrections No data supplied

Cycle 002

ATN/Tracking Number 925637A
Earliest Event Date 2011-12-02

Arrest/Charge (Cycle 002)
Arrest/Charge Date 2011-12-02
Arresting/Charging Agency PORTLAND PD; ME0030500
Subject Name(s) RUSH, JEREMY
Arrest Type Adult
Charge 1

Charge Number 925637A 001
 Charge Tracking Number 925637A
 Charge Case Number 11851
 Agency PORTLAND PD; ME0030500
 Offense Date 2011-12-02
 Charge Description OPERATING UNDER THE INFLUENCE-1 PRIOR (Charge Class D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
 State Sequence Code 11518
 Severity Misdemeanor

Prosecutor Disposition (Cycle 002)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE PORTLAND;
 ME003013A

Charge 1

Charge Number 925637A 001
 Charge Tracking Number 925637A
 Offense Date 2011-12-02
 Charge Description OPERATING UNDER THE INFLUENCE-1 PRIOR (Charge Class
 D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
 State Sequence Code 11518
 Severity Misdemeanor
 Prosecutor Record ADDED
 Modified/Updated

Court Disposition (Cycle 002)
Court Case Number CUMCDJR201107850
Court Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Charge 1

Charge Number 925637A 001
 Charge Tracking Number 925637A
 Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
 Offense Date 2011-12-02
 Charge Description OPERATING UNDER THE INFLUENCE-1 PRIOR (Charge Class
 D)
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
 State Sequence Code 11518
 Severity Misdemeanor
 Disposition 2012-03-14; GUILTY

Sentencing (Cycle 002)
Sentencing Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J

Court Case Number CUMCDJR201107850
 Charge Number 925637A 001
 Charge Sequence Number 1
 Charge Tracking Number 925637A
 Sentence 2012-03-14: FINED \$850.00
 2012-03-14: INCARCERATED 7 days ALL BUT 0 years 0 months
 0 days 0 hours suspended
 2012-03-14: LICENSE SUSPENSION 3 years

Corrections No data supplied

Index of Agencies

Agency SUPERIOR COURT PORTLAND; ME003015J
Agency Telephone 207-822-4105
Address 142 FEDERAL
PORTLAND, ME 04101

Agency 9TH DISTRICT COURT PORTLAND; ME003035J
Agency Telephone 207-822-4200
Address 205 NEWBURY ST
PORTLAND, ME 04101

Agency CUMBERLAND CRIMINAL DOCKET COURT; ME003075J
Agency Telephone 207-822-4113
Address 205 NEWBURY STREET
PORTLAND, ME 04112-0287

Agency DISTRICT ATTORNEY'S OFFICE PORTLAND;
ME003013A
Agency Telephone 207-871-8384
Address 142 FEDERAL ST
PORTLAND, ME 04101

Agency PORTLAND PD; ME0030500
Agency Telephone 207-874-8479
Address 109 MIDDLE ST
PORTLAND, ME 04111

Agency SP BARRACK B GRAY; MEMSP0B00
Agency Telephone 207-657-3030
Address 1 GAME FARM ROAD
GRAY, ME 04039

Portland, Maine



Yes. Life's good here.

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

February 12, 2018

Elsmere Portland LLC
448 Cottage Rd
South Portland ME 04106

Re: Elsmere Portland LLC dba Elsmere BBQ and Wood Grill. Application for a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens Avenue.

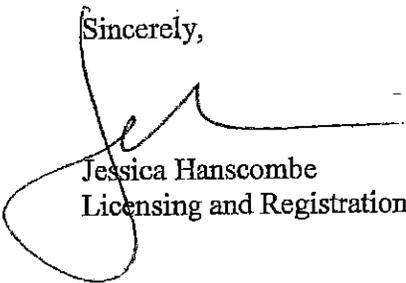
Dear Jeremy Rush

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 5, 2018 at 5:30 p.m.**, for the review of application for a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens 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 March 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Elsmere Portland LLC dba Elsmere BBQ and Wood Grill. Application for a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens Avenue. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 167-17/18
Feb 10 3-5-18

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:

**Cumberland County & Global Spectrum, L.P. dba Cross Insurance Arena. Application
for a Civic Auditorium with Entertainment with Dance at 1 Civic Center Square.**



February 12, 2018

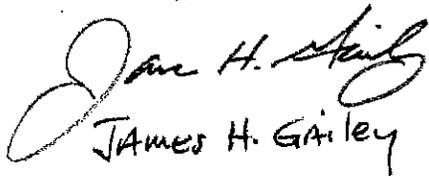
City of Portland, Permitting and Inspections Department
389 Congress Street
Portland, Maine 04101

Mayor Strimling and Members of the City Council,

For over forty years the Cumberland County Recreation Center authority operated the Cumberland County Civic Center, now Cross Insurance Arena, for the purpose of offering sports, entertainment, and civic functions to the people of this great City, Cumberland County, and State of Maine. Under an Act of the Maine State Legislature last year, the authority was eliminated and all the assets, liabilities, and operations of the Cross Insurance Arena were transferred to Cumberland County effective January 1, 2018. As a result of this action, Cumberland County, respectively, requests a continuation of the annual licensing, including liquor service rights, to the new owner of the Cross Insurance Arena beginning in 2018.

Thank you for your consideration, and continuing support, of this Civic Auditorium as we begin a new era with two new sports franchises in the City of Portland.

Sincerely,


James H. Gailey

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):	CUMBERLAND COUNTY (CROSS INSURANCE ARENA) Phone: 207-775-3481
Location Address:	ONE CIVIC CENTER SQUARE, PORTLAND, ME 04101 Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	SAME AS ABOVE Zip:
Contact Person:	MARK EDDY Phone: 207 791-2203
Contact Person Email:	MARK.EDDY@COMCASTSPECTACOR.COM
Manager of Establishment:	MATT HERPICH Date of Birth: 3/25/84 Phone: 207 791-2208
Owner of Premises (Landlord):	CUMBERLAND COUNTY
Address of Premises Owner:	142 FEDERAL ST, PORTLAND ME Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address
N/A		

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

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

About Your Establishment

Class of Liquor License:	CLASS I Civic Auditorium	
Type of food served:	CONCESSIONS AND PREPARED FOODS	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 60 %	Generated from Alcohol: 40 %
Hours & days of operation:	VARIES WITH EVENT BOOKINGS - GENERALLY 8AM - 1:00AM	

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?	<input checked="" type="radio"/> Y <input type="radio"/> N
If No, please explain: <u>DEPENDS ON TYPE OF EVENTS AND CATERING NEEDS, PRIMARILY CONCESSIONS</u>	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<input type="radio"/> Y <input checked="" type="radio"/> N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<input type="radio"/> Y <input checked="" type="radio"/> N
Will you permit dancing on the premises?	<input type="radio"/> Y <input checked="" type="radio"/> N
Will you permit dancing after 1:00 a.m.?	<input type="radio"/> Y <input checked="" type="radio"/> N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<input type="radio"/> Y <input checked="" type="radio"/> 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)?	<input type="radio"/> Y <input checked="" type="radio"/> N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? <u>BEEN OPEN SINCE 1977</u>	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	<input type="radio"/> Y <input checked="" type="radio"/> 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?	<input type="radio"/> Y <input checked="" type="radio"/> N
If Yes, please list business name(s) and location(s):	
<u>GLOBAL SPECTRUM - ONE CIVIC CENTER SQUARE, PORTLAND, ME, 04101</u>	<input type="radio"/> Y <input checked="" type="radio"/> N
Is any principal officer under the age of 21?	<input type="radio"/> Y <input checked="" type="radio"/> N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<input type="radio"/> Y <input checked="" type="radio"/> N
If Yes, please explain:	

I [Signature] 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 General Manager Date 2/12/18

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):	CUMBERLAND COUNTY (CROSS INSURANCE ARENA) Phone: 267-775-3481
Location Address:	ONE CIVIC CENTER SQUARE, PORTLAND, ME Zip: 04101

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:	
ARENA - SPORTS AND ENTERTAINMENT, CIVIC EVENTS	
Will music be electric, acoustical, or both? (Circle)	(Y/N)
Will amplification be used?	
If yes, where and at what level?	
Will music be played (Circle all that apply):	
(Inside) Outside	(Y/N)
Will you permit dancing on the premises?	(Y/N)
Will you permit dancing after 1:00 a.m.?	
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? <u>260+ YARDS</u>	
What is your targeted opening date? <u>OPEN SINCE MARCH 1977</u>	(Y/N)
Does the issuance of this license directly or indirectly benefit any City employee(s)?	
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: General Manager Date: 2/12/18

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 3/1/18

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input checked="" type="checkbox"/> OTHER: <u>CIVIC AUDITOR IUM</u> |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>CUMBERLAND COUNTY</u>			Business Name (D/B/A): <u>CROSS INSURANCE ARENA</u>		
APPLICANT(S) -(Sole Proprietor) <u>GLOBAL SPECTRUM, LP</u> DOB:			Physical Location: <u>ONE CIVIC CENTER SQUARE</u>		
DOB:			City/Town: <u>PORTLAND</u>	State: <u>ME</u>	Zip Code: <u>04101</u>
Address: <u>3601 S. BROAD STREET</u>			Mailing Address: <u>ONE CIVIC CENTER SQUARE</u>		
City/Town: <u>PHILADELPHIA</u>	State: <u>PA</u>	Zip Code: <u>19148</u>	City/Town: <u>PORTLAND</u>	State: <u>ME</u>	Zip Code: <u>04101</u>
Telephone Number: <u>(215) 952-5218</u>	Fax Number: <u>(215) 389-9579</u>	Business Telephone Number: <u>207-775-3481</u>		Fax Number: <u>207-828-8344</u>	
Federal I.D. #: <u>59-3599248</u>			Seller Certificate #: <u>3026 5003</u> or Sales Tax #: <u>0159343</u>		
Email Address: <u>ALAN_FOLEY@COMCASTSPECTRUM.COM</u>			Website: <u>WWW.CROSSARENAPORTLAND.COM</u>		

If business is NEW or under new ownership, indicate starting date: 1/1/18 CUMBERLAND COUNTY

Requested inspection date: _____ Business hours: 6AM - 2AM

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 463,410 LIQUOR \$ 405,143
- Is applicant a corporation, limited liability company or limited partnership? YES (CO-APPLICANT) NO (APPLICANT)

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.

7264 CROSS INSURANCE CENTER (Use an additional sheet(s) if necessary.) (CO-APPLICANT)
 License # 515 MAIN ST. Name of Business BANGOR
 Physical Location BANGOR City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: ALAN FOLEY
7. Business records are located at: ONE CIVIC CENTER SQUARE, PORTLAND, ME 04101
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
ALAN FOLEY	4-16-1970	WALTHAM, MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
YORK, MAINE		
DEERFIELD, N.H.		

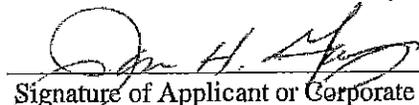
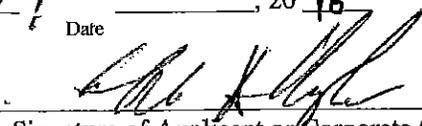
11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. 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: _____
CUMBERLAND COUNTY 142 FEDERAL ST. PORTLAND, ME 04101
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
CIVIC ARENA
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: 1/20/18
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 BLOCKS
- 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: GENERAL OBLIGATION BONDS CUMBERLAND COUNTY

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 2/9, 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)

James H. Ganley Matthew Herpich
 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.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW) .]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW) .]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD) .]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.



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	<input type="checkbox"/> No <input type="checkbox"/>

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.

- Exact legal name: CUMBERLAND COUNTY
- Doing Business As, if any: CROSS INSURANCE ARENA
- Date of filing with Secretary of State: 1760 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- 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 %
	N/A			

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

- 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: _____

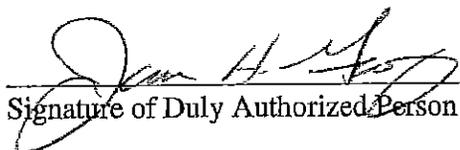
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 2/12/18
Signature of Duly Authorized Person Date

JAMES H. GAILEY
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

APPLICANT:

Corporate Name

County of Cumberland

Corporate Mail Address

142 Federal Street; Suite 102

Portland, Maine 04101

Principal Officers - County Commissioners – 2017

Susan E. Witonis (Chair) 8/11/54 PO Box 131, South Casco, Maine 04077

Neil D. Jamieson (Vice Chair) 3/11/60 14 Kerryman Circle, Scarborough, Maine 04074



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	<input type="checkbox"/> No <input type="checkbox"/>

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.

- Exact legal name: Global Spectrum, L.P.
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 05/12/1999 State in which you are formed: Delaware
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 01/17/2013
- 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 %
Global Spectrum, LLC	3601 S. Broad Street Philadelphia, PA 19148	N/A	N/A	1%GP
Comcast Spectacor Ventures, LLC	3601 S. Broad Street Philadelphia, PA 19148	N/A	N/A	99%LP
Philip I. Weinberg	136 Fisher Road Jenkintown, PA 19046	08/20/55	President/ Secretary	0%
Gary Rostick	4/2013-present: 17 Penn Crossing Drive East Norriton, PA 19401 6/2011-4/2014: 2312 Megann Court E. Norriton, PA 19401	06-21-64	VP/Treasurer	0%
See attached Organizational Chart				

(Ownership must equal 100% for Corporations, LLC's etc.)

- 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: _____

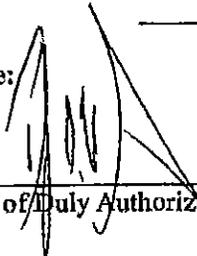
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

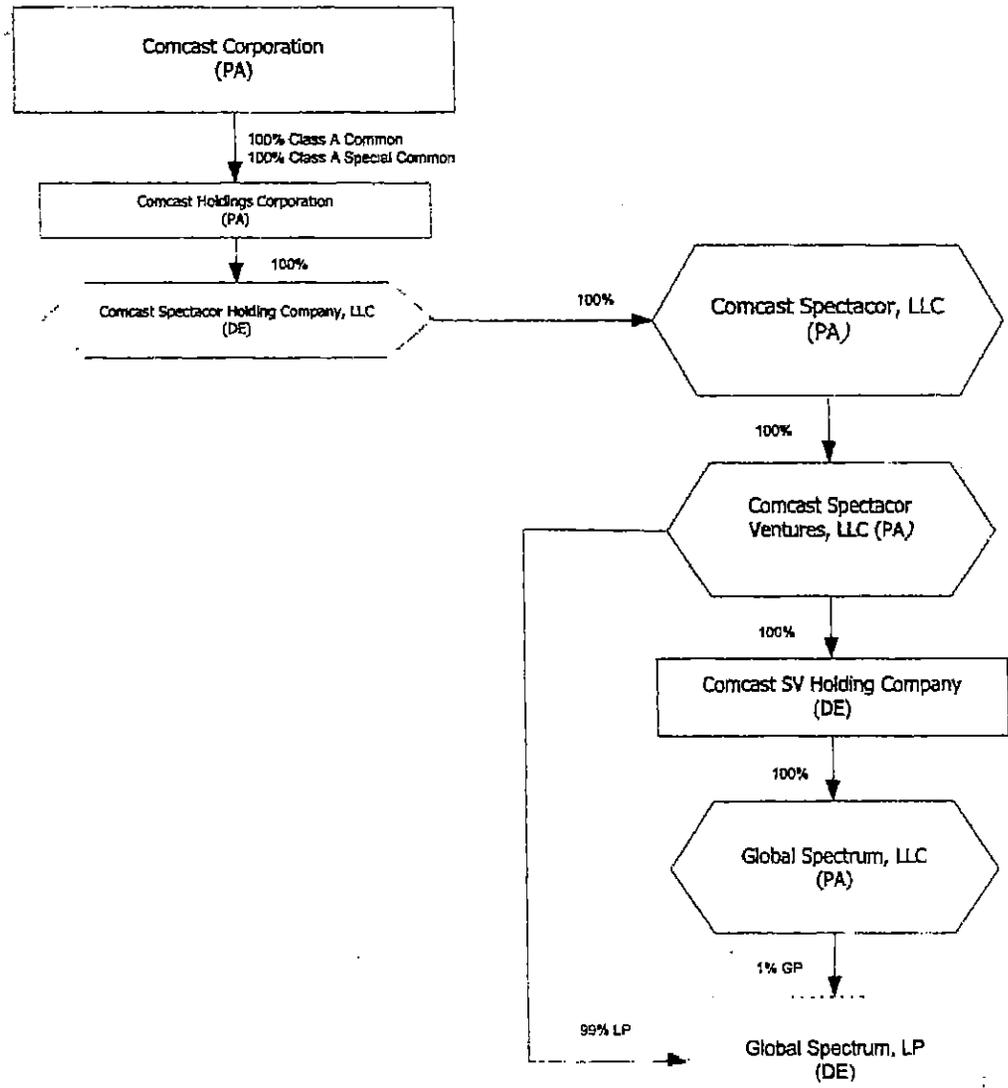
8/29/13

PHILIP I. WEINBERG
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

GLOBAL SPECTRUM, L. P. ORGANIZATIONAL CHART



ATTACHMENT TO GLOBAL SPECTRUM, L.P.'S ORGANIZATION CHART

Global Spectrum, L.P ("Licensee") is a Delaware Limited Partnership, with no officers or directors.

Global Spectrum, LLC is 1% owner and the General Partner of Licensee.

The officers of Global Spectrum, LLC are:

Phillip I. Weinberg -- President and Secretary -- DOB: 8/20/55; Place of Birth: Philadelphia, PA; Address for last 5 years: 136 Fisher Road, Jenkintown, PA 19046

Gary Rostick- Vice President and Treasurer-DOB: 6/21/1964; Place of Birth: Norristown,

PA;

Address for last 5 years: April 2013 to present: 17 Penn Crossing Drive, East Norriton, PA 19401. June 2011 to April 2013: 2312 Megan Court, East Norriton, PA 19401

Comcast Spectacor Ventures, LLC, a Pennsylvania limited liability company, is 99% owner and the Limited Partner of Licensee, with the same officers as above.

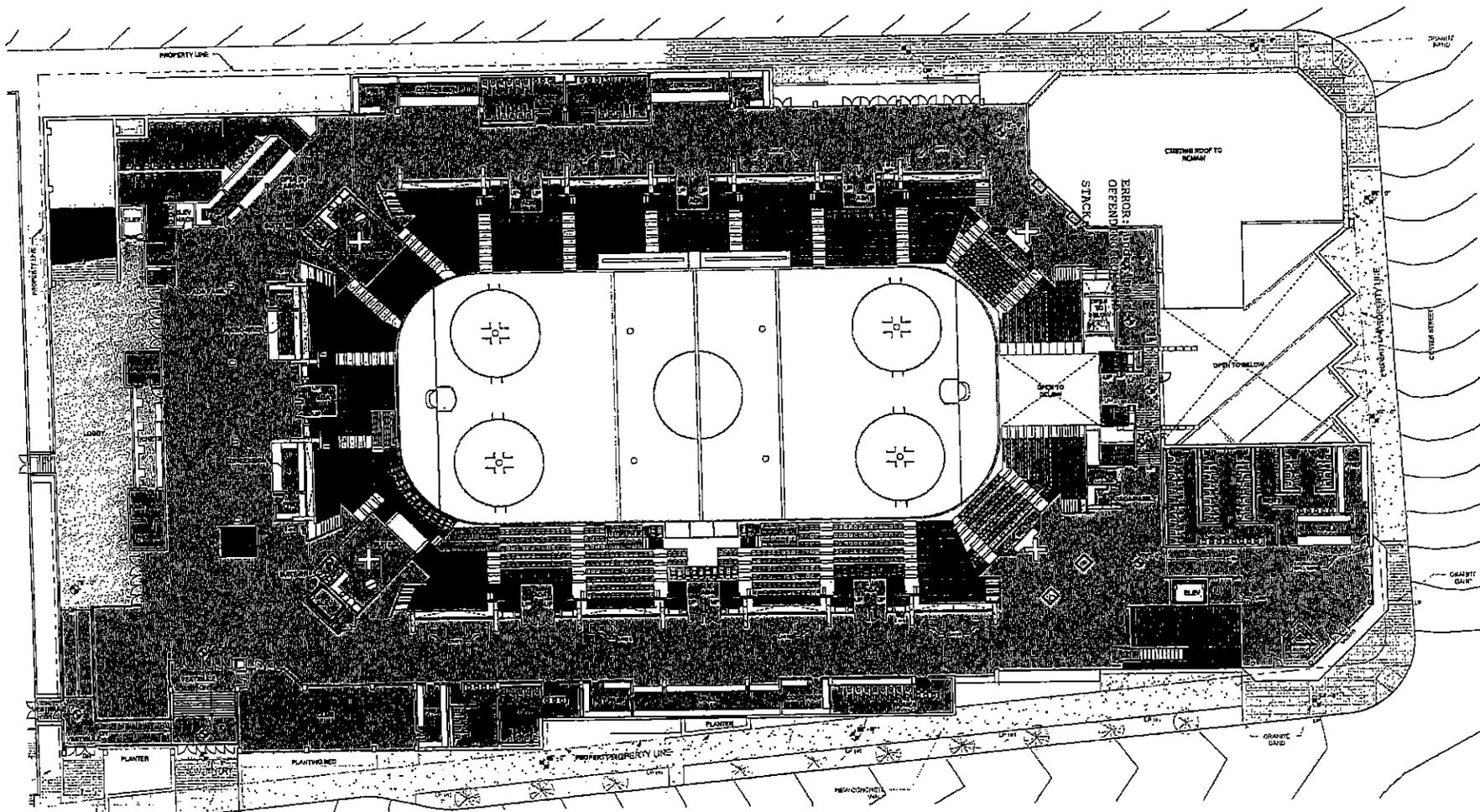
Comcast SV Holding Company, a Delaware company, is the sole member and 100% Owner of Comcast Spectacor Ventures, LLC, with the same officers as above.

Comcast Spectacor, LLC, a Pennsylvania limited liability company, is the sole member and 100% Owner of Comcast Spectacor Ventures, LLC, with the same officers as above.

Comcast Spector Holding Company, LLC, a Delaware limited liability company, is the sole member and 100% Owner of Comcast Spectacor, LLC.

Officer: Arthur Block: Executive Vice President and Secretary- DOB: 1/11/1955; Place of Birth: Philadelphia, PA; Address last 5 years: May 2015 to present: 1706 Rittenhouse Square Street, Unit 1901, Philadelphia, PA 19103; 1985 to May 2015: 8217 Marion Road, Elkins Park, PA 19027

Comcast Holdings Corporation, a Pennsylvania company, with no officers, is 100% owner of Comcast Spector Holding Company, LLC, which is 100% owned by Comcast Corporation, a publicly traded company on the NASDAQ.



- Concessions
- Office / Press
- Stalle
- Services - Mech / Elec
- Storage
- Corridor
- Public Circulation
- Ticket Sales
- Visitor / Lockers
- Home Team Lockers
- Restrooms
- Vert Clrc
- Club
- ADASeating
- Table Seating
- Blew Seating

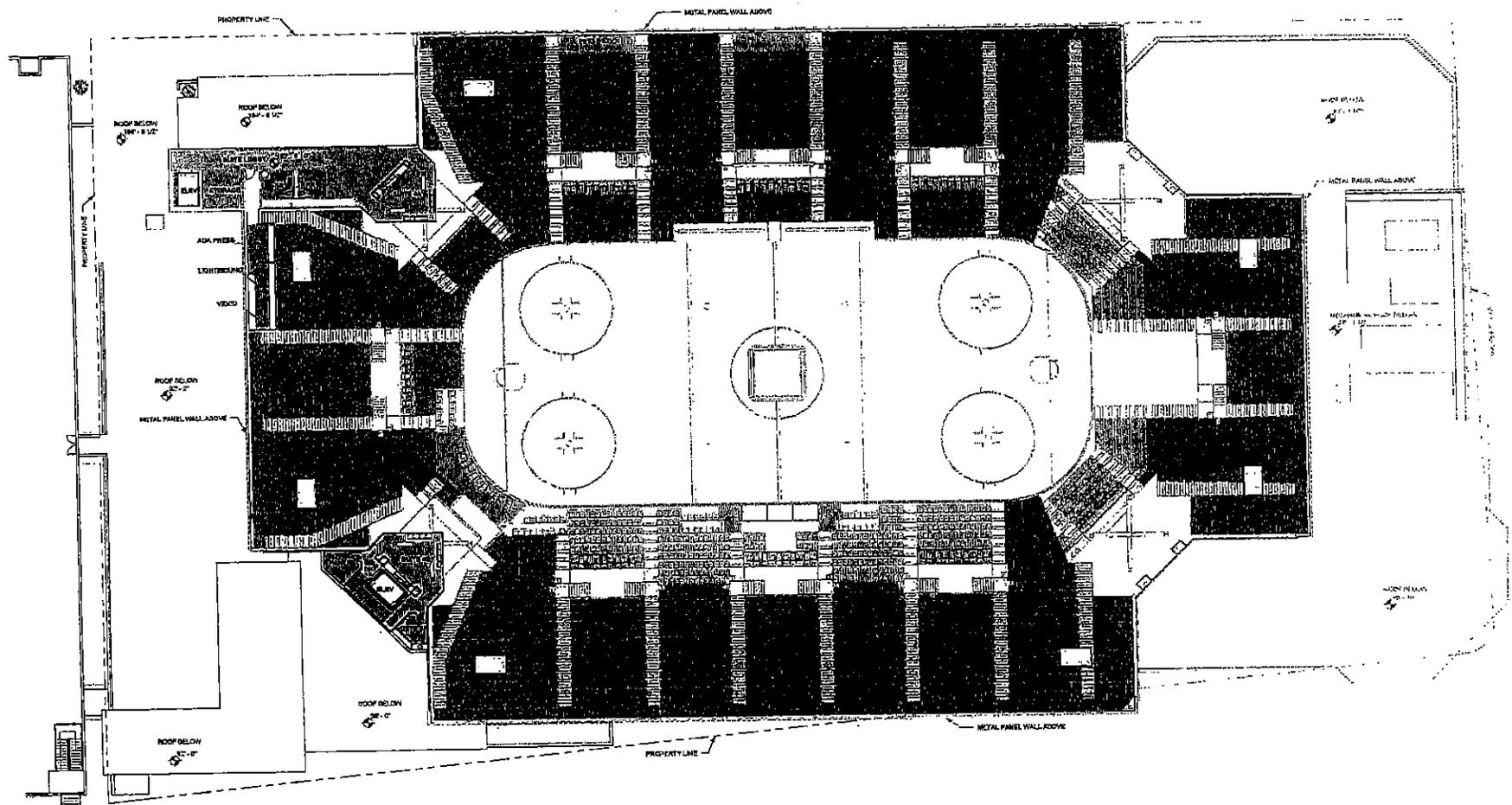
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 ARCHITECTS • ENGINEERS
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 www.wbrc.com

ARCHITECTS
 SINK COMBS DEYHLEFS
 PORTS

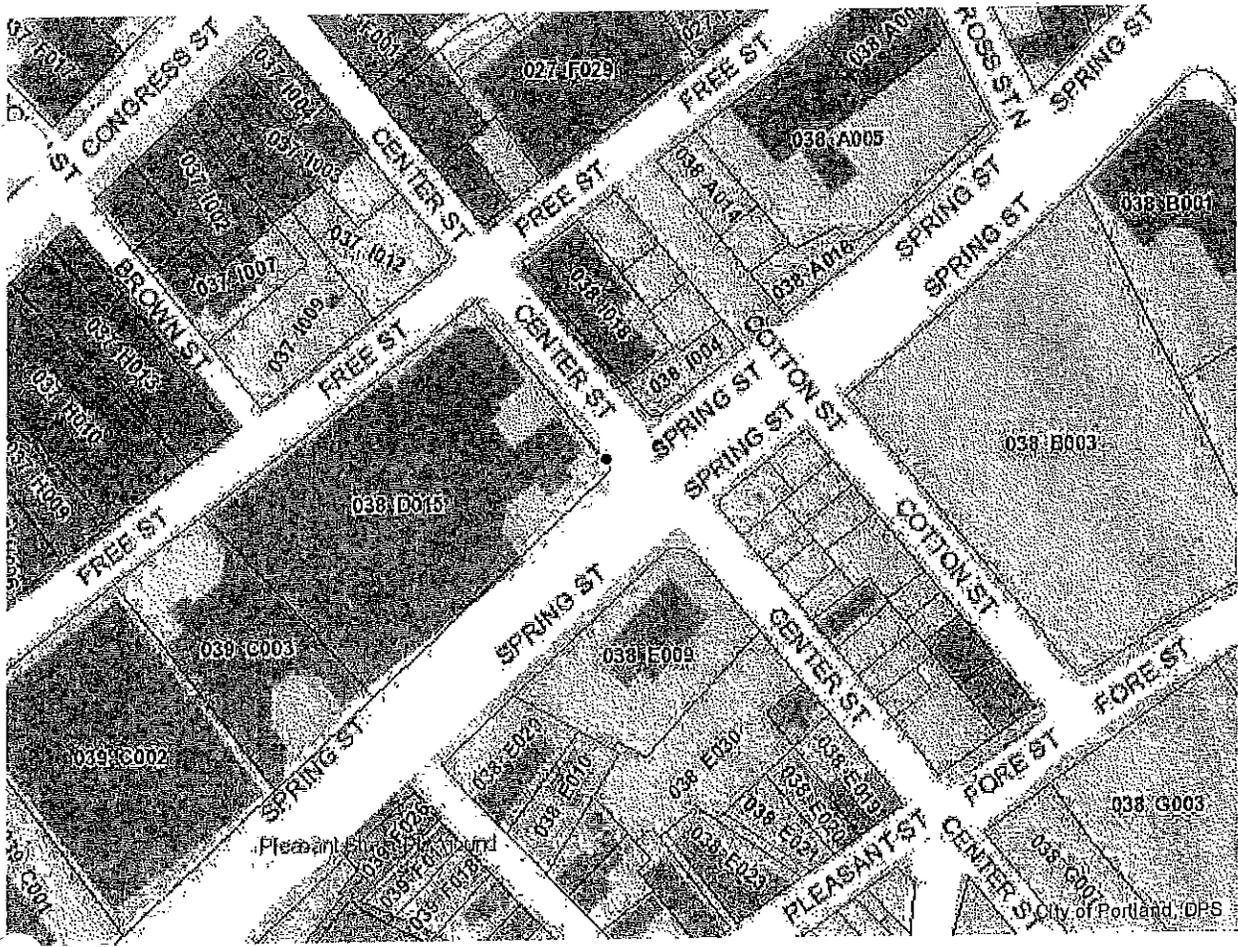
CIANBRO

MAIN CONCOURSE | +76'-0" | scale 1/32"=1'

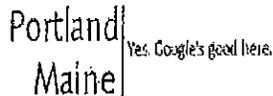




- Concessions
- Office/Press
- Staff
- Services-Mech/Elec
- Storage
- Corridor
- Public Circulation
- Ticket Sales
- Visitor/Lockers
- Home Team Lockers
- Restrooms
- Vert Circ
- Club
- ADA Seating
- Tele Seating
- Bowl Seat



City of Portland, OR



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Cross Insurance Arena

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Feb 13, 2018 at 10:14 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>

PD has no objections.

Kevin C.

On Tue, Feb 13, 2018 at 09:28 Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Cross Insurance Arena, 1 Civic Center Square. This is for a Civic Auditorium with Entertainment with Dance. This is a change of ownership of an existing business. They will be going before council on 3/5

Owner is

Cumberland County & Global Spectrum

Contact is

Mark Eddy

mark_eddy@comcastspectacor.com

207-791-2203

The information has been added to UI for 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

February 13, 2018

Cross Insurance Arena
1 Civic Center Square
Portland, Maine 04101

**Re: Cumberland County & Global Spectrum, L.P. dba Cross Insurance Arena.
Application for a Civic Auditorium with Entertainment with Dance at 1 Civic
Center Square.**

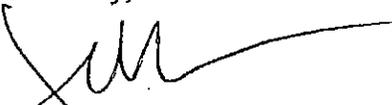
Dear Mark Eddy,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 5, 2018 at 5:30 p.m.**, for the review of application for a Civic Auditorium with Entertainment with Dance at 1 Civic Center Square. 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 March 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Cumberland County & Global Spectrum, L.P. dba Cross Insurance Arena. Application for a Civic Auditorium with Entertainment with Dance at 1 Civic Center Square. Sponsored by Michael Russell, Director of Permitting and Inspections.

Com-16-17/18
Feb 11 3-5-18

Portland, Maine



Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

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

FROM: Greg Mitchell, Economic Development Director

DATE: February 21, 2018

SUBJECT: **Communication Agenda Item – 2018/2019 Work Plan Associated with Portland’s Economic Development Growth**

SPONSOR: **Councilor Costa, Chair of the Economic Development Committee; meeting held on February 20, 2018, and the vote was unanimous (3-0).**

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading and Final Action: March 5, 2018

Can action be taken at a later date: Yes

PRESENTATION: Greg Mitchell/5 Minutes

I. ONE SENTENCE SUMMARY

Every two years, the Work Plan of the Portland Economic Development Vision and Plan is updated, and the 2018/2019 Work Plan is being forwarded to the Council as a communication item.

II. AGENDA DESCRIPTION AND BACKGROUND

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the 2018/2019 Work Plan to the City Council as a communication.

In an effort to support collaboration of many partners involved in supporting Portland’s economic growth, the 2018/2019 Work Plan is presented as a communication item for the City Council. Partners working with the City on the Work Plan include:

- Creative Portland
- Portland Community Chamber of Commerce
- Portland Downtown
- Visit Portland

The 2018/2019 Work Plan includes many items, for example, supporting public policy initiatives and identify funding opportunities which address substance use disorder, panhandling, housing insecurity, ADA compliant infrastructure; creation of ‘mini-score card’ to provide limited set of metrics on important economic indicators; review ordinances related to outside seating, street vendors, sound, trash storage; continue to educate the community on the “Case For Growth”; engagement with academic institutions for business and career opportunities; engage immigrant community in existing business networking opportunities; and support the growth of the City’s Office of Economic Opportunity. Other areas of emphasis include workforce development, business recruitment, transportation opportunities, and tourism.

III. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This is 2018/2019 Work Plan of the Portland Economic Development Vision and Plan is being submitted to the City Council as a communication item.

IV. FINANCIAL IMPACT

There is no financial impact to the City by the City Council accepting this communication item. There are public infrastructure/transportation projects in the Work Plan which will require a mix of Federal, State, and City funding. The City Council have final decision-making authority regarding any future municipal investments related to public infrastructure/transportation projects.

V. STAFF ANALYSIS

Staff recommends the City Council accept the 2018/2019 Work Plan of the Portland Economic Development Vision and Plan as a communication.

VI. RECOMMENDATION

The Economic Development Committee reviewed the 2018/2019 Work Plan of the Portland Economic Development Vision and Plan at its February 20, 2018 meeting and voted unanimously (3-0) to forward the Work Plan to the City Council as a communication.

Attachments:

- 2018/2019 Work Plan
- 2011 Portland Economic Development Plan and Vision with past Work Plans

2018 and 2019 EDSC workplan in support of the City of Portland's Economic Development Vision & Plan

Project/Program/Activity	Category	Lead Organization(s)	Actions/Strategies to Support Initiative	EDSC* Organizations Involved	Community Partners
Track and report important economic indicators	-Business Recruitment & Retention -Tourism	Chamber of Commerce	- Create a 'mini-scorecard' that will provide a limited set of metrics on important economic indicators	City of Portland, Portland Downtown, Visit Portland	GPCOG, MEREDA, Commercial Real Estate Brokers, USM
Advocate for public health and safety initiatives	-Business Recruitment & Retention -Tourism	Portland Downtown, Chamber of Commerce	- Support public policy initiatives and identify funding opportunities which address: substance use disorder, panhandling, housing insecurity, ADA compliant infrastructure, etc	City of Portland	Amistad, Milestone, Preble Street, Spurwink, Opportunity Alliance, and cultural orgs
Assist local policy-makers with improvements to existing ordinances	-Business Recruitment & Retention -Tourism - Workforce Development	Portland Downtown	- Review ordinances related to: outside seating, street vendors, sound, trash storage, etc	Visit Portland, Chamber of Commerce, City of Portland, Creative Portland	
Continue to educate the community on the 'Case For Growth'	-Business Recruitment & Retention -Tourism	Chamber of Commerce	-Build community-wide coalition - Host public forums - Create newsletters	City of Portland, Portland Downtown, Visit Portland, Creative Portland	Portland Buy Local, Greater Portland Landmarks, Portland Society for Architecture, et al.
Engagement with academic institutions	-Business Retention -Tourism Workforce Development	All EDSC Organizations	- Engage local middle school, high school, colleges, and universities in business & career opportunities (ie. internships, special projects, advisory council, youth engagement, etc)	Chamber of Commerce, Portland Downtown, Visit Portland, Creative Portland	Portland Public Schools, Junior Achievement, MECA, USM, SMCC, UNE
Engage immigrant community in existing business networking opportunities	-Business Retention & Recruitment -Tourism Workforce Development	Chamber of Commerce, Creative Portland, City of Portland	- Engage immigrant community in all networking opportunities - Gateways for Growth Initiative	Visit Portland	Catholic Charities Maine Office of Refugee Services, New Mainers Resource Center, Community Financial Literacy, Greater Portland Immigrant Welcome Center, Maine Access Immigrant Network, Maine Immigrant Rights Coalition; Empower the Immigrant Women, StartSmart
Support the Growth of the City's Office of Economic Opportunity	-Business Recruitment & Retention -Talent Attraction Workforce Development	City of Portland	-Develop new initiatives to advance education, entrepreneurship, and workforce goals Develop entrepreneur workshops for immigrants/refugees	Chamber of Commerce, Portland Downtown, Visit Portland, Creative Portland	New Mainers Resource Center, Catholic Charities Maine Office of Refugee Services, Community Financial Literacy, Greater Portland Immigrant Welcome Center, Maine Access Immigrant Network, Maine Immigrant Rights Coalition; Empower the Immigrant Women
Physical improvements & beautification	-Business Recruitment & Retention -Public Infrastructure Tourism	City of Portland, Portland Downtown	- Improve Ocean Gateway and Jetport facilities - Repair & improve existing wayfinding signage - Repair sidewalks in downtown - Add signage at gateways & beautify - Addition of public art to parks - Revitalize parks - Addition of recycling in downtown public spaces - Improve public restroom facilities - Bus stops & shelters (upgrade & ADA compliance)	Visit Portland, Creative Portland	GPCOG, Portland Pollinator Project, Portland Jetport, GP METRO, Portland Public Art Committee
Improve Visitor Experience	-Business Recruitment & Retention -Tourism	Visit Portland, Creative Portland	-Provide events, explore projects (ie. calendar/app), programming, and marketing to attract visitors to Portland	Portland Downtown, City of Portland	Arts & cultural partners, Higher Education institutions
Improve knowledge of multi-modal transportation opportunities	-Business Recruitment & Retention -Public Infrastructure -Tourism Transportation	City of Portland, Portland Downtown	-Multi-modal transportation marketing campaign	Chamber of Commerce, Visit Portland, Creative Portland	Greater Portland METRO, Portland Jetport, Bicycle Coalition of Maine, NNEPRA, et al.
Market Portland Technology Park	-Business Recruitment -Talent Attraction	City of Portland	-Market remaining three sites to high tech companies	Chamber of Commerce	Real Estate Brokers
Continue Business Visitation Program	-Business Retention	City of Portland	-Continue visiting Portland businesses to better understand their needs and challenges	EDSC orgs (as needed)	Community partners (as needed)
Round Three of Facade Improvement Program	-Business Retention -Tourism	City of Portland	-Targeted to Washington Avenue and St. John Street	Creative Portland	Small business community and property owners in designated areas
Administer new round of Job Creation Grants	-Business Recruitment -Business Retention -Workforce Development	City of Portland	-Matching grants for startups and existing businesses to create jobs for low/moderate income individuals	EDSC orgs (as needed)	SBDC, SCORE, New Ventures, CEI, Portland Development Corporation

Facilitate development of broadband City-wide	-Business Recruitment & Retention -Public Infrastructure	City of Portland	-Foster/enhance local innovation and global collaboration	Chamber of Commerce	
Facilitate construction of Cold Storage facility	-Business Recruitment & Retention	City of Portland	-Creation of new opportunities for business growth and exports	Creative Portland, Chamber of Commerce, Visit Portland	MDOT, Maine Port Authority, other State Agencies, MITC, Portland Fish Exchange, marine/agriculture/food & beverage/processors & exporters
Pier Dredging & Environmental maintenance of Casco Bay	-Business Recruitment & Retention -Public Infrastructure -Tourism	City of Portland	Environmental assessment, preliminary design, stakeholder engagement, funding strategies		Harbor Commission, MDOT, City of South Portland, Friends of Casco Bay, Casco Bay Estuary Project, private pier owners, lobster industry
Develop Portland Landing at Amethyst Lot	-Public Infrastructure -Tourism	City of Portland	-Berthing, community boating and open space	Creative Portland	MDOT, Portland Trails, Community boating orgs, Portland Parks Commission
Increase usage of Portland Ocean Terminal/Maine State Pier	-Business Recruitment -Public Infrastructure -Tourism	City of Portland	-Full utilization of second floor and increased tenants on first floor	Visit Portland, Chamber of Commerce, Portland Downtown	Casco Bay Island Transit District
Regional and International Business Recruitment	-Business Recruitment	City of Portland	-Strategic marketing nationally and internationally	Chamber of Commerce	MITC, GPEDC
Develop & market Portland's brand & image	-Business Recruitment & Retention -Talent Attraction -Tourism	City of Portland, Creative Portland	-Increase national and international recognition of Portland	Chamber of Commerce, Visit Portland, Portland Downtown	Community partners (as needed)
Update City's Cultural Plan	-Enrich Creative Economy -Tourism -Talent retention	Creative Portland	-Investigate opportunities for: (1) arts, culture, and humanities center, and (2) Congress Street enhancements and experiential design	City of Portland, Visit Portland, Downtown Portland	Arts & cultural partners, et al.
Develop Relocation Packages for individuals and businesses	-Business Recruitment -Talent Attraction	Visit Portland	-To assist businesses and individuals moving or thinking of moving to Portland	City of Portland, Portland Downtown, Chamber of Commerce, Creative Portland	GPCOG
Convention Center Development (may include innovation/arts/cultural components)	-Tourism -Business Recruitment -Talent Attraction	Chamber of Commerce, Visit Portland	-Work with development community	City of Portland and other EDSC orgs (as needed)	Community partners (as needed)

*EDSC (Economic Development Stakeholder Committee) members include: City of Portland, Creative Portland, Portland Community Chamber of Commerce, Portland Downtown, and Visit Portland

Acronyms:

- CEI/Coastal Enterprises, Inc.
- EDSC/Economic Development Stakeholders Committee
- GPCOG/Greater Portland Council of Governments
- GPEDC/Greater Portland Economic Development Corporation
- MDOT/Maine Department of Transportation
- MECA/Maine College of Art
- MEREDA/Maine Real Estate Development Association
- MITC/Maine International Trade Center
- NNEPRA/Northern New England Passenger Rail Association
- PPAC/Portland Public Art Committee
- SBDC/Small Business Development Center
- SCORE/Service Corps of Retired Executives
- SMCC/Southern Maine Community College
- UNE/University of New England
- USM/University of Southern Maine

ECONOMIC
DEVELOPMENT
VISION + PLAN
PORTLAND MAINE

August, 2011

Contents

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Core economic development focus

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7 Enrich the creative economy

9 Support business

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13 Appendix B: Listing of Past Reports Reviewed

14 Appendix C: Outreach Meetings + Presentations Completed

15 Appendix D: Description of Economic Development Plan Components

16 2011 + 2012 Work Plan

ECONOMIC DEVELOPMENT VISION + PLAN PORTLAND, MAINE

The following is an economic development vision and plan for the City of Portland, Maine. It has been created in acknowledgement that economic development in general, and business retention, expansion, and attraction in particular, are vital to the growing prosperity and improvement in the quality of life of Portland's citizens.

This vision and plan provides a roadmap for success in Portland's future economic development. It draws on the previous and current work of the City, its citizens, businesses, and stakeholders. The vision and plan was accomplished through a collaboration of the City of Portland, Portland Community Chamber, and the Creative Portland Corporation. To guide the process and compile the results, the City and Chamber engaged the Economic Development Plan Task Force. A list of Task Force members is provided in Appendix A.

Rather than recreate the many recent efforts regarding components of the City's economic development, this plan draws from several recent reports that provide information relating to the economic development process. A listing of these reports is provided in Appendix B. The plan is also based on input obtained through outreach to citizens, workers, and stakeholders through a coordinated social media strategy including a project web page, Facebook page, and Twitter updates. Finally, it incorporates input received through outreach meetings and presentations, a listing of which is provided in Appendix C.

Using information gathered from these resources, an economic development vision and strategy has been developed that consists of the following components:

- Guiding Principles + Vision Statements
- Goal Statements
- Implementation Strategies

A description of these components is provided in Appendix D.

The vision and plan presents three primary areas critical to long-term success in Portland's economic development. These core areas of focus include:

1. Grow the economy
2. Enrich the creative economy
3. Support Business

To support these core areas of focus the City must take action to coordinate, communicate, and measure progress. Additionally, as part of this plan and vision and to enable its success:

Portland will work in collaboration with the communities and stakeholders of the Greater Portland Region to not only grow the City's economy, but also the economy of the region; together we will work to make the Greater Portland Region a great place to work, live, and grow a business.

Portland will participate in regional efforts at industry tradeshows and through external advertising, including specifically working with the Greater Portland Convention and Visitors Bureau and Greater Portland Economic Development Corporation

Portland will adhere to the regional economic development protocol agreed to by the Greater Portland Communities, and will participate in a collaborative marketing and business attraction program for the region

Portland is committed to regular and systematic economic development strategic planning and evaluation, including monitoring progress of its plan and activities, measuring progress and impacts, and making strategic changes as warranted. This includes maintaining and reporting through the Chamber's annual Economic Scorecard. The process will engage key stakeholders and include regular communications with the businesses, citizens and taxpayers of the City.

Portland will utilize the latest technologies, including web and social media, to communicate and market Portland both inside and outside the region, and to deliver its economic and business development services and communications.

By adhering to this vision and plan, Portland will achieve its economic development goals, creating economic prosperity through growth of the City's tax and employment base.

Portland's greatest strength is its underlying quality of life and unique character, contributing to its continuing national recognition as a highly desirable community in which to live and work. It is especially important for Portland to recognize, support, and enhance the fundamental qualities of place that make Portland unique and desirable for investment and growth; these include education, parks, waterfront, downtown, neighborhoods, cultural diversity, and the geographic and architectural heritage of the City. These assets enable Portland's economic development efforts to attract and grow businesses and support residents and workers. In turn, a strong economic environment enables the City to support and sustain these quality of life assets.

Economic development planning is an integral part of Portland's Comprehensive Plan, so this strategy document can be seen as a guiding policy and action plan in concert with other planning initiatives. The inter-relatedness of all elements of the plan are exemplified by the Sustainable Portland plan, which recognizes that the future health and prosperity of Portland depends on stewardship of our environment, our community, and our economy, the three fundamental components of future sustainable communities. For example, the City has adopted a Housing Plan that sets forth policies that will ensure that we can house a growing population, critical to building a workforce to engage in the jobs that will be created. Another example would be the Community Vision, which emphasizes the importance of quality education to ensure that the population possesses the skills needed to succeed in the modern economy – from skilled labor to high tech and innovation industries. It is understood that this Economic Development Vision and Plan for Portland does not itself address every component needed for future prosperity, but depends on the coordinated and comprehensive plans and policies that function together to secure our future well being.

This vision and plan is meant to be a living document to guide policies, programs, and actions within the City. It should be stressed that this is not a "City Government" only plan. It was developed by a collaborative effort between the City, the Portland Community Chamber, and the Creative Portland Corporation, with significant engagement from the Task Force; input from the public, private and not-for-profit sectors; and guidance from many past collaborative efforts. It is therefore a "community-wide" economic vision and plan to be utilized and implemented by those willing to participate and move forward into the future. Rather than being the sole document or effort related to economic and community development, this vision and plan is meant to provide a specific focus on the City's economic development vision, goals, and strategies. Other efforts and documents address closely related issues such as housing, infrastructure, services, and neighborhoods. Some of these issues are referenced in this vision and plan, but this document is not meant to cover those issues in detail.

Throughout the plan the term "business community" is used to represent the private sector. For this plan the "business community" is meant to mean all businesses in Portland, large or small, as well as any other stakeholders who have a vested interest in the economic growth and well being of the City of Portland.

Why a vision and plan? The purpose is best summarized in the following statement: "Creating economic prosperity through growing the City's tax and employment base." The economic recession has called out for the City to start considering "what's next" in terms of how we can grow wealth. Portland, along with other partner communities in South Portland, Scarborough, Falmouth, Cape Elizabeth, and Westbrook, plus the Portland Regional Chamber and a regional education alliance, have incorporated a private/public non-profit organization to support regional approaches to economic development, including marketing/branding. This vision and plan for Portland will help ensure that these regional efforts reflect the City's needs and strategies for economic development.

Strategies are the economic development priorities (or work plan) over the next 6-12 months starting in the summer of 2011. Appendix E outlines the assignment of work plan activities, budget resources and timeline.

The Plan's implementation will be monitored by the existing Task Force which has agreed to meet periodically to make sure the Plan is implemented and to recommend Plan revisions.

CORE ECONOMIC DEVELOPMENT FOCUS GROW THE ECONOMY

Guiding Principles + Vision

The City is committed to creating economic prosperity through growing its tax and employment base.

Goals + Implementation Strategies

Understand the needs and concerns of existing businesses to support their retention and expansion

(Relevant Scorecard Indicators: none)

Work Plan:

Develop and sustain a visitation program to obtain regular feedback from the business community with areas of concern addressed in a timely manner. To implement this, the City should follow the detailed steps outlined in the MIT Report, with the major steps of the program being business outreach, information gathering, and most importantly, follow-up. The Mayor shall be involved and be the face of this program.

Action | Measurement:

- A business visitation pilot program will be established
- Feedback from the pilot visitation program will be used to adjust economic strategies and activities, and results of the visitation program will be communicated to the City's business community
- The results of the pilot program will be used to refine and implement an ongoing program
- Business will be better informed of economic development resources and opportunities in the City, and will feel that their concerns are being heard and acted upon

Develop non-visitation methods to enable additional communication and feedback from business by utilizing social media, surveys, and events

Utilize marketing and communication to promote, maintain and expand commercial loan and other business financial incentive programs that leverage and support business retention, expansion, and attraction

Support industry sectors that are innovative and have high growth/high value potential to provide future opportunities for economic development (Relevant Scorecard Indicators: S&E Occupations, Private Sector Employment Growth, Regional Earnings per Employee, Value of City Imports & Exports per Capita, Regional Venture Capital Investment, Regional Patents Issued). Added to these Scorecard Indicators will be employment growth and earnings per worker in targeted sectors.

This goal shall be accomplished through business retention and expansion efforts, as well as through a regional attraction effort coordinated with the Greater Portland Economic Development Corporation and Maine and Company. Based on past analyses and current data, sectors to target include:

- Finance and insurance
- Life science – including bioscience, healthcare, and medical
- Food production/food service – including fishing and seafood
- Marine and marine related – working waterfront, port related, and cargo
- Arts and culture
- Creative enterprise
- Visitation, tourism, and entertainment
- Support redevelopment of the Civic Center as a destination for visitors and residents alike
- Professional, technical services and business services
- Information Technology (IT) and IT-related services
- Manufacturing in niche areas including but not limited to food, chemical/biological, and nano-electronics

Work Plan:

Form working groups to develop specific strategies for each targeted sector, and for life sciences and food production services include in those strategies the recommendations from the MIT report.

Work Plan:

Produce additional analysis to further prioritize and develop sector/cluster strategies based on opportunity and analysis.

Action | Measurement:

- Form at least 3 working groups to develop strategies in three of the targeted sectors
- Identify and conduct further analysis to support strategy development in the three initial targeted sectors
- Develop implementation strategies in the three targeted sectors

In addition to the above targeted sectors, the City will value, support, and market green initiatives and businesses that operate in "green" markets

Work Plan:

Coordinate business and higher education needs to support regional workforce development

(Relevant Scorecard Indicators: Educational Attainment)

Advocate for workforce training and the education needs of Portland businesses to service providers and the regional higher education coalition

Participate through the Greater Portland Alliance of Colleges and Universities to strengthen alliances and opportunities for workforce education, training and development with the organization's regional institutes of higher education

Expand and encourage the availability of higher education scholarships provided by private businesses within the community

Action | Measurement:

- Conduct initial meeting between Greater Portland businesses, economic development representatives and representatives of the Greater Portland Alliance of Colleges and Universities; develop an ongoing process to increase advocacy, planning, and programming in support of workforce development

Increase awareness among businesses, workers, and residents regarding the benefits to the local economy of supporting Portland businesses

(Relevant Scorecard Indicators: None)

- Bring together Portland businesses and residents through marketing, communication and networking to increase sales at those businesses

Sustain economically vibrant neighborhoods

(Relevant Scorecard Indicators: None)

- Work with the City's neighborhood liaison to regularly engage businesses and residents in the environment and culture of Portland's neighborhoods
- Support the growth of local neighborhood business and promote the benefits they provide to the neighborhood's residents

Support efforts for a vibrant and attractive downtown

(Relevant Scorecard Indicators: Downtown Vacancy indicator)

- Recognize the Portland Downtown District as the entity to lead Downtown economic development efforts

Support a working waterfront, recognizing the Central Waterfront as an urban maritime district promoting traditional and emerging waterfront uses – a careful balance of mixed uses to help finance the marine infrastructure; the State Pier and Ocean Gateway, dedicated to passenger ferries, cruise ships and facilities; and the Western Waterfront, Portland's essential deep water port edge and acreage.

(Relevant Scorecard Indicators: Value of City Imports & Exports)

- Provide continued support for Ocean Gateway's use as an international passenger cruise ship terminal.
- Provide continued support for the International Marine Terminal (cargo shipping)
- Continue to monitor the effect of recent changes to zoning ordinances – allowing non-marine businesses on the waterfront – on the growth and development of marine industries and quality of marine infrastructure in the zone.

- Provide continued support for the Portland Fish Pier and the infrastructure to support the fisheries industry.
- Prioritize attention and funding to dredge Portland's harbor (federal channel and private shores), and encourage investment in other marine infrastructure as a mean to provide continued access to and functional utility of private and publically owned piers.

Support and market Portland's distinct urban commercial targeted growth districts, encouraging a mix of housing and commercial development to create 24/7 activity and vitality. Each district will capitalize on its unique strengths to maximize the employment and tax base, channeling growth into emerging districts and established employment areas. These districts include: Bayside, an extension of downtown, featuring transit-oriented, high density modern mixed use along the new Bayside trail and a new front face to the city; Downtown, an historic main street, Arts District and Old Port, the center of finance, law, and commerce that capitalizes on its historic fabric and cosmopolitan feel; and Eastern Waterfront, an urban redevelopment district in a new street block grid on the scenic waterfront, situated at the hub of ferry terminals, the Eastern Prom Trail, and flanked by the charm of India Street and Munjoy Hill neighborhoods.

(Relevant Scorecard Indicators: None)

- Develop a Capital Improvement Plan (CIP) for commercial growth areas to address physical infrastructure needs
- Include information about business and growth opportunities for these targeted commercial areas within business expansion and attraction marketing and communication efforts

Continue to develop and promote Portland's commercial and industrial districts, including Riverside Street, the Rand Road Technology Park, and other locations suited for cutting edge business and industry.

- Develop a Capital Improvement Plan (CIP) for commercial growth areas to address physical infrastructure needs
- Include information about business and growth opportunities for these targeted commercial areas within business expansion and attraction marketing and communication efforts

Attract and support entrepreneurs as a means of growing and diversifying the local economy (Relevant Scorecard Indicators: Regional Venture Capital Investment) Add to Scorecard Indicators: Business Start-ups and Business Churn

- Coordinate entrepreneurship services to ensure Portland entrepreneurs are supported for start-up, retention, and growth
- Support efforts to increase minority entrepreneurship and the entry of minority populations into business and the workforce
- Develop a "Portland Host" program to have existing businesses and professionals welcome new business to the City and be available to help recruit new businesses. This program will include representatives of the Portland Community Chamber, the City and others as appropriate.

Recognize that infrastructure – be it roads, sewer, water, energy, communication networks or transportation – is the underpinning of economic growth and development. It must be maintained and improved to support the goals and strategies contained in this plan.

(Relevant Scorecard Indicators: Visitors to Region, Enplanement, Value of City Imports and Exports Per Capita)

- Portland will plan for future transportation and infrastructure needs and prioritize improvements to be implemented within a reasonable timeframe, in order to support economic development and growth
- Portland will provide a transportation system which encompasses all modes, balances competing objectives, and promotes the economic vitality and quality of life in the Portland community
- Portland will support a network of airport, rail, ports (cargo and passenger) and highway infrastructure to compete in the global economy
- Portland will continue to attract passenger airline carriers to the Jetport in an effort to lower ticket prices and offer greater choices for travelers

- Portland will encourage the development and maintenance of telecommunications infrastructure, including broadband service, to support opportunities arising from digital technologies
- Portland will support improvements and maintenance of environmental infrastructure (i.e. combined sewer overflow infrastructure to support a healthy harbor) to foster further growth

CORE ECONOMIC DEVELOPMENT FOCUS ENRICH THE CREATIVE ECONOMY

A great growth potential for Portland's creative economy lies within the creative enterprise cluster. The creative enterprise cluster includes trades and professions that are built upon the translation of creative expression and talent along with application of innovation into profitable products and services. Examples of the creative enterprise cluster include the design arts, the culinary arts, textiles and furnishings, media, fashion, writing and publishing, advertising, music, innovation and knowledge based enterprises, and other such enterprises. Entrepreneurs building creative enterprises are attracted to cities like Portland, Maine that have the magnetic qualities of a vibrant and well known creative spirit, and a rich physical, social and cultural environment. Therefore, to foster growth of creative enterprises first requires maintaining and enhancing the presence of arts and cultural organizations and individual artists, and the protection and enhancement of the community cultural, environmental, architectural and natural assets. The affirmative action required to attract, nurture, and grow creative enterprises is to get the word out nationwide through community branding and marketing that Portland has what it takes to sustain and support these enterprises to capitalize on this growth industry for Portland.

Guiding Principles + Vision

Value innovation, entrepreneurship, creativity, arts, culture, and entertainment to improve the economy and enhance Portland's uniqueness and diversity

Goals + Implementation Strategies

Increase collaboration, coordination, and communication among those involved in the arts, cultural, creative and innovation sectors

(Relevant Scorecard Indicators: None)

Work Plan:

Recognize and utilize the Creative Portland Corporation ("Creative Portland") as the lead organization to drive strategies and implementation for Portland's creative economy efforts

Work Plan:

Inform the public on what the creative economy encompasses and its importance to the local cultural and economic environment

Action | Measurement:

- The Creative Portland Corporation will develop an operative definition and baseline metric of the existing creative enterprise economy in Portland, and periodically update this metric to assess progress in order to revise strategic initiatives and grow this sector.

Market Portland to increase recognition nationally and internationally that this is a City where arts, culture and entertainment, innovation, and creativity thrive

(Relevant Scorecard Indicators: Visitors to Greater Portland/Casco Bay Region and Regional Food Services & Drinking Places Sales Growth)

Work Plan:

Creative Portland will convene a meeting of all entities involved in marketing and branding Portland to collaborate on message and strategy implementation, determine roles and responsibilities, adopt a common brand and related sub-messages, and adopt a process for moving forward and implementing the strategy

Work Plan:

Take Creative Portland's web platform, LiveWorkPortland, and develop a web and social media plan on a national level; make sure that all related organizations' (City, Chamber, Greater Portland Economic Development Corporation, Portland Downtown District, Convention and Visitors Bureau, and Creative Portland Corporation) marketing and messaging align

Action | Measurement:

- Creative Portland will convene a meeting of all entities involved in marketing and branding Portland to collaborate on message and strategy implementation and determine roles and responsibilities
- A marketing strategy with a common brand and related sub-messages and a process for moving forward and implementing will be developed
- Citizens, businesses, and those involved in economic development services will easily recognize and utilize a united brand and messaging to promote business and economic development

Include within business attraction efforts a targeted strategy to attract creative and entrepreneurial individuals and businesses

Include in attraction efforts targeting visitors to Portland

Create incentives to establish and grow Portland's creative enterprises

(Relevant Scorecard Indicators: Venture Capital Investment indicator); add Business and Employment Growth in Creative Sectors

Work Plan:

Provide assistance to secure funding for organizations that support creativity, entrepreneurship, and innovation

Develop creative financing mechanisms, such as tax increment financing, which can help support major new, expanded, or rehabilitated cultural facilities

Work Plan:

Propose revisions to the City's creative economy revolving loan fund program to meet market demand

Work Plan:

Create incentives to attract and retain artists and entrepreneurs for development of live/work residences or common workspace and housing

Action | Measurement:

- Creative Portland to assess City loan and assistance programs and propose revisions
- CP will assess the feasibility of establishing a facility to house artists

Support individuals, workers, and businesses that are innovative, creative and entrepreneurial as a means of growing and diversifying the local economy

(Relevant Scorecard Indicators: None); add Business and Employment Growth in Creative Sectors

Research best practices among cities nationally to support the arts, entertainment, creativity, entrepreneurship, and innovation, and incorporate into Portland's strategy for creativity, entrepreneurship, and innovation

Obtain additional research/information regarding what drives creative persons and entrepreneurs to choose Portland by interviewing recent in-migrants

Survey creative economy businesses and ask what they need to grow their businesses, then develop action steps

Action | Measurement:

- Conduct initial research
- Track inputs, outputs and outcomes on specific programs and services established, including dollars spent to support, entities supported, dollars leveraged, satisfaction with the programs, and impact of funding

Recognize and support individual artists, and arts and cultural-related venues and organizations

(Relevant Scorecard Indicators: None)

Develop a "how to" online city resource to get events approved by the city

Feature one creative economy business per month on the City's eco-development web platform

Coordinate entrepreneurship services to ensure that Portland entrepreneurs are being supported for start-up, retention, and growth

CORE ECONOMIC DEVELOPMENT FOCUS SUPPORT BUSINESS

Guiding Principles + Vision

Portland will be recognized as a city where the business community is valued and nurtured through support services which are relevant, helpful, welcoming, and delivered in a timely manner with superior “customer service”

The City will continue to strive towards a more simplified and streamlined process of interacting with all current and future businesses in Portland

Goals + Implementation Strategies

Interactions with City departments, agencies and staff will be handled with accuracy, timeliness and a positive customer service attitude.

(Relevant Scorecard Indicators: None)

Work Plan:

The City will produce an updated “Doing Business Guide” to assist businesses with obtaining services, including, for example, a timeline describing the process for approval and associated fees when licenses and permits are needed.

Work Plan:

The City will maintain a “Hotline” and focused web services/pages for business assistance, to connect businesses with needed services.

Work Plan:

Computer software will be implemented to improve communication, tracking, and follow-through among City departments and those seeking planning, development, licensing, codes, and permitting

Work Plan:

High level of accessibility will be maintained through all aspects of communications, included web and social media

Work Plan:

City staff that are interfacing with business will be provided additional customer service training

Action | Measurement:

- The City will put in place by July 1, 2012 a customer service feedback system to obtain feedback from those clients served by the City’s business and development-related programs and services.

Work Plan:

The Development Review process will be clear, consistent, predictable and timely.

(Relevant Scorecard Indicators: None)

Action | Measurement:

- The 2010 updates to the City’s Development Review process are intended to fulfill the goal expressed above. The Chamber and the City will undertake an annual review of development applications to verify that the updates are achieving their intended purpose, and will make recommendations for further refinement if so warranted.

The business community, in partnership with the City, will nurture the growth and prosperity of Portland businesses.

(Relevant Scorecard Indicators: Private Sector Employment Growth, Regional Earnings per Employee, Gross Metro Product Growth)

Specific assistance to be offered includes:

- Workforce Development – Align education and trade skills with business needs
- Visitation – Support visitation programs
- Marketing – Promote Portland as a place to work, play, shop and conduct business
- Networking – Support Portland business-to-business interactions
- Advocacy – Through regular briefings of elected officials, strengthen the voice of Portland businesses at all government levels, including those that have a regulatory impact and those that affect resource allocation

Utilize Federal, State and Local support to help Portland businesses of all sizes grow, add employment, and generate new net tax revenue as well as attract new businesses

(Relevant Scorecard Indicators: Employment Growth, Property Tax Rate, and Property Valuation)

- The City will review and revise its Tax Increment Financing Policy, as needed, to support the goal of expanding jobs and the municipal tax base associated with targeted economic and business development
- Maintain adequate funding for City-sponsored commercial and industrial loan and grant programs, and market the availability of such programs to the business community
- Monitor State and Federal business assistance programs and communicate with Portland businesses about those programs, advocating for program changes as needed
- Promote availability of all tax credit programs (Federal and State), including use of Historic tax credits for building rehabilitation in Portland's historic commercial districts

Appendices

APPENDIX A: TASK FORCE MEMBERS + SUPPORT

Members

Richard Aronson
Century Tire Co.

Ed Bradley
Vessel Services, Inc.

Roxane Cole
Roxane Cole Commercial Real Estate

Corson Ellis
Keeware Technologies

Fred Forsley
Shipyards Brewery

Brenda Garrand
Garrand Marketing

Gary Goodrich
BioProcessing, Inc.

Andy Graham
Portland Color & Creative Portland

Joseph Gray
City of Portland

Chip Harris
Kilbride & Harris Insurance

Gerard Kiladjiian
Portland Harbor Hotel

Gary Koocher
Applicator Sales & Services

Jack Lufkin
Gorham Savings Bank & Portland Community Chamber

Gregory Mitchell
City of Portland

Paul Peck
Drummond & Drummond

Brian Petrovek
Portland Pirates & Portland's Downtown District

Charles Poole
Proprietors of Union Wharf

Nathan Smith
Bernstein Shur

Paul Stevens
SMRT

Support

Greg Mitchell and Nelle Hanig
City of Portland Economic Development Division

Alex Jaegerman
City of Portland Planning Department

Jack Lufkin
Portland Community Chamber

Jim Damicis
Project Consultant, Camoin Associates

Jeff Breece
Project Consultant, Camoin Associates

Jennifer S. Muller
Graphic Designer

Andy Graham
Portland Color

Laurie Banks
Perry & Banks

APPENDIX B: LISTING OF PAST REPORTS REVIEWED

"Knowledge in Cities" by Todd Gabe, University of Maine, et al, September 2010 - Portland has a "thinking" economy.

Memorandum from the Metro Coalition Subcommittee regarding the Greater Portland Economic Development Corporation Formation - June 22, 2010

MIT Master's Class in Economic Development Planning
Spring 2010 Report Portland in Focus - a Demographic/
Economic Profile

Portland's Downtown District (PDD) Strategic Plan -
March 2010 (Portland's Downtown District)

Portland's Economic Scorecard 2010 (Portland Community
Chamber in partnership with Portland Regional Chamber)

Development of a Regional Economic Development
Organization for the Greater Portland Region - October
2009 (PolicyOne Research, Inc.)

Creative Economy Steering Committee - Report of
Recommendations to the Portland City Council -
October 2008

Looking Out for Portland and the Region 2007
(Portland Community Chamber)

Portland's Creative Economy Summit Report -
May 31, 2006 (City of Portland)

A New Vision for Bayside, Book One: The Plan -
April 2000 (City of Portland)

A New Vision for Bayside, Book Two: Implementation -
April 2000 (City of Portland)

A Plan for Portland's Arts District - Executive Summary
Prepared by the City of Portland Planning Division January
1996 (from the November 1995 Report just below)

A Plan for Portland's Arts District - November 1995 (Herbert
Sprouse Consulting and The Wolf Organization, Inc.)

Downtown Vision - March 11, 1991 (City of Portland)
Vision 2000 - A Vision for the Future of the Greater Portland
Region, c1989.

City of Portland's Comprehensive Plan

APPENDIX C: OUTREACH MEETINGS + PRESENTATIONS COMPLETED

MIT Graduate Class stakeholder meetings and business interviews held during January to April 2010.

December 1, 2010 Creative Portland Corporation Board meeting – Reviewed the Draft Creative Economy Section.

January 20, 2011 Downtown Portland Corporation Board public meeting – Reviewed January 10, 2011 Draft Portland Economic Development Plan for input.

January 26, 2011 Community Development Committee public meeting – Reviewed January 10, 2011 Draft Portland Economic Development Plan for input.

February 9, 2011 Creative Portland Corporation Board public meeting – Reviewed February 8, 2011 Draft Portland Economic Development Plan for input with emphasis on the Creative Economy Chapter.

March 8, 2011 Portland Business Advisory Council meeting – Reviewed February 14, 2011 Draft Portland Economic Development Plan for input.

March 10, 2011 Portland Mayor's Local Cable TV Call-in Program – Greg Mitchell, Jack Lufkin and Andy Graham were interviewed by Portland Mayor Mavodones to discuss the Draft Portland Economic Development Plan.

APPENDIX D: DESCRIPTION OF ECONOMIC DEVELOPMENT PLAN COMPONENTS

Guiding Principles + Vision Statements

These are high level statements designed to guide policy, ordinances, and activity, by the City and stakeholders. They represent what Portland stands for and wants to achieve and/or become over the long term.

Goal Statements

These are primary economic development goals to be achieved over the next three years and beyond – They provide more detail for the vision statements. Multiple goals should be identified for each vision/principle and address specific subject areas such as: planning & development process, regional cooperation, targeted industries, infrastructure, and quality of place.

Implementation Strategies

These are specific tactics that will be undertaken to achieve goals, including who has primary responsibility, timeframe, estimated costs, and how progress will be evaluated.

Economic Development Plan Components



PORTLAND, MAINE ECONOMIC DEVELOPMENT PLAN 2011 + 2012 WORK PLAN

The 2011 + 2012 WORK PLAN is the document which will guide the economic development activities to be undertaken over the next twelve to eighteen months. The full list of strategies and goals can be found in the ECONOMIC DEVELOPMENT VISION + PLAN for Portland Maine, August 2012. The WORK PLAN is intended to be revised annually as goals are accomplished and new priorities arise. The ECONOMIC DEVELOPMENT VISION + PLAN provides a shared vision for guiding Portland's future economic prosperity. It was prepared under the direction of the Portland Economic Development Task Force, and lead partners involved with its creation include the City of Portland Economic Development Office, Portland Community Chamber, Portland's Downtown District, Downtown Portland Corporation, Creative Portland Corporation, Convention and Visitors Bureau, and others. The Portland Economic Development Task Force will oversee the WORK PLAN activities; and annual measurement of progress towards the ECONOMIC DEVELOPMENT VISION + PLAN will be accomplished through the Portland Community Chamber's annual Portland's Economic Scorecard. For more information regarding the WORK PLAN, the ECONOMIC DEVELOPMENT VISION + PLAN, or Portland's Economic Scorecard, please contact the City of Portland Economic Development Office or the Portland Community Chamber.

GROW THE ECONOMY

Principle and Vision Statement: The City is committed to creating economic prosperity through growing its tax and employment base.

Goals:

1. Understand the needs and concerns of existing business to support their retention and expansion.
2. Support industry sectors that are innovative and have high job growth, high value potential to provide future economic development opportunities.
3. Coordinate business and higher education needs to support regional workforce development.

Activities:

Business Visitation Program Development

Industry Sector Research

Workforce Education Advocacy +
Coordination

Budget/Resources:

\$8,000 direct expenses and in-kind.

\$15,000-20,000 for consultant and in-kind.

In-kind

Responsibilities:

City + Chamber

City + Chamber

City + Chamber

Timeline/Measurement:

Design and complete program by Nov., 2012

Form working groups, select industry sector focus and complete research by Dec., 2012.

Work through the Greater Portland Economic Development Corporation.

PORTLAND, MAINE ECONOMIC DEVELOPMENT PLAN 2011 + 2012 WORK PLAN

ENRICH THE CREATIVE ECONOMY

Principle and Vision Statement: Value innovation, entrepreneurship, creativity, arts, culture, and entertainment to improve the economy and enhance Portland's uniqueness and diversity.

Goals:

1. Increase collaboration, coordination, and communication among those involved in the arts, culture, creative and innovative sectors.
2. Market Portland and increase recognition nationally and internationally that Portland is a City where the arts, culture, entertainment, innovation and creativity thrive.
3. Create incentives to establish and grow Portland's creative enterprises.

Activities:

Creative economy education

Budget/Resources:

Annual TIF funding

Responsibilities:

Creative Portland

Timeline/Measurement:

On-going

Develop Portland Marketing + Branding Program

\$25,000

CP, City, PDD, Chamber and CVB

Convene meeting and complete by Dec., 2012.

Create incentives to retain and attract artists and entrepreneurs.

In-kind

CP, City and Chamber

Complete program evaluation and propose action by Jan., 2012.

SUPPORT BUSINESS

Principle and Vision Statement: Portland will be recognized as a city where the business community is valued and nurtured through support services which are relevant, helpful, welcoming, and delivered in a timely manner with superior "customer service". The City will continue to strive towards a more simplified and streamlined process of interacting with all current and future businesses of Portland.

Goals:

1. Interactions with City departments, agencies and staff will be handled with accuracy, timeliness and a positive customer service attitude.
2. The Department Review process will be clear, consistent, predictable and timely.

Activities:

"Update Doing Business Guide", maintain business assistance services, improve use of web/social media and commit to customer service" training.

Budget/Resources:

Annual appropriations

Responsibilities:

City ED Staff

Timeline/Measurement:

Update Guide by Winter 2012.
Remainder activities are on-going.

Review 2010 Site Plan Standards effectiveness

In-kind

City + Chamber

Chamber and City staff to meet annually.

PORTLAND, MAINE ECONOMIC DEVELOPMENT PLAN
2014 & 2015 WORK PLAN

GROW THE ECONOMY

Principle and Vision Statement: *The City is committed to creating economic prosperity through growing its tax and employment base.*

- Goals:**
1. Understand the needs and concerns of existing business to support their retention and expansion.
 2. Support industry sectors that are innovative and have high job growth, high value potential to provide future economic development opportunities.
 3. Coordinate business, higher education, and research and development needs to support regional workforce development.

<u>Activities</u>	<u>Responsibility/Lead Org. First *</u>	<u>Status/Details</u>
Business Retention and Attraction		
- Business Visitation Program	City, Chamber, GPEDC	Ongoing/Retention, wkforce dev. & expansion, grow global exports, incl. food sector
- Growing Portland Initiative	GP, City, Chamber, CP, GPEDC	Ongoing/"Research Triangle" rollout & sector work groups deployment
- Industry Sector Research	Chamber, GP, City, GPEDC	Ongoing/Growth Strategy for specific industries in Portland Region
- Portland Technology Park	City, Chamber, GPEDC	Ongoing/Market park to businesses and plan for future phase
- PDC Commercial Loan and Grant Programs	City, PDC	Ongoing/Assistance to new and growing businesses
- Minority and Women-Owned Business Development	City, Chamber, CEI, and USSBA	Proposed /Inventory businesses, clarify growth challenges, incl. creative eco.; business forums incl workforce dev/industry-sector partnership opportunities; promote current financial and business development offerings; provide managerial, technical, and business consulting assistance; create connections to entrepreneurial and vocational training.
Workforce Development		
- Overcoming Barriers to Employment: Develop strategies, programs, and services to support workforce entry	GP, CVB, Chamber, City, PAEd	Proposed /Convene working groups to coordinate specific strategies.
- Utilize CDBG resources for workforce development	City, Chamber	Implement new CDBG program
Tourism		
- Raise Tourism Awareness	CVB, City, PDD, ME Office of Tourism	Proposed /Jetport; Cruise Portland, ME; cultural heritage; global mkts
-Create a cultural heritage tourism initiative	CVB, City, ME Office of Tourism	Proposed /Inventory and market cultural heritage projects, sites, and educational programs; identify cultural heritage tourism projects ready for marketing; include the cultural history of Portland on City website with links to CVB/tourism opportunities.
- Summit on Convention Center and Funding Sources	CVB, Civic Ctr., City, Hospitality Ind., Chamber	Proposed /
- Collaboration on People and Business Relocation Package(s)	CVB, Chamber, CP, City	Proposed /To assist businesses and individuals moving to Portland
Public Infrastructure/Transportation		
- Re-Establish Ferry Between Portland & Yarmouth, NS	City, State, MITC	Ongoing
- Extend Rail to Support Eimskip & Growth of Int'l Cargo Shipping	ME Port Authority, MEDOT, City	Ongoing/Strengthen partnership with Eimskip; State Bond Issue support
- Intermodal Planning and Infrastructure at Thompson's Point	MEDOT, EDA, City	Ongoing/State Bond Issue support
- Harbor Dredging	City, MEDOT, Wharf Owners	Ongoing/State Bond Issue support
- Establish a TIF strategy for transportation and downtown public infrastructure	City	Proposed /Discuss establishment of a downtown transportation oriented TIF district.
Metrics		
- Portland's Economic Scorecard	Chamber, City, CP, PDD, CVB	Ongoing/Enhance Integration with ED Plan

* Lead organization has primary responsibility for resources and implementation.

ENRICH THE CREATIVE ECONOMY

Principle and Vision Statement: Value innovation, entrepreneurship, creativity, arts, culture, and entertainment to improve the economy and enhance Portland's uniqueness and diversity.

Goals:

1. Increase collaboration, coordination, and communication among those involved in the arts, culture, creative and innovative sectors.
2. Market Portland and increase recognition nationally and internationally that Portland is a City where the arts, culture, entertainment, innovation and creativity thrive.
3. Create incentives to establish and grow Portland's creative enterprises.

<u>Activities</u>	<u>Responsibility/Lead Org. First *</u>	<u>Status/Details</u>
Portland Marketing & Branding Program: Advance Implementation	CP, City, Chamber, PDD, CVB, WAC	Ongoing/Increase nat'l & int'l recognition of Portland, ME
Refine Recruitment Strategies & Programs for Creative Entrepreneurs	CP, City, Chamber	Ongoing/
Creative Space Development	CP	Ongoing/Inventory, database, additional space dev.

SUPPORT BUSINESS

Principle and Vision Statement: Portland will be recognized as a city where the business community is valued and nurtured through support services which are relevant, helpful, welcoming, and delivered in a timely manner with superior "customer service". The City will continue to strive towards a more simplified and streamlined process of interacting with all current and future businesses of Portland.

Goals:

1. Interactions with City departments, agencies and staff will be handled with accuracy, timeliness and a positive customer service attitude.
2. The Department Review process will be clear, consistent, predictable and timely.

<u>Activities</u>	<u>Responsibility/Lead Org. First *</u>	<u>Status/Details</u>
Update City Website as Customer Service Portal.	City	Ongoing/December 2014
Review 2010 Site Plan Standards Effectiveness	City & Chamber	Ongoing/Chamber and City staff meet annually
Streamlining Permitting	City	Ongoing

* Lead organization has primary responsibility for resources and implementation.

Acronym Definitions:
CDBG = Community Development Block Grant
CP = Creative Portland
CVB = Convention and Visitors Bureau
EDA = U.S. Department of Commerce/Economic Development Admin.
GP = Growing Portland
GPEDC = Greater Portland Economic Development Corporation
MEDOT = Maine Department of Transportation
MITC = Maine International Trade Center
PAEd = Portland Adult Ed.
PDC = Portland Development Corporation
PDD = Portland's Downtown District
SMCC = Southern Maine Community College
USM = University of Southern Maine
USSBA = U.S. Small Business Administration
WAC = World Affairs Council

PORTLAND, MAINE ECONOMIC DEVELOPMENT PLAN
2016 & 2017 WORK PLAN

GROW THE ECONOMY

Principle and Vision Statement: *The City is committed to creating economic prosperity through growing its tax and employment base.*

- Goals:**
- > Support industry sectors that are innovative and have high job growth, high value potential to provide future economic development opportunities.
 - > Coordinate business, higher education, and research and development needs to support regional workforce development.
 - > Recognize that infrastructure - be it roads, sewer, water, energy, communication networks or transportation - is the underpinning of economic growth and development. It must be maintained and improved to support the goals and strategies contained in this plan.

<u>ACTIONS</u>	<u>Responsibility/Lead Organization Listed First*</u>	<u>STATUS/DETAILS</u>
Business Recruitment		
Planning for Arctic Council Forum in October	MITC, City, CP, CVB, Chamber, PD	Ongoing
Industry Sector Research	Chamber, City, GPEDC, MITC	Proposed/TBD
Invest in Maine International Business Recruitment Program	GPEDC, City and Partners (Scarborough, Westbrook, South Portland, Falmouth, Cape Eliz.)	Ongoing/Focused on biosciences, food sector manuf. and advanced manuf
Market Portland Technology Park	City	Ongoing/Marketing and planning for future phase
Educate Community on Case for Growth of Portland	Chamber, PD, CP, CVB, City	Ongoing
Workforce Development and Talent Attraction		
Evaluate Development of Office for New Americans	City	Ongoing/Research into facilitating existing and new programs/services
Overcome Barriers to Employment with Strategies, Programs, and Services	Chamber, City	Ongoing/
Utilize CDBG Resources for Workforce Development	City	Ongoing/Jobs for immigrants, low income individuals, single head of hshd., homeless
Administer Business Assistance Program for Job Creation	City, PDC	Ongoing/Business grants for creation of jobs for low/mod income Portlanders
Talent Attraction	CP, Chamber, Business Community	Ongoing
Tourism		
Develop Tourism Awareness Campaign Directed to Citizens, Students and Area Businesses	CVB	Proposed
Support Tourism Education Programs at Colleges and Universities	CVB, Chamber, City, PD, CP, USM, SMCC	Ongoing
Pursue Development of Convention Center	CVB, Chamber	Proposed
Metric: Survey of Visitor Experience	CVB	Proposed
Public Infrastructure		
Expand Portland Transportation Center	City, MDOT	Proposed
Enhance Service at Portland Jetport	City	Ongoing/Maintain and improve passenger service
Facilitate Broadband Access	City, Chamber	Proposed
Support Cold Storage Distribution Facility at International Marine Terminal	MPA, City	Ongoing/Americold, the company that will build the facility, is in the design phase
Support Harbor Dredging Eastern Waterfront	City, Harbor Commission, MDOT	Ongoing/Assessment Study and Design/Permitting
> Increase Usage of Portland Ocean Terminal/Maine State Pier	City, CBITD	Proposed/Reconfigure waterfront property located between Ocean Gateway & Pier
> Redevelop Amethyst Lot With Open Space Development	City, MDOT, Portland Trails, Sail Maine	Proposed
> Plan and Construct Thames St. Extension and new Fore St. Connector	City, Private Property Owners	Ongoing/Preliminary Design Underway
> Maintain and Improve Ocean Gateway for Cruise Ship and NS Ferry Srvc.	City	Ongoing/
Improve Public Parking Downtown	PD, City	Proposed
Strengthen Public Transit Downtown	PD, City, METRO	Proposed
Metric: Portland Economic Scorecard	Chamber, City, CP, CVB, PD	Ongoing/Enhance Presentation/Layout

ENRICH THE CREATIVE ECONOMY

Principle and Vision Statement: Value innovation, entrepreneurship, creativity, arts, culture, and entertainment to improve the economy and enhance Portland's uniqueness and diversity.

- Goals:**
 > Market Portland and increase recognition nationally and internationally that Portland is a City where the arts, culture, entertainment, innovation and creativity thrive.
 > Support individuals, workers and businesses that are innovative, creative and entrepreneurial as a means of growing and diversifying the local economy.

ACTIONS	Responsibility/Lead Organization Listed First *	Status/Details
Promote Portland's Brand - Portland, Maine: Yes. Life's Good Here	CP, City, Chamber, PD, CVB	Ongoing/Increase nat'l & int'l recognition of Portland, ME
Update City's Cultural Plan	CP, CVB, DP	Proposed
Develop People and Business Relocation Package(s)	CP, CVB, Chamber, City	Proposed/To assist businesses and individuals moving to Portland
Metric: Remote Worker Survey	CP	Ongoing
Metric: Survey of Economic Impact of the Arts	CP	Ongoing

SUPPORT BUSINESS

Principle and Vision Statement: Portland will be recognized as a city where the business community is valued and nurtured through support services which are relevant, helpful, welcoming, and delivered in a timely manner with superior "customer service". The City will continue to strive towards a more simplified and streamlined process of interacting with all current and future businesses of Portland.

- Goals:**
 > Interactions with City departments, agencies and staff will be handled with accuracy, timeliness and a positive customer service attitude.
 > The business community, in partnership with the City, will nurture the growth and prosperity of Portland businesses.

ACTIONS	Responsibility/Lead Organization Listed First *	Status/Details
Business Permitting		
Streamline Permitting Process and Strengthen Customer Service	City	Ongoing/Creation of new department for licensing and permitting.
Business Retention		
Sector Specific Business Visitation Program	City, Chamber, GPEDC	Ongoing/Workforce development & export growth for biotech, food sector manufacturing
Launch Round Three of Façade Improvement Program	City, Chamber	Proposed/Targeting Washington Ave. and St. John Street
Metric: Measure Success of Business Visitation Program	City, Chamber	Proposed

* Lead organization has primary responsibility for resources and implementation.

Acronym Definitions:
CBITD = Casco Bay Island Transit District
CDBG = Community Development Block Grant
CP = Creative Portland
CVB = Convention and Visitors Bureau
GPEDC = Greater Portland Economic Development Corporation
MDOT = Maine Department of Transportation
METRO = Greater Portland Transit District
MITC = Maine International Trade Center
MPA = Maine Port Authority
PDC = Portland Development Corporation
PD = Portland Downtown
SMCC = Southern Maine Community College
USM = University of Southern Maine

DRAFT
Portland City Council
Goal Setting Workshop
Date TBD

Purpose:

- Align on goals for 2018

Desired outcomes:

- Clarity on Committee goals
- Agreement on benchmarks for success

Agenda

5:00	Welcome and overview Purpose and structure Suggested meeting guidelines and considerations Check-in: Expectations – hopes and concerns for the session	Mayor Strimling Facilitator Wishcamper
5:20	Review Committee Goals <ul style="list-style-type: none">▪ Each Chair highlights the top goals identified by the Committee▪ Questions for clarification▪ Feedback and suggestions for possible amendments to the proposed committee goals▪ Agreement on Council endorsed committee priorities	
6:30	Break for supper	
7:00	Articulate what success looks like over the coming years, 2018-2023 Identify overarching themes for the Council to work toward Ensure Committee goals are aligned with the Council's overall intended outcomes	
9:30	Outline next steps for moving forward with Committee goals and Council priorities	
9:45	Evaluate and wrap up session	
10:00	Adjourn	

Suggested Meeting Guidelines:

- *Hear all voices*
- *Listen to understand all points of view*
- *Respect differences*
- *Ask questions to clarify*
- *Check out assumptions*
- *Honor each other: Avoid interrupting and having side conversations*
- *Follow time frames: Be brief and focused*
- *Participate fully*

Considerations:

- *Be mindful of staff resources*
- *Focus on higher-level policy view*
- *Balance being strategic and specific with capacity to stay nimble and adaptive to arising issues*

*Com 17-17/18
Tab 12 3-5-18*

Portland, Maine



Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

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

FROM: Gregory A. Mitchell, Economic Development Director

DATE: February 21, 2018

SUBJECT: Communication Agenda Item -
FYE2017 Tax Increment Financing Annual Report

SPONSOR: **Councilor Costa, Chair of the Economic Development Committee; meeting held on February 20, 2018, and the vote was unanimous (3-0).**

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading and Final Action: March 5, 2018

Can action be taken at a later date: Yes

PRESENTATION: Greg Mitchell/5 Minutes

I. ONE SENTENCE SUMMARY

As part of the Council's TIF Policy, an Annual Report is to be provided to the City Council.

II. AGENDA DESCRIPTION AND BACKGROUND

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the FYE2017 TIF District Annual Report to the City Council as a communication.

City Tax Increment Financing (TIF) Policy requires the preparation and presentation of an annual TIF district activity report. The FYE2017 TIF Annual Report represents the fifth year of reporting.

Highlights of this year's Report notes City Council TIF actions during FY2017. This includes:

- Approval of the ImmuCell TIF District for a term of 12 years in support of its expansion at 45 Evergreen Drive to construct a two-story, 12,625 sq. ft. production facility for its Mast Out drug development for treatment of mastitis in lactating dairy cows;

- referring possible TIF Policy amendments to the Economic Development Committee for review and recommendation back to the Council (post FYE2017 – the City Council approved the amended TIF Policy at its November 20, 2017 meeting, which Amended TIF Policy is an attachment to the FYE2017 Report); and,
- authorizing the assignment of the McAuley Place TIF District CEA from McAuley Place at Baxter Woods to Retirement Community, Inc., to Sea Coast at Baxter Woods Associates, Inc. and Motherhouse Associates, LP.

The Report also has a table showing the past five-year trend, as well as an Appendix which lists all the current TIFs and the activity numbers associated with them.

III. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The FYE2017 TIF Annual Report is being submitted to the City Council as a communication item.

IV. FINANCIAL IMPACT

There is no financial impact with this communication item.

V. STAFF ANALYSIS

Staff recommends the City Council accept the FYE2017 TIF Annual Report as a communication.

VI. RECOMMENDATION

The Economic Development Committee reviewed the FYE2017 TIF Annual Report at its February 20, 2018 meeting and voted unanimously (3-0) to forward the Report to the City Council as a communication.

Attachment:

- FYE2017 TIF Annual Report

Portland, Maine



Yes. Life's good here.

Tax Increment Financing

Fiscal Year End (FYE) 2017 Annual Report
(July 1, 2016 through June 30, 2017)

Prepared by the Economic Development Department

(Report prepared 2/2018)

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1. Introduction

On February 4, 2013, the City Council adopted revised City Tax Increment Financing (TIF) Policy (Item A in Appendix) in support of investment in municipal economic development programs and infrastructure investment. Revised City Policy favors area-wide TIF Districts to support investment in public infrastructure and economic development programs versus individual site TIF Districts for private project financing needs.

City TIF Policy requires an annual report, to the City Council Committee and full City Council, regarding TIF District activity. This Report provides an overview of the TIF District Program, Portland's utilization of TIF Districts to date, and TIF District financial value impacts.

NOTE: Pursuant to City Council Order 61 passed September 19, 2016, the City Council referred to the Economic Development Committee (EDC) consideration of amendments to the current TIF policy, including, but not limited to provisions for:

- A. Local Hire;
- B. Ethnic and Gender Diversity;
- C. Economically Disadvantaged Participation;
- D. Veteran Preference;
- E. Adherence to State or Federal Prevailing Wages; and,
- F. Participation in a Job Training or Apprenticeship Program.

The Order further requested the EDC report their findings and recommendation on amending the current TIF Policy to the City Council.

The EDC began its review for possible amendments to the current TIF policy April 2017. By the end of FY2017 (June 30, 2017), that review was ongoing, with expectations to bring its recommendations to the City Council in November 2017. (Post FYE2017 Note: The City Council approved the amended TIF Policy on November 20, 2017, and this is included as Appendix A of this Report.)

2. Definitions

Commonly used terms, included in this Report, include:

“Captured Assessed Value” means increased assessed value retained in a TIF District each year during its term.

“Credit Enhancement Agreement (CEA)” means the agreement between the City and the site specific TIF District Developer whereby it includes the terms under which the City will provide a portion of the Retained Tax Increment Revenue back to the Developer.

“Current Assessed Value” means the then current assessed value of the property located in the TIF District to be determined by the City Assessor as of April 1 of each year during the term of the District.

“**District**” means that portion of property depicted on a map to apply to the TIF.

“**Increased Assessed Value (IAV)**” means the valuation amount by which the Current Assessed Value exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the OAV, there is no Increased Assessed Value in that year.

“**Infrastructure**” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements, and placing above ground overhead electric and telecommunications lines underground.

“**Non-Captured Value (NCV)**” means the value over and above the OAV (defined below) that is not captured by TIF percentage capture rates, with associated taxes from NCV returned to the General Fund.

“**Original Assessed Value (OAV)**” means the assessed value of the property in the TIF District as of March 31 of the year that it was created. For instance, if a TIF District was approved as of the date of this report, or November 2017, the OAV would be the assessed value of the property on March 31, 2017. All taxes from the OAV go into the City’s General Fund for any City use.

“**Property Taxes**” means any and all ad valorem property taxes levied, charged or assessed against the property by the City or on its behalf and actually paid to the City, but excluding any county, state, or special District taxes that are separately levied, charged, or assessed against the property.

“**Retained Tax Increment Revenues**” means that portion of the Property Taxes paid with respect to the Captured Assessed Value.

“**Tax Year**” means April 1 to March 31.

3. **Tax Increment Financing Overview and Value**

Tax Increment Financing (TIF) is the most flexible economic development program available to municipalities. TIFs support municipal investment, as well as can be associated with private sector or affordable housing investment. TIFs are flexible municipal financing tools to fund the following types of activities to support public and private sector investment:

- public infrastructure projects;
- economic development programs, including municipal marketing and staff; and,
- support of individual private commercial and affordable housing project financing needs.

The two property tax components associated with TIF Districts include:

- A. **New Property Taxes.** TIF revenue is generated from new increased municipal assessed value and associated new property taxes. TIFs can be established for up to thirty (30)

years and new or “captured assessed value” in the TIF District can range from 1% to 100% of the amount of new property taxes.

- B. ***Original Assessed Property Value (OAV)***. The taxes from property base or “Original Assessed Value” reverts to the municipal general fund and is not captured in a TIF District.
- C. ***Flow of TIF CEA Funds***: The flow of taxes to return to the developer through a CEA is as follows.
 - i. The City sends its yearly tax bills for payments due in September and March of each fiscal year;
 - ii. Developer pays the taxes;
 - iii. In April and May of each year, for each CEA, a check is made to be sure the Developer’s taxes are current. If current, the Economic Development Department proceeds to process that fiscal year TIF payment to return a portion of the taxes to the developer according to the CEA. If not current, the Economic Development Department will not move forward with the payment until current.

4. **TIF District Approval Process**

There is a three step process to approve establishment of a TIF District. The three steps include:

- A. Economic Development Committee recommendation for approval to the City Council for commercial TIFs, or Housing Committee for affordable housing TIFs;
- B. City Council approval; and,
- C. State of Maine Department of Economic Development Department approval for commercial TIF districts or Maine State Housing Authority approval for affordable housing TIF Districts.

5. **City Council Actions During FY2017**

City Council actions taken during FY2017 include:

- A. On September 19, 2016, the City Council reviewed and approved a TIF and CEA for ImmuCell for a term of 12 years, and percentage capture back to ImmuCell as 65% years 1 through 11, and 30% year 12; the NCV goes into the City’s General Fund, as does the taxes from the OAV. This TIF and CEA supported ImmuCell’s expansion near its 45 Evergreen Drive facility to construct a two-story, 12,625 sq. ft. production facility for its **Mast Out** drug development for treatment of mastitis in lactating dairy cows.

- B. As noted earlier in Section I, Introduction, at the same September 19, 2016, meeting the Council referred possible TIF Policy amendments to its Economic Development Committee. That review remained on going as of FYE2017, with expectations of a recommendation to the City Council in November 2017. (Post FYE2017 Note: The City Council approved the amended TIF Policy on November 20, 2017, and this is included as Appendix A of this Report.)
- C. On November 21, 2016, the City Council authorized the assignment of the McAuley Place TIF District CEA from McAuley Place at Baxter Woods Retirement Community, Inc., to Sea Coast at Baxter Woods Associates, Inc. and Motherhouse Associates, LP.

6. Statutory Limits for TIF Districts

There are two State statutory limitations which include:

- A. **Acres:** No single TIF District, including Affordable Housing Districts, can be larger than 2% of a municipality's total acreage, or in the case of Portland, 2% of Portland's 12,386 acres is 247 acres. Also, all active TIF Districts have to be less than 5% of a municipality's total acreage, or in the case of Portland, 5% is 619 acres. Based upon active TIF Districts, including Affordable Housing TIF Districts, as of FYE2017, Portland has the ability to include 470 additional acres in TIF Districts.
- B. **Value:**
 - i. **Commercial/Area Wide TIF Districts:** The OAV of all these TIF Districts in a municipality cannot be more than 5% of its total aggregate value (FY17 aggregate value: \$8,501,550,000, or in the case of Portland, 5% is \$425,077,500. Based upon active TIF Districts as of FYE2017, Portland has the ability to include an additional \$291.7 Million of property value in TIF Districts.
 - ii. **Affordable Housing TIF Districts:** The OAV of all Affordable Housing TIF Districts cannot be more than 5% of the total aggregate value (FY17 aggregate value: \$8,501,550,000), or in the case of Portland, 5% is \$425,077,500. Based upon active Affordable Housing Districts as of FYE2017, Portland has the ability to include an additional \$423.5 Million of property value in Affordable Housing TIF Districts.

It is noted that the amount of acreage and value to include in TIF Districts fluctuates as TIF districts are created, expired, and/or terminated.

There are exemptions from State limitations for Transit Oriented Development (TOD) and Downtown TIF Districts, for which Portland now has two: Thompson's Point TOD TIF, and the Downtown TOD and Omnibus TIF, the latter created in FY15 and activated in FY16.

7. Tax Sheltering Benefits

Municipalities realize “savings” from the tax sheltering effect of TIF Districts. The following direct financial impacts occur when municipal valuation increases:

- A. State Education Aid is reduced,
- B. State Municipal Revenue Sharing is reduced, and
- C. A municipality pays a higher percentage of the County budget.

This amount of “savings” is significant and one of the most important benefits of establishing TIF Districts.

For Portland, tax shelter savings is conservatively estimated at 30%, meaning that for every new tax dollar, Portland saves 30 cents which would otherwise be lost for property tax value not included in a TIF district. Portland’s estimated total tax shelter savings for all active TIF Districts is just over \$829,000 for FYE2017.

8. TIF Districts in Portland

A listing of all approved TIF Districts is provided as Item B in the Report Appendix. This listing includes four expired TIF Districts – Auto Europe, Shipyard Brewery, Nichols Portland, and UNUM. This listing also includes two TIF Districts which were terminated by the City Council during FY15 – those being the Village at Oceangate (Bay House), and the Fore India Middle LLC TIF District.

It is noted that after expiration and termination of the above TIF Districts, 100% of their property tax revenue reverts to the City’s General Fund.

Also, this listing provides the following information for each TIF District:

- A. TIF District duration;
- B. percentages of taxes allocated to the Recipient/Developer, City, and General Fund;
- C. TIF District location; and
- D. brief description.

Item C in the Appendix provides a map showing the location for each active TIF District.

A listing of approved active individual site specific TIF Districts, area-wide TIF Districts, Downtown TOD TIF, Thompson’s Point TOD TIF, non-active TIF Districts, and terminated TIF Districts by name are provided below.

Active Approved Individual Site Specific TIF Districts

As of FYE2017, the City has eight, single site active TIF Districts with associated CEAs, namely:

- Holt Hall
- Riverwalk/Ocean Gateway
- PowerPay/Portland Public Market
- Baxter Library
- Avesta/Pearl Place Affordable Housing TIF
- 409 Cumberland Avenue Affordable Housing TIF
- 134 Washington Avenue Affordable Housing TIF
- 17 Carleton Street Affordable Housing TIF

Active Approved Area Wide TIF Districts and Associated CEAs

The City has two active area wide TIF Districts, for which the City retains a portion of the TIF funds for public infrastructure projects, with a portion of the TIF funds targeted to CEAs within those Districts, namely:

- Bayside
 - Capital LLC CEA
 - Bayside Student Housing CEA
- Waterfront (Appendix D and E)
 - Waterfront Maine CEA

Approved Downtown and/or Transit-Oriented Development (TOD) TIF Districts

- Downtown TOD TIF

The City retains a portion of the TIF funds for public infrastructure, Creative Portland, and transit projects for the Downtown TOD TIF. This Downtown TOD TIF was approved during FY2015 and was activated with FY2016. There is no CEA associated with it at this time.

- Thompson’s Point TOD TIF and CEA

For the Thompson’s Point TOD TIF, the City retains a portion of TIF Funds for transit projects. This TOD TIF also has an associated CEA with Thompson’s Point Development Company, Inc. for development of Thompson’s Point, which is not yet active. Activation of this TIF CEA will occur when the Increased Assessed Value is at least \$5 Million.

Non-Active Approved TIF District

In FY09, the City Council approved the McAuley Place TIF District, which has been non-active until this fiscal year 2017. As noted previously, on November 21, 2016, the Council approved the assignment of this TIF. It is expected that this TIF will be active within the next year or two as development plans proceed for a senior housing project.

Terminated TIF Districts

The City Council has terminated two TIF Districts, namely:

- Fore India Middle LLC – This TIF project had not come to fruition and, therefore, was terminated by the City Council in November 2014; and,
- The Village at Oceangate, LLC (Bay House) – This TIF District was also terminated by the City Council in November 2014 due to this District’s use being converted into residential condominiums which is not an allowable TIF District use.

9. TIF District Financial Overview for FYE2017, including FY2013, FY2014, FY15, and FY16:

See below for financial comparison of FYE2017, FYE2016, FYE2015, FYE2014, and FY2013 for then active TIF Districts:

	FYE2013	FYE2014	FYE2015	FYE2016	FYE2017
City General Fund-Taxes from OAV	\$5.8 Million	\$6.1 Million	\$6.3 Million	\$22.8 Million	\$23.38 Million
City General Fund-Taxes from Non-Captured Value	\$1.1 Million	\$341,000	\$720,000	\$2.4 Million	\$2.2 Million
Total TIF Taxes From Captured Value	\$2.7 Million	\$3.5 Million	\$3.2 Million	\$1.8 Million	\$2.09 Million
- TIF Taxes to CEAs	\$1.9 Million	\$2.0 Million	\$2.0 Million	\$1 Million	\$1.08 Million
- TIF Taxes to Public Infrastructure/Arts	\$.8 Million	\$1.5 Million	\$1.2 Million	\$.8 Million	\$1.01 Million
Total Tax Sheltering Value	\$143 Million	\$180 Million	\$160 Million	\$87 Million	\$99.6 Million
Estimated Annual Average Tax Sheltering Savings	\$1.3 Million	\$1.6 Million	\$1.3 Million	\$.7 Million	\$.831 Million

Table Explanations:

City General Fund-Taxes from OAV - The above table shows a yearly increase in taxes from the OAV into the General Fund. For FYE 2013 through FYE2015, this is based on increases in tax rates. FYE2016’s higher increase is due to the Downtown TOD TIF Activation, where the OAV is just under \$1 Billion, and associated taxes with that OAV at \$20 Million. As noted earlier in the definition section, all taxes from the OAVs go to the General Fund.

City General Fund-Taxes from Non-Captured Value – The number fluctuates based on each CEA, as well as the City’s budget needs for public infrastructure/Economic Development Department staff salaries/debt service. The captured value percentages for the area wide TIF

Districts - Bayside and Waterfront - are adjusted yearly based on those needs. The captured value percentage for the Downtown TOD TIF was set at 12% for the first year (FY2016) and then set at 22% for years 2 through 30. The decrease in this table for FYE2017 is due to capturing 22% from the Downtown TOD TIF and having the remaining non-captured 78% go into the General Fund. Non-captured increased assessed value taxes flow into the General Fund.

Total TIF Taxes From Captured Value – The percentage of captured value varies yearly based on CEAs and the City’s financial needs. This TIF Revenue is then allotted to the various CEAs, and then to the City public infrastructure projects/arts.

Total Tax Sheltering Value – This number represents the total percentage of the increased assessed of value (IAV) all TIF Districts that has been captured. This value increased from FYE2016 largely due to the to the increase of the capture rate for the Downtown TOD TIF form 12% in FY2016 to 22% in FY2017. It is also noted that the captured value percentage for area TIFs is adjusted yearly based on City use of TIF funds needed for public infrastructure projects, as well as debt service for payment of the Bayside HUD loan and for Ocean Gateway associated debt expenses.

Estimated Tax Sheltering Savings – This number increased by just over \$100K from FYE2016. This is due to the Downtown TOD TIF increased captured value from 12% in FY2016 to 22% in FY2017.

Appendix D is a spreadsheet showing the FYE 2016 TIF Districts funding allocation and individual CEA annual payments.

10. Examples of a Performing TIF and a Non-Performing TIF

Examples will be provided annually.

Performing TIF District: Nichols Portland (Expired FY14)

Duration: 20 year term (FY95 through FY14)

Percentages: Years 1 to 5, 90% to Recipient, 10% to City General Fund; years 6 to 10, 75% to Recipient, 25% to City General Fund; years 11 to 20, 50% to Recipient, 50% to City General Fund.

Location: 2400 Congress Street

An example of a performing TIF District would be the very first TIF District approved by the City Council and the Maine Department of Economic Development and Community Development, that being Nichols Portland at 2400 Congress Street. This TIF District was created to support Nichols Portland expansion of its existing manufacturing facility at 2400 Congress Street and to retain 450 jobs. At the time, Nichols had outlined a ten-year capital investment plan totaling \$29.7 Million and requested the 20-year TIF District to help facilitate the expansion.

Nichols Portland was established in 1968 manufacturing precision parts for the automotive industry. Its parent company at the time of the creation of this TIF District was Parker

Hannifin Corporation, which had 143 manufacturing facilities and 26,000 employees worldwide. Nichols Portland was competing with other subsidiaries of Parker Hannifin for capital investment funds. This TIF District helped to convince its parent company that the investment was worth making in the Portland facility.

Nichols Portland needed to add an additional 38,000 sq. ft., to its 160,000 sq. ft. at 2400 Congress Street for expanded manufacturing facilities, as well as enhanced shipping and receiving, automation, and upgrading equipment. New equipment purchases in the coming years were part of the financial picture, as the personal property value outweighed the real estate value and this continued throughout the life of the TIF District. See below chart for the Original Assessed Value (OAV) at the start of this TIF District, and the assessed values every 5 years throughout the TIF:

	Real Estate	Personal Property	Total Assessed Value (TAV)
OAV 4/1/1992	\$5,646,870	\$12,754,650	\$18,401,520
TAV 4/1/1998	\$7,394,490	\$15,364,860	\$22,759,620
TAV 4/1/2003	\$8,627,220	\$27,033,280	\$35,660,500
TAV 4/1/2008	\$7,427,030*	\$27,701,940	\$35,128,970
TAV 4/1/2013	\$6,824,930**	\$19,664,260	\$26,490,190

*Result of Revaluation

**Partial Abatement

As of the current FY2017, its assessed value for

Real Estate:	\$ 6,804,300
Personal Property:	\$20,161,340
TAV:	\$26,965,640

Regarding jobs, Nichols had an estimated 350 jobs in 2017.

Over the life of the TIF, TIF revenues to Nichols were \$2.8 Million, and the City's General Fund realized just under \$9.7 Million.

This TIF District provided economic stability in a local manufacturing business as it expanded, improved, and automated its business and continues to do so today.

Example of a Non-Performing TIF:

Fore India Middle, LLC (former Jordan's Meat Site) (Economic Development TIF)

Duration: 4 year term (FY14 through FY17)

Percentages: Years 1 and 2 – 50% to Developer, 10% to City TIF Project; 40% to City General Fund; Year 3 - 40% to Developer, 10% to City TIF Project; 50% to City General Fund; Year 4 – 40% to Developer, 60% to City General Fund. Total revenue to developer is capped at \$650,000 over the term of the District.

Location: Portion of block surrounded by Fore, India, and Middle Streets.

This TIF district was created to support the development of a portion of the former Jordan's Meats site. This development project included a five-story, approximately 180,000 sf. of mixed-use consisting of 12,300 sf. of retail space on Middle Street, 9,800 sf. of retail space on Fore Street, three levels of office space comprising 63,900 sf. on Middle Street, and 18 residential condominium units along Fore Street and India Street. In addition, there would be two "internal" parking garages behind the retail spaces (not visible from the street), one 110-space garage at the Fore Street level, and another 63-space garage one story above at the Middle Street Level. The Developer expected to have an urban grocery on Middle Street with a variety of produce, meats, food, and household items, with an emphasis on natural, organic and healthy items. The other retail users and the office users have not been identified yet. Use of TIF proceeds was directed to support public infrastructure investments.

This TIF was terminated by the City Council on November 3, 2014 due to the project not coming to fruition. TIF Districts perform when value is added over and above the OAV. If no development occurs, it is a non-performing TIF.

11. Strategies and Recommendations to Optimize use of TIF Districts

- ***Future public infrastructure investment.*** Align the City's future Capital Improvement Program investments, including utility and transportation investment; and,
- ***Future Growth Areas.*** Decide where the City wants to direct investment by location and type (i.e. commercial and affordable housing).

12. Summary

TIF CEAs are driven by development occurring and increasing the assessed value. With no development, the assessed value remains the same and no TIF dollars are returned to the developer. On the other hand, when the development moves forward and the assessed value increases, that is when TIF dollars can be returned to the Developer. It is performance based.

PORTLAND TIF POLICY

November 20, 2017

I. INTRODUCTION

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs – from infrastructure, municipal economic development programs and staff, to business expansions - by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.

Portland TIF Policy supports investment in municipal economic development programs, infrastructure investment (which is generally through the establishment of area wide or neighborhood TIF districts) and individual project site specific TIF districts to support either infrastructure or individual private project financing needs.

The City is committed to invest in infrastructure located within the public rights-of-way that encourage economic development. Use of TIF investment to invest in infrastructure recognizes the savings which occurs through the TIF Program tax sheltering benefits.

“Infrastructure” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements and placing above ground overhead electric and telecommunications lines underground.

II. STATE TIF LIMITATION

There are acreage and value caps limitations for municipalities to establish TIF along with term limits. Term limits include bonds which may be issued for a maximum of 20 years (anticipation notes for three years). TIF districts may be designated for a maximum of 30 years.

III. PURPOSE

The primary purposes of the TIF Policy include:

- A. To support Portland Economic Development and Housing Plans and Policies;
- B. To stimulate expansion of the City’s commercial and industrial tax base;
- C. To stimulate new affordable and market rate housing investment;
- D. To retain and create quality employment;
- E. To support Portland’s Capital Improvement Plan; and,
- F. To establish standards upon which the City Council will authorize TIF.

IV. GENERAL PRINCIPLES

The three primary general principles for the City Council to establish TIF districts include:

A. Investment

Minimum Real Property Investment. A minimum of \$1 million in new taxable investment property value for commercial and industrial development and \$500,000 for affordable housing development is needed to qualify for a TIF. This is the minimum amount which makes practical sense to consider use of the TIF program due to the amount of new municipal property tax revenue generated from new private investment.

B. Jobs Associated with Commercial and Industrial Development

Applicants for TIF participation will be required to provide a plan outlining the number and quality of jobs retained or created associated with each TIF district. While there is not a specific formula for the numbers of jobs associated with the amount of TIF financial assistance, the number and quality of the jobs will be taken into consideration for each TIF district. It is recognized that housing projects do not create many permanent jobs.

C. Maximize Tax Sheltering Benefits

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. In other words, specific municipal shelter benefits, for the term of the TIF, include:

- 1) No reduction in State aid for education,
- 2) No reduction in municipal revenue sharing and
- 3) No increase in County taxes.

Annually, the Council Committee with jurisdiction over housing and community development and City Council will evaluate available TIF district capacity related to State acreage and value limitations to determine whether existing TIF districts need amending and/or new TIF district establishment. Scheduled public infrastructure investments included in the City's Capital Improvement Plan will inform decisions about adjustments to existing TIF districts or establishment of new TIF districts.

V. APPROACH, POLICY, and TERM REQUIREMENTS

Must meet or exceed the below requirements.

A. Approach

There are three approaches to consider establishing TIF districts. They include:

- 1) ***Municipal Economic Development Programs funded directly through a pay-as-you-go approach.***

Examples of municipal economic development programs include paying for economic development staff, annual funding to Creative Portland for city marketing/branding, and other TIF law allowable activities.

- 2) ***Area wide TIF districts financed by City Bond/Debt Issuance***

Issuance of municipal general obligation bonds or limited obligation bonds is a mechanism that may be used to fund a TIF district program. Allowable uses are spelled out in state TIF law. Generally, municipalities will issue debt to cover the cost of infrastructure investment.

- 3) ***Individual Site Specific TIF districts utilizing Credit Enhancement Agreements (CEAs)***

A CEA is a contract between a municipality and developer to assist an individual development project by using a percentage or all of the tax revenue generated by the investment to pay certain authorized project costs which could include site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in state TIF law.

B. Policy for the Three Approaches

1. **Policy for Municipal Economic Development Programs.**

Requires annual review and City Council financial appropriations.

2. **Policy for Area wide TIF District Locations (for City Bond/Debt Issuance)**

- a) Area wide TIF will be established for infrastructure investment which has applications beyond one individual project.
- b) City TIF emphasis will be placed upon the following general "Priority Revitalization Areas" to support commercial development, housing development, redevelopment, or to support buildings in need to redevelopment, address blight or historic preservation:

- Affordable housing projects off peninsula;
- Riverside Street commercial and industrial zoned areas;
- Forest Avenue corridor from I-295 to Woodfords Corner;
- Washington Avenue corridor from Congress Street to I-295;
- Portland Technology Park ;
- Areas in which future significant wastewater and/or stormwater infrastructure investments are planned;
- West Commercial Street vacant property;
- Libbytown;
- St. Johns Street Valley;
- Other areas based upon scheduled public infrastructure investment included in the City's Capital Improvement Plan.

The above list of general priority revitalization areas serve as guides to establish specific boundaries for TIF districts at time of district establishment.

- c) Market Rate Housing. Market rate rental housing projects must be located in priority revitalization areas to stimulate housing investment for the purpose of attracting 24/7 pedestrian activity. Pursuant to State Law, TIF for condominium projects are not allowed.
- d) Affordable Housing. Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis.

The relevant City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide affordable housing TIF districts.

Allowable uses of AHTIF revenues are defined by State law.

- e) City preference is to invest in area wide public infrastructure TIF districts versus establishing individual private site specific TIF districts.

- f) Area wide TIF districts also should seek to maximize the benefit of downtown and transit oriented development (TOD) districts which are exempt from State TIF law for acreage and value limitations.
- g) Terms for area wide TIF districts will be considered for up to 100% of new tax revenue and upwards of thirty (30) years, the maximum allowed by State law, due to the long-term need to invest in neighborhood infrastructure.

NOTE 1: As of this Amended TIF Policy date, there are two existing area wide TIF Districts, i.e., Bayside and Waterfront TIF Districts.

NOTE 2: As of this Amended TIF Policy date, there also exists two Transit Oriented Development (TOD) District, namely the Thompson Point TOD TIF District and the Downtown TOD TIF District to support new or expanded transit services and improved transit connections between the Portland Transportation Center, Jetport and Downtown.

3. Policy for Individual Site Specific TIF Districts Utilizing Credit Enhancement Agreements (CEAs)

- a) CEAs for individual site specific TIF districts will be considered for investment in infrastructure or project financing need and cannot be applied to any agreed upon public infrastructure improvements associated with a City Council approved conditional rezone agreement. Additional provisions related to CEAs include:

- i) City Green Building Code

Compliance with the City's Green Building Code is required when TIF assistance is provided to individual private project CEAs.

- ii) Affordable Housing

Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis. Developments are encouraged to promote economic diversity.

The City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide AHTIF districts.

Allowable uses of AHTIF revenues are defined by State law.

(iii) State Prevailing Wage Requirement

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater.

City staff shall provide to the relevant City Council Committee an annual update on:

- a) the impact of this prevailing wage requirements on CEAs;
- b) feasibility of construction firms to pay prevailing wages and benefits; and
- c) compliance with this section.

(iv) Equal Employment Opportunities and Nondiscrimination

The developer and its contractors employed in the construction phase of a TIF-assisted project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

b) Applicants for CEA participation must demonstrate and pay the following:

i) Financial Necessity.

The applicant must demonstrate the City's participation is financially necessary in order for the project to proceed.

ii) Financial Capacity.

The applicant must demonstrate financial capacity to support their project.

iii) Fees

A financial underwriting analysis will be conducted by a third party on all projects requesting CEA participation. Applicants for CEA assistance will be responsible for reimbursing the City for all project third party legal and financial underwriting costs.

C. Terms for CEA Projects

1) Maximum Percentages.

A maximum average percentage of 65% for the entire term associated with individual project CEAs. Notwithstanding the previous sentence, the maximum average percentage for the entire term associated with individual project CEAs for affordable housing shall be 75%. For the purposes of this policy, the term affordable housing shall be defined as in "V. Approach, Policy, and Term Requirements" Section B(2)(d) (Affordable Housing) of the Portland TIF Policy.

2) Maximum Number of Years.

Up to twenty (20) years to match individual private sector commercial financing terms; for Affordable Housing projects, up to thirty (30) years. The term of a TIF may start upon agreed trigger event, such as an increased assessed value. This would be included in a CEA on that negotiated triggering event.

3) Use of Maine Services for CEA Projects Encouraged.

VI. TIF APPLICATION AND ADMINISTRATION PROCESS

A. Application Information and Contact.

The Economic Development Department and the Housing and Community Development Division (for affordable housing projects) handle all TIF inquires and processes requests for TIF. An applicant must submit a letter to either the Economic Development Department for commercial projects or the Housing and Community Development Division for affordable housing projects outlining the proposed project, including TIF project financial information, a plan outlining both the number of permanent and construction jobs associated with the proposed project, as well as a demonstrated ability to meet the requirements under Section B(3)(a) of this policy.

B. Approval Process.

There is a two step approval process which includes obtaining a recommendation from the City Council Committee and City Council approval. Two meetings (or readings) by the City Council are needed. The City Council vote on the TIF occurs at the second meeting.

C. Post-Construction Report to City Council.

The Economic Development Department and the Housing and Community Development Division shall provide a post-construction report to the City Council Committee and City Council regarding each TIF-assisted project which shall include, but not be limited to, an analysis of the adherence to Section (V)(B)(3)(a) of this policy.

D. Annual Report to City Council.

The Economic Development Department and the Housing and Community Development Division shall provide annual reports to the City Council Committee and City Council regarding TIF district activity.



SUMMARY OF ALL APPROVED
TAX INCREMENT FINANCING (TIF) DISTRICTS
IN THE CITY OF PORTLAND A/O FYE2017 (June 30, 2017)

This provides an overview of tax increment financing districts (TIF's) approved by the City of Portland.

Please note that the City approved fifteen TIF's, with three of these TIFs having separate Credit Enhancement Agreements (CEA) for various projects included in the respective TIF Districts. These three TIF Districts are the Bayside TIF, Waterfront TIF, and Creative Portland Development and Arts TIF District. The separate CEAs are detailed in the listing below.

1. Nichols Portland (Economic Development TIF) (Expired FY14)

Duration: 20 year term (FY95 through FY14)

Percentages: Years 1 to 5, 90% to Recipient, 10% to City General Fund; years 6 to 10, 75% to Recipient, 25% to City General Fund; years 11 to 20, 50% to Recipient, 50% to City General Fund.

Location: 2400 Congress Street

This TIF was created to support Nichols Portland expansion of its existing manufacturing facility at 2400 Congress Street and retain 450 jobs.

2. Shipyard/Longfellow (Economic Development TIF) (Expired FY07)

Duration: 12 year term (FY96 through FY07). Please note this TIF has expired and the City General Fund is receiving 100% of the real estate taxes.

Percentages: 50% to Recipient; 50% to City General Fund

Location: Newbury Street

This TIF was used to transform the former Crosby-Laughlin site on Newbury Street into the Shipyard Brewing Company.

3. Auto Europe (Economic Development TIF) (Expired FY11)

Duration: 15 year term (FY97 through FY11). Please note this TIF has expired and the City General Fund is receiving 100% of the real estate taxes.

Percentages: 75% to Recipient; 25% to City General Fund

Location: Commercial Street across the street from Casco Bay Lines, former Galt Block building.

This TIF was used to renovate the former Galt Block Building into the headquarters for Auto Europe. The Galt Block Building had been vacant for over 10 years.

4. Bramhall/Holt Hall (Economic Development TIF)

Duration: 20 year term (FY00 through FY19)

Percentages: 75% to Recipient; 25% to City General Fund, plus a Payment in Lieu of Taxes (PILOT) associated with first floor space.

Location: 794 Congress Street

This TIF was used to renovate Holt Hall, built in the 1860's, and then vacant in excess of 10 years, into 36 market rate rental apartments and office space on the ground floor at a cost of almost \$4 Million.

5. UNUM (Economic Development TIF) (Expired FYE15)

Duration: 15 year term (FY01 through FY15)

Percentages: 100% capture of increased value with 75% going to the Recipient, and 25% going to economic development projects for the City.

Location: Outer Congress Street.

This TIF was utilized to support expansion of UNUM offices and to build a 1,200 space parking garage.

6. Waterfront TIF (Economic Development TIF)

Duration as originally approved March 18, 2002: 10 year term (FY03 to FY12)

Duration Extended as of June 7, 2010 for a 30-year term: FY03 to FY32

Percentage: 100% TIF capture. Annually, the City Council has adjusted this TIF capture rate to place property tax revenue in the City General Fund.

Location: Selected waterfront properties.

This is a municipal TIF to be used for waterfront projects.

6a. Waterfront Maine LP (Cumberland Cold Storage Building) on Commercial Street (Economic Development TIF)

Duration: 20-year term (FY12 through FY31)

Percentage: 63% years 1 through 5; 64% years 6 through 10; 55% years 7 through 15; 45% years 16 and 17; 40% years 18 and 19; and, 35% year 20 – with a maximum cumulative TIF payment numeric cap not to exceed \$2,870,058.

Location: 252 Commercial Street on the Portland waterfront.

The City entered into the TIF in order to support the renovation of the Cumberland Cold Storage building into a Class A office building, with continued marine uses on the first floor and berthing according to zoning regulations. The reuse of this building will accommodate the relocation of Pierce Atwood, bringing its 175 employees to the Portland waterfront.

7. **Bayside TIF** (Economic Development TIF)

Duration: 30 year term (FY04 through FY33)

Percentages: 100% TIF capture. Annually, the City Council has adjusted this TIF capture rate to place property tax revenue in the City General Fund.

The geographic area of this TIF District was expanded by City Council vote on November 17, 2014, expanding it from 62 acres, to 129 acres, to align with the area of Bayside contained in the *Bayside Vision Plans I and II*.

This is a municipal TIF to be used for public infrastructure improvements, relocation of the one remaining scrap metal recycling facility and acquisition of the scrap metal yard site, business recruitment marketing for the Bayside area, pledging TIF revenue as a repayment source to HUD or any other agency or entity that finances Bayside investment, and administrative and staff costs for the Economic Development Department. Investments from this TIF also include two Credit Enhancement Agreements (CEA's) with the following:

7a. Capital LLC (Intermed Building) on Marginal Way (Economic Development TIF)

Duration: 15 year term (FY09 through FY23)

Percentage: 100% to return, to Developer, to an annual maximum cap of \$355,000 and annual debt service threshold test.

Location: Bayside next to I-295

The City entered into the CEA in order to assist with the development of a parking structure in connection with the office building.

7b. Southern Maine Student Housing on Marginal Way (Economic Development TIF)

Duration: 11 year term (FY08 through FY18)

Percentage: 100% to return, to Developer, to a maximum annual cap of \$120,000 and annual debt services threshold test.

Location: Bayside next to I-295

The City entered into the CEA in order to assist with the development of a parking structure in connection with the student housing development.

8. **Riverwalk/Ocean Gateway** (Economic Development TIF)

Duration: 13 year term (FY07 through FY19)

Percentages: Formula based percentages in Credit Enhancement Agreement

Location: Hancock and Fore Street area

The TIF was entered into to assist with the construction of a parking structure for the development plan for the area adjacent to Hancock Street.

9. Avesta/Pearl Place (Affordable Housing TIF)

Duration: 30 year term (FY08 through FY37)

Percentages: Various percentages captured value to return to Developer based on Maine State Housing Authority Certificate of Approval, to a maximum of \$22,000 annual cap.

Location: Oxford and Pearl Streets

This TIF is an affordable housing TIF to assist in the creation of affordable housing in the City's Bayside area along Oxford and Pearl Streets.

10. Creative Portland Development and Arts (Economic Development TIF)

NOTE: *This area wide TIF District was reduced/renamed by the City Council on February 19, 2015, reducing the geography to just the Baxter Library property (see #10a below), and renaming it the Baxter Library TIF District with the term ending FY19; this will take effect with FY16).*

Original Duration: 15-year term (FY10 through FY24); *Term amended as noted above to end FY19.*

Original Percentages: 100% capture; annually, the City Council may adjust this TIF capture rate to place property tax revenue in the City General Fund; *Percentage amended to reflect the 65% capture for the Baxter Library project.*

Original Location: Multiple properties included in the Downtown Area; *Location amended as noted above to be only the Baxter Library property.*

This TIF was *originally* created to assist in maintaining the creative economy businesses through the creation of the Creative Portland Corporation and TIF funds to assist in funding its administrative personnel and program of activities up to a maximum of \$100,000 annually. *This element of the original TIF District is now included in the recently created Downtown Transit Oriented Development (TOD) TIF District – See Item #18 below.*

10a. Baxter Library LP at 621 Congress Street (Economic Development TIF)

Duration: 9-year term (FY11 through FY19)

Percentage: Lesser of annual 65% to return to Developer or amount necessary to service project debt. Adjustments to annual payment if project refinancing occurs.

Location: 621 Congress Street

The City entered into the CEA in order to assist with the reuse, redevelopment, and preservation of a hallmark downtown building built in 1888, where adaptive reuse of this former library is challenging and expensive. This Project will add \$2.5 Million in new municipal assessed commercial valuation and generate an average of \$16,000 annually, in funds, to support the Creative Economy TIF Program or

the City's General Fund as directed by the City Council. The reuse of this building will accommodate the relocation of the VIA Group, bringing its 64 employees to this upper area of downtown Portland.

11. McAuley Place (Economic Development TIF)

Duration: 30 year term (FY10 through FY39)

Percentages: 60% to Recipient; 40% to City General Fund.

Location: 605 Stevens Avenue

This TIF was created to assist in the renovation of the former Mother House/Convent (built over 100 years ago) on Stevens Avenue into a market rate independent senior living community, including 45 to 50 apartments in the renovated Convent; 25 to 30 apartments (new construction) in an addition to the Convent; and, 36 units (new construction) located in three townhouse/cottages adjacent to the Convent.

12. PowerPay/Portland Public Market (Economic Development TIF)

Duration: 30 year term (FY11 through FY40)

Percentages: Years 1 through 8 – 75% to Developer, 25% to City General Fund; Years 9 through 30 – 50% to Developer, 50% to City General Fund.

Location: 25 Preble Street

This TIF district was created to support the retention and expansion of PowerPay along with redeveloping an important asset in Portland's Downtown that was formerly known as the Portland Public Market. Because of the complex renovation issues and the high cost associated with redeveloping the Portland Public Market property, PowerPay requested TIF assistance to cover the Project financing gap. PowerPay renovated and moved its headquarters to this location with well over 150 employees.

13. Thompson's Point Development Company, Inc. (Transit-Oriented TIF)

Duration: 30 year term (FY15 through FY44).

Percentages:

Phase One of Project: Years 1 through 10 – 75% to Developer and 25% to City transit-oriented projects; years 11 through 15 – 60% to Developer, 25% to City transit-oriented projects, and 15% to City's General Fund; years 16 through 20 – 50% to Developer, 25% to City transit-oriented projects, and 25% to City's General Fund; years 21 through 30 – 40% to Developer, 25% to City transit-oriented projects, and 35% to City's General Fund.

Phases Two and Three of Project: Years 1 through 30 – 0% to Developer; 25% to City transit-oriented projects; 75% to City's General Fund.

Location: Thompson's Point

This Transit-Orient Development (TOD) Tax Increment Financing (TIF) District was created to support Thompson's Point Development Company Inc.'s redevelopment of

Thompson's Point into the **Forefront at Thompson's Point**. Additionally, the TOD will assist to expand and improve transit connections between Thompson's Point and key commercial locations within Portland (i.e. Jetport, Portland Transportation Center and Portland's Downtown) and around the region.

Thompson's Point consists of approximately 30 acres of real estate adjacent to the Portland Transportation Center that is home to the Northern New England Passenger Rail Authority, which runs the Amtrak Downeaster and Concord Trailways bus company.

The Forefront at Thompson's Point is a proposed mixed-use development that will transform a blighted and grossly underutilized 30-acre parcel located along Interstate 295 into a highly visible gateway destination event center that is expected to generate significant economic activity within the District and throughout Portland. The Company plans to redevelop Thompson's Point in a manner that includes a substantial investment in public infrastructure, including construction of an above-ground parking garage with approximately 700 spaces, road extensions and widenings, rail crossings upgrade, utility investments, and expanded walking and biking trails.

14. **The Village at Océangate, LLC (Bay House)** (Economic Development TIF)
This TIF was terminated by the City Council on November 3, 2014 due to the conversion of market rate apartments into condominiums which is not allowable use of TIF funds.

Duration: 11 year term (FY14 through FY25)

Percentages: Years 1 through 5 – 75% to Developer, 25% to City General Fund; Years 6 through 10 - 65% to Developer, 35% to City General Fund. Total revenue to developer is capped at \$647,971 over the term of the District.

Location: Hancock Street, between Newbury and Middle Streets.

This TIF district was created to support the development of The Bay House Project. The Project includes the construction of two new buildings that will contain ninety-four (94) market rate apartments, a parking garage, and approximately 5,700 square feet of commercial retail space. Use of TIF proceeds is directed to support public infrastructure investments.

15. **Fore India Middle, LLC (former Jordan's Meat Site)** (Economic Development TIF)

This TIF was terminated by the City Council on November 3, 2014 due to the project not coming to fruition.

Duration: 4 year term (FY14 through FY17)

Percentages: Years 1 and 2 – 50% to Developer, 10% to City TIF Project; 40% to City General Fund; Year 3 - 40% to Developer, 10% to City TIF Project; 50% to City General Fund; Year 4 – 40% to Developer, 60% to City General Fund. Total revenue to developer is capped at \$650,000 over the term of the District.

Location: Portion of block surrounded by Fore, India, and Middle Streets.

This TIF district was created to support the development of a portion of the former Jordan's Meats site. This development project includes a five-story, approximately 180,000 sf. of mixed-use consisting of 12,300 sf. of retail space on Middle Street, 9,800 sf. of retail space on Fore Street, three levels of office space comprising 63,900 sf. on Middle Street, and 18 residential condominium units along Fore Street and India Street. In addition, there will be two "internal" parking garages behind the retail spaces (not visible from the street), one 110-space garage at the Fore Street level, and another 63-space garage one story above at the Middle Street Level. The Developer expects to have an urban grocery on Middle Street with a variety of produce, meats, food, and household items, with an emphasis on natural, organic and healthy items. The other retail users and the office users have not been identified yet. Use of TIF proceeds is directed to support public infrastructure investments.

16. 409 Cumberland Avenue (Affordable Housing TIF)

Duration: 22 year term (FY14 through FY35)

Percentage: 50% to Developer; 50% to City Housing Affordable Housing Revolving Loan Fund

Location: 409 Cumberland Avenue

This Affordable Housing TIF District supports the development of 46 affordable units and 11 market rate units of rental housing. TIF revenues will be used by Developer to pay operating costs for the project; City TIF revenues will be used for the establishment of an affordable housing revolving loan fund.

17. 134 Washington Avenue (Affordable Housing TIF)

Duration: 20 year term (FY15 through FY34)

Percentages: 50% to Developer; 50% to City General Fund.

This Affordable Housing TIF District supports the development of an 18-unit residential rental project. TIF revenues will be used by Developer to pay for operating costs for the project.

18. Downtown Transit Oriented Development (TOD) TIF (Economic Development TIF District)

Duration: 30 year term (FY16 through FY45)

Percentages: 12% Year One; 22% years 2 through 30; 88% to General Fund Year One; 78% to General Fund Years Two through Thirty.

This Downtown TOD TIF will support various municipal and other development projects, including sidewalk and pedestrian enhancements, streetscape, lighting, yearly funding of up to \$100,000 for Creative Portland to assist in funding its administrative personnel and program of activities (see Item #10 above), street alignment, utilities, bicycle improvements, public transit, wayfinding, and administrative and staff costs for the Economic Development Department.

19. 17 Carleton Street (Affordable Housing TIF)

Duration: 22 year term (FY16 through FY37)

Percentages: Years 1 and 2: 0% to Developer; 100% to City. Years 3 through 22: 65% to Developer; 35% to City General Fund.

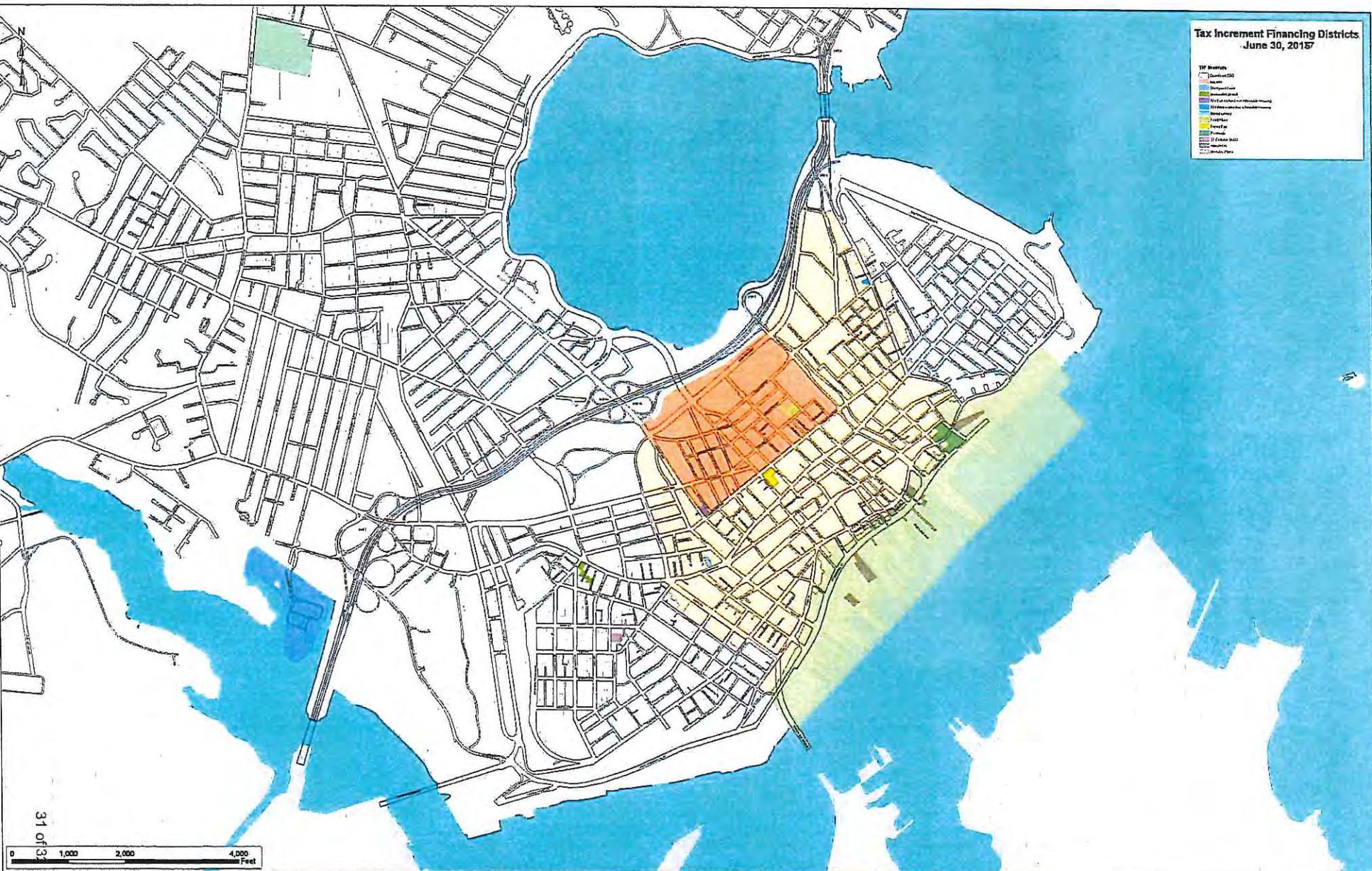
This Affordable Housing TIF District supports the development of a 37-unit residential rental project. TIF revenues will be used by Developer to pay for operating costs for the project.

20. ImmuCell (Economic Development TIF)

Duration: 12 year term (FY18 through FY29)

Percentages: Years 1 through 11: 65% to Developer, 35% to City General Fund; Year 12: 30% to Developer, 70% to General Fund.

This Economic Development TIF supports ImmuCell Corporation's expansion from its existing facility at 56 Evergreen Drive to a new two-story, 12,625 sq. ft. (est.) production facility on Caddie Lane off of Riverside Street. ImmuCell Corporation is a growing animal health company that develops, manufactures, and sells products that improve animal health and productivity in the dairy and beef industry. Over the last nearly 16 years, the Company has invested in excess of \$11 Million in the R&D of a product that addresses mastitis, the most significant cause of economic loss to the dairy industry. This lead product in development is **Mast Out**, a novel, ground-breaking treatment for mastitis in lactating dairy cows. Completion of construction of this new facility is expected in 2017.



Appendix D

FYE2017 Report

FY 17 Tax Rate: 0.02111

TIF Name	Starts/		TIF PLAN	TOTAL	ORIGINAL	Increased	PERCENT	Total Cpt.	PROCEEDS	City TIF	City General Fund
	Ends-FY	TERM	YEAR	ASSESSED	ASSESSED	Assessed value	APPLIED	Value	TO OWNER	Funds	(DAV and Non-Captured Taxes from IAV)
SITE Specific with CEA:											
HOLT HALL	00/19	20 YEARS	18	4,956,760	349,110	4,607,650	67%	3,070,538	64,819	0	39,818
- FY17 Taxes				104,637	7,370	97,267		64,819			
Baxter Library (f/k/a Arts)	11/19	9 YEARS	7	2,502,600	0	2,502,600	65%	1,626,690	34,339	0	18,490
- FY17 Taxes				52,830	0	52,830		34,339			
AVESTA/Pearl Place	08/37	30 YEARS	10	3,581,560	646,050	2,935,510	35%	1,027,429	21,689	0	53,918
- FY17 Taxes				75,607	13,638	61,969		21,689			
OCEAN GATEWAY/Riverwalk	07/19	13 YEARS	11	13,319,200	1,085,550	12,233,650	52%	6,410,433	117,443	0	163,725
- FY17 Taxes				281,168	22,916	258,252		135,324			
PowerPay/Ptld Pub Mkt	11/40	30 YEARS	7	6,259,500	1,882,600	4,396,900	75%	3,297,675	69,614	0	62,524
- FY17 Taxes				132,138	39,319	92,819		69,614			
McAuley/Inactive	10/39	30 YEARS	8	0	0	0	60%	0	0	0	0
Thompson's Point TOD	15/44	30 YEARS	3	8,434,470	4,970,470	3,464,000	25%	866,000	0	18,281	159,770
- FY17 Taxes				178,052	104,927	73,125		18,281			
409 Cumberland Ave. AH	14/35	22 YEARS	4	3,717,960	470,200	3,247,760	100%	3,247,760	34,280	34,280	9,926
- FY17 Taxes				78,486	9,926	68,560		68,560			
134 Washington Ave. AH	15/34	20 YEARS	3	1,079,400	155,600	923,800	50%	461,900	9,751	0	13,035
- FY17 Taxes				22,786	3,285	19,501		9,751			
17 Carleton St. AH	16/37	22 YEARS	2	261,600	261,600	0	0%	0	0	0	5,522
- FY17 Taxes					5,522						
Area-Wide TIFs, with CEA											
BAYSIDE	04/33	30 YEARS	14	192,439,970	122,318,180	70,121,790	55%	38,552,960	463,749	350,104	3,248,555
FY17 Taxes				4,062,408	2,582,137			813,853			
- CEA/Atlantic Bayside Trust	09/23	15 YEARS	9	29,268,370	0	29,268,370	Formula		355,000		
- CEA/Blue Atlantic	08/18	11 YEARS	10	16,320,830	0	16,312,380	Formula		108,749		
WATERFRONT	03/32	30 YEARS	15	41,626,840	7,667,340	33,959,500	66%	22,576,276	192,339	284,246	402,157
FY17 Taxes				878,743	161,858			476,585			
- CEA/Waterfront Maine	12/31	20 YEARS	6	15,187,300	950,930	14,236,370	64%	9,111,277	192,339		
DOWNTOWN TOD TIF	16/45	30 YEARS	2	1,052,229,450	968,136,850	84,092,600	22%	18,500,372		390,543	21,822,021
FY17 Taxes				22,212,564	20,437,369	1,775,195		390,543			

Total Value:				1,311,149,460	1,107,923,550	203,487,510		99,638,032			
Total Taxes:				27,678,365	23,388,266	4,295,621		2,103,359	1,008,023	1,077,454	25,999,463

Order 161-17/18
~~*Feb 14 - 2-21-18*~~
Feb 13 3-5-18

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 AMENDING THE 2002 WATERFRONT TAX INCREMENT
FINANCING DISTRICT BY ADDING THE WEX PROJECT SITE AND THE
UNION WHARF PROJECT SITE TO THE DISTRICT**

ORDERED, that the 2002 Waterfront Tax Increment Financing District (as adopted by Order 185-01/02, and amended by Orders 173-02/03, 254/04-05, 238-05/06, 223-06/07; 241-07/08, 261-08/09, 216-09/10, 237-09/10, 222-10/11 and 182-11/12) is hereby amended by adding to the district the property comprised by the WEX project site and by the Union Wharf project site (19-A-14, 31-K-3, and 31-K-103); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

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

FROM: Greg Mitchell, Economic Development Director

DATE: February 7, 2018

SUBJECT: **Order Authorizing Amendment to the Waterfront Tax Increment Financing (TIF) District to Add Parcels 19-A-14 (WEX) Project Site), and 31-K-3 and 31-K-103 (Union Wharf Project Site) to the District**

SPONSOR: Economic Development Committee meeting held on February 6, 2018, and the vote was 3-0 to recommend approval to the City Council.

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: February 21, 2018 **Public Hearing and Final Action:** March 5, 2018

Can action be taken at a later date: ___ Yes X No (If no why not?) This is a two-reading item, with the public hearing legal notice advertised for the March 5, 2018, City Council meeting.

PRESENTATION: Greg Mitchell/5 Minutes

I. ONE SENTENCE SUMMARY

The proposed amendment to the Waterfront TIF District adds parcels 19-A-14, 31-K-3, and 31-K-103 to the District which will capture TIF revenues from developments currently under construction.

II. AGENDA DESCRIPTION

On March 18, 2002, the Portland City Council approved the ten-year Waterfront TIF District at 1% capture the first year, followed by 100% capture for the remaining nine years, for the City to retain increased property tax revenue for specified municipal public infrastructure investment. This was followed by an amendment by the City Council on June 7, 2010, for the purposes of:

- Extending the term by 20 years, through FY2032, at the 100% capture rate;
- Reducing the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements (CEA) within the Waterfront Central Zone; and,
- Established a Sub-District and authorize a CEA with the Developer in furtherance of the Cumberland Cold Storage Project at the specified capture rates.

At this time, there are currently two projects under construction in the Waterfront TIF District that could provide additional TIF revenue for the District as of April 1, 2018, particularly the WEX office construction project at Hancock and Thames Streets, and the mixed use development at Union Wharf which includes office, restaurants, food court, and open market.

In adding these parcels to the Waterfront TIF District, the City would realize additional tax sheltering savings at approximately \$145,000 yearly for the duration of the District, over and above the estimated \$220,000 annual tax sheltering savings the District now supports.

Additional TIF proceeds for municipal use with the added TIF districts would produce an estimated \$495,000 annually, over and above the current estimated annual TIF proceeds at \$540,000.

It is noted that later this year City staff intends to recommend adding additional waterfront properties to the TIF District located on Portland's East and West End.

III. BACKGROUND

On March 18, 2002, the Portland City Council approved the ten-year Waterfront TIF District at 1% capture the first year, followed by 100% capture for the remaining nine year, for the City to retain increased property tax revenue for specified municipal public infrastructure investment. This was followed by an amendment by the City Council on June 7, 2010, for the purposes of:

- Extending the term by 20 years, through FY2032, at the 100% capture rate;
- Reducing the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements (CEA) within the Waterfront Central Zone; and,
- Established a Sub-District and authorize a CEA with the Developer in furtherance of the Cumberland Cold Storage Project at the specified capture rates.

At this time, there are currently two projects under construction in the Waterfront TIF District that could provide additional TIF revenue for the District as of April 1, 2018, particularly the WEX office construction project at Hancock and Thames Streets, and the mixed use development at Union Wharf which includes office, restaurants, food court, and open market.

It is noted that later this year City staff intends to recommend adding additional waterfront properties to the TIF District located on Portland's East and West End.

IV. INTENDED RESULT

The intended result is for the Economic Development Committee (EDC) to recommend to the City Council amending the TIF District by adding parcels 19-A-14, 31-K-3 and 31-K-103 which would increase TIF revenues the City could realize for investment in public infrastructure projects and Economic Development Department staffing costs.

V. FINANCIAL IMPACT

In adding these parcels to the Waterfront TIF District, the City would realize increased savings (tax shelter benefits) associated with Portland's State education aid, State municipal revenue sharing reductions, and savings in the County funding formula. The average tax shelter for Portland is 30%, meaning that for every new property tax dollar, Portland loses 30 cents.

In a review of the estimated savings for the Original TIF District for 30 years, the Sub-District for 20 years, and the Added Parcels for 2018 for the remainder of the District – or 14 years, please see below:

Estimated Tax Sheltering Savings

Original TIF District:	\$4,876,807, or \$162,560 yearly;
Sub-District:	\$1,177,205, or \$58,860 yearly;
Added Parcels in 2018:	\$2,033,122, or \$145,223 yearly; and,
Total of All Three Above:	\$8,087,134, or \$269,571 yearly.

City captured TIF revenue for investment fluctuates with the City budget process. To date through FY2018, this TIF District has generated property tax revenue as follows:

General Fund Taxes from Original Assessed Value or Base Value (OAV):	\$2.34 Million;
General Fund Taxes Non-Captured Value:	\$2.89 Million
TIF Proceeds:	\$4.4 Million, which a portion – or 1 Million to date – has been paid to the CEA associated with the Cumberland Cold Storage project, and remaining goes into City TIF Account for investments – see table in Section V.

Estimates for the remaining term, from FY19 through FY32, at 100% captured value would provide for \$13 Million for City TIF Investments, less payments to the current CEA (Cumberland Cold Storage project) through FY31. This CEA TIF payment over the 20-year term has a maximum cumulative TIF payment is \$2,870,058. If these parcels were added, it would provide an additional estimate of \$6 Million for City investments or a total of \$19 Million through the life of the District.

VI. STAFF ANALYSIS AND RECOMMENDATION

Specific Investments Allowed in Waterfront TIF District:

Investment projects and estimates, by major category in this TIF District, include the following:

Investment	Estimates
Capital Infrastructure Investments, for example:	
- Pier and Wharf Structural Repair	\$3,200,000
- Local Match for Ocean Gateway Project	\$1,000,000
- Street Improvements (Remedy Traffic Congestion)	\$5,000,000
- Pedestrian Circulation and Amenity Improvements	\$750,000
- Dredging	\$10,000,000
- Credit Enhancement Agreements	Per Project
- City Economic Development Staff	\$50,000 Annually
TOTAL:	\$20,450,000 –
	excluding CEA Projects

Based upon the benefits of TIF sheltering and City investments allowed under this TIF District, staff recommends placing the additional properties - parcels 19-A-14, 31-K-3, and 31-K-103 - into the TIF District and sheltering 100% of the total increased assessed value for the remaining years of the District.

VI. ATTACHMENTS

- Redlines to Waterfront TIF (without attachments)
- Clean Waterfront TIF (with attachments)

WATERFRONT TIF											
TIF Years 1 (FY2003) through 16 (FY2018) Actual Numbers; Years 18 (FY2019) through 30 (FY2032) Estimates.											
TIF Year	Tax Year- April 1	City Fiscal Year	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Milli Rate	Total Projected New Taxes Captured	Captured Revenue to Municipal & Subdistrict* Project Account	City Non- Captured General Fund Revenues	General Fund Revenues from OAV	OAV
1	2002	2002/2003	\$11,533,350	1.00%	\$115,334	25.72	\$2,966	\$2,966	\$293,671	\$172,746	\$6,716,410
2	2003	2003/2004	\$8,966,860	1.00%	\$89,669	26.80	\$2,403	\$2,403	\$237,909	\$180,000	\$6,716,410
3	2004	2004/2005	\$11,941,340	1.00%	\$119,413	26.53	\$3,168	\$3,168	\$313,636	\$178,186	\$6,716,410
4	2005	2005/2006	\$14,041,400	35.38%	\$4,967,847	20.13	\$100,003	\$100,003	\$182,651	\$135,201	\$6,716,410
5	2006	2006/2007	\$18,576,750	1.00%	\$185,768	16.31	\$3,030	\$3,030	\$299,957	\$109,545	\$6,716,410
6	2007	2007/2008	\$20,681,160	100.00%	\$20,681,160	17.10	\$353,648	\$353,648	\$0	\$114,851	\$6,716,410
7	2008	2008/2009	\$20,050,110	62.00%	\$12,431,068	17.74	\$220,527	\$220,527	\$135,162	\$119,149	\$6,716,410
8	2009	2009/2010	\$20,010,560	79.00%	\$15,808,342	17.74	\$280,440	\$280,440	\$74,547	\$119,149	\$6,716,410
9	2010	2010/2011	\$18,984,350	58.00%	\$11,010,923	17.92	\$197,316	\$197,316	\$142,884	\$137,399	\$7,667,340
10	2011	2011/2012	\$24,027,810	74.00%	\$17,780,579	18.28	\$325,001	\$325,001	\$114,189	\$140,147	\$7,667,340
11	2012	2012/2013	\$30,830,260	74.00%	\$22,814,392	18.82	\$429,367	\$429,367	\$150,859	\$144,299	\$7,667,340
12	2013	2013/2014	\$30,953,530	91.00%	\$28,167,712	19.41	\$546,735	\$546,735	\$54,073	\$148,823	\$7,667,340
13	2014	2014/2015	\$32,962,740	73.00%	\$24,062,800	20.00	\$481,256	\$481,256	\$177,999	\$153,347	\$7,667,340
14	2015	2015/2016	\$33,758,670	69.00%	\$23,293,482	20.63	\$480,545	\$480,545	\$215,897	\$158,177	\$7,667,340
15	2016	2016/2017	\$33,959,500	66.00%	\$22,413,270	21.11	\$473,144	\$473,144	\$243,741	\$161,858	\$7,667,340
16	2017	2017/2018	\$34,620,320	66.00%	\$22,849,411	21.65	\$494,690	\$494,690	\$254,840	\$165,998	\$7,667,340
17	2018	2018/2019	\$36,366,140	100.00%	\$36,366,140	22.08	\$803,073	\$803,073	\$0	\$182,930	\$8,283,770
18	2019	2019/2020	\$53,203,890	100.00%	\$53,203,890	22.52	\$1,198,400	\$1,198,400	\$0	\$186,589	\$8,283,770
19	2020	2020/2021	\$53,205,390	100.00%	\$53,205,390	22.98	\$1,222,402	\$1,222,402	\$0	\$190,321	\$8,283,770
20	2021	2021/2022	\$53,820,282	100.00%	\$53,820,282	23.43	\$1,261,260	\$1,261,260	\$0	\$194,127	\$8,283,770
21	2022	2022/2023	\$54,441,322	100.00%	\$54,441,322	23.90	\$1,301,330	\$1,301,330	\$0	\$198,010	\$8,283,770
22	2023	2023/2024	\$55,068,573	100.00%	\$55,068,573	24.38	\$1,342,650	\$1,342,650	\$0	\$201,970	\$8,283,770
23	2024	2024/2025	\$55,702,096	100.00%	\$55,702,096	24.87	\$1,385,258	\$1,385,258	\$0	\$206,009	\$8,283,770
24	2025	2025/2026	\$56,341,955	100.00%	\$56,341,955	25.37	\$1,429,194	\$1,429,194	\$0	\$210,130	\$8,283,770
25	2026	2026/2027	\$56,988,212	100.00%	\$56,988,212	25.87	\$1,474,499	\$1,474,499	\$0	\$214,332	\$8,283,770
26	2027	2027/2028	\$57,640,932	100.00%	\$57,640,932	26.39	\$1,521,215	\$1,521,215	\$0	\$218,619	\$8,283,770
27	2028	2028/2029	\$58,300,179	100.00%	\$58,300,179	26.92	\$1,569,386	\$1,569,386	\$0	\$222,991	\$8,283,770
28	2029	2029/2030	\$58,966,019	100.00%	\$58,966,019	27.46	\$1,619,056	\$1,619,056	\$0	\$227,451	\$8,283,770
29	2030	2030/2031	\$59,638,517	100.00%	\$59,638,517	28.01	\$1,670,271	\$1,670,271	\$0	\$232,000	\$8,283,770
30	2031	2031/2032	\$60,317,739	100.00%	\$60,317,739	28.57	\$1,723,080	\$1,723,080	\$0	\$236,640	\$8,283,770
30 Year TIF Total			\$1,135,899,957		\$996,792,419		\$23,915,311	\$23,915,311	\$2,892,014	\$5,260,995	
30 Year Average:			\$37,863,332		\$33,226,414		\$797,177	\$797,177	\$96,400	\$175,366	

*Subdistrict is Merrill's Wharf/Cumberland Cold Storage Project TIF CEA with a 20-year term and average capture at 55%, with a maximum cumulative TIF payment set at \$2,870,058.

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model for WTIF TIF Years 1 (FY2003) through 16 (FY2018) Actual Numbers; Years 18 (FY2019) through 30 (FY2032) Estimates.

TIF Year	Tax Year- April 1	City Fiscal Year	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
					Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2002	2002/2003	\$11,533,350	\$115,334	\$0	\$70	\$63	\$133
2	2003	2003/2004	\$8,966,860	\$89,669	\$0	\$55	\$49	\$103
3	2004	2004/2005	\$11,941,340	\$119,413	\$0	\$73	\$65	\$138
4	2005	2005/2006	\$14,041,400	\$4,967,847	\$13,744	\$3,026	\$2,706	\$19,476
5	2006	2006/2007	\$18,576,750	\$185,768	\$1,028	\$113	\$101	\$1,242
6	2007	2007/2008	\$20,681,160	\$20,681,160	\$171,654	\$12,596	\$11,259	\$195,509
7	2008	2008/2009	\$20,050,110	\$12,431,068	\$103,178	\$7,571	\$6,769	\$117,518
8	2009	2009/2010	\$20,010,560	\$15,808,342	\$131,209	\$9,629	\$8,607	\$149,445
9	2010	2010/2011	\$18,984,350	\$11,010,923	\$91,391	\$6,707	\$5,996	\$104,093
10	2011	2011/2012	\$24,027,810	\$17,780,579	\$147,579	\$10,830	\$9,681	\$168,089
11	2012	2012/2013	\$30,830,260	\$22,814,392	\$189,359	\$13,896	\$12,420	\$215,675
12	2013	2013/2014	\$30,953,530	\$28,167,712	\$233,792	\$17,156	\$15,332	\$266,281
13	2014	2014/2015	\$32,962,740	\$24,062,800	\$199,721	\$14,656	\$13,099	\$227,477
14	2015	2015/2016	\$33,758,670	\$23,293,482	\$193,336	\$14,188	\$12,681	\$220,204
15	2016	2016/2017	\$33,959,500	\$22,413,270	\$186,030	\$13,651	\$12,202	\$211,883
16	2017	2017/2018	\$34,620,320	\$22,849,411	\$189,650	\$13,917	\$12,439	\$216,006
17	2018	2018/2019	\$36,366,140	\$36,366,140	\$301,839	\$22,150	\$19,791	\$343,780
18	2019	2019/2020	\$53,203,890	\$53,203,890	\$441,592	\$32,405	\$28,942	\$502,940
19	2020	2020/2021	\$53,205,390	\$53,205,390	\$441,605	\$32,405	\$28,943	\$502,953
20	2021	2021/2022	\$53,820,282	\$53,820,282	\$446,708	\$32,781	\$29,277	\$508,766
21	2022	2022/2023	\$54,441,322	\$54,441,322	\$451,863	\$33,159	\$29,615	\$514,637
22	2023	2023/2024	\$55,068,573	\$55,068,573	\$457,069	\$33,541	\$29,955	\$520,566
23	2024	2024/2025	\$55,702,096	\$55,702,096	\$462,327	\$33,927	\$30,299	\$526,554
24	2025	2025/2026	\$56,341,955	\$56,341,955	\$467,638	\$34,317	\$30,647	\$532,602
25	2026	2026/2027	\$56,988,212	\$56,988,212	\$473,002	\$34,710	\$30,998	\$538,711
26	2027	2027/2028	\$57,640,932	\$57,640,932	\$478,420	\$35,108	\$31,353	\$544,880
27	2028	2028/2029	\$58,300,179	\$58,300,179	\$483,891	\$35,509	\$31,711	\$551,112
28	2029	2029/2030	\$58,966,019	\$58,966,019	\$489,418	\$35,915	\$32,072	\$557,405
29	2030	2030/2031	\$59,638,517	\$59,638,517	\$495,000	\$36,325	\$32,438	\$563,762
30	2031	2031/2032	\$60,317,739	\$60,317,739	\$500,637	\$36,738	\$32,806	\$570,182
30 Year TIF Total			\$1,135,899,957	\$996,792,419	\$8,242,682	\$607,123	\$542,317	\$9,392,123
30 Year TIF Average			\$37,863,332	\$33,226,414	\$274,756	\$20,237	\$18,077	\$313,071

TIF Model - Actual FY03 thru FY18 and Est FY19 thru FY32

Portland, Maine



Yes. Life's good here.

Economic Development Department
 Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director

DATE: February 7, 2018

SUBJECT: **TIF Example Requested by Mayor Strimling**

During the Economic Development Committee's review of the proposed amendments to the Waterfront TIF District, Mayor Strimling asked for an example of a TIF District.

I offer the following:

An existing parcel of vacant land is currently assessed at: \$200,000

The mill rate is .020 for the town, so real estate taxes would be: \$4,000 Annually

A developer wants to build a new building and a TIF Application is approved. The Original Assessed Value (OAV) is set \$200,000.

After construction, the new building added \$800,000 in taxable value to make the new total assessment \$1,000,000. The new taxes at the .020 mill rate would be \$20,000. The property owner will receive an annual tax bill for \$20,000.

The new total assessment of \$1,000,000 minus the OAV of \$200,000 equals the Increased Assessed Value (IAV) or \$800,000. Taxes for the IAV \$800,000 at the .020 mill rate would equal \$16,000 annually.

Taxes from this IAV are now sheltered at 50% and "captured" to support the TIF in whatever language was approved for captured taxes to be applied.

Assuming the TIF District has a capture rate of 50% and stipulates that the 50% is the Municipal TIF revenue to be invested in public infrastructure projects, then 50% of the new annual real estate taxes of \$16,000 would be \$8,000 towards a fund for infrastructure. The remaining 50%, or \$8,000, goes into the General Fund (and not towards a CEA).

In summary, with the above example, the City receives \$20,000 annually in taxes, with \$4,000 from the OAV going into the General Fund, and the remaining \$16,000 from the LAV goes 50% to support the TIF, or \$8,000, and 50% to the General Fund, or \$8,000.

Tax Sheltering Savings: If this TIF District were set for a 30-year term, average annual savings would be estimated at \$3,340.

cc: Christopher Huff, Assessor

City of Portland

Waterfront Economic Redevelopment Program
*Application for FY02 and FY10 Amended Waterfront Tax Increment Financing
Development Districts and Sub-District*

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL

ON _____

Prepared by:

The City of Portland Economic Development ~~Department~~Office
March 13, 2002/Amended and Restated as of June 7, 2010; Amended _____, 2018

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the "Original TIF Districts") as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the "Original Development Program"). ~~Waterfront Maine Limited Partnership ("Developer") is the developer of the Cumberland Cold Storage site and building. The Original TIF Districts program was designed for the City to capture 100% of the tax increment for specified allowable uses.~~

On June 7, 2010, the Portland City Council amended approved the Amended and Restated the Original Development Program ("Amended Development Program"), which was approved by the Maine Department of Economic Development and Community Development ("MDECD) on June 28, 2010, as follows:~~The City proposes to amend the Original Development Program (as described herein, the "Amended Development Program") to accomplish the following:~~

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- ~~Establish a Sub-District (the "Sub-District") within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage Project. defined below (the "Credit Enhancement Agreement").~~

~~The Cumberland Cold Storage building includes five stories and 100,000+ square feet which will be redeveloped as a Class A office building. Building floors 2, 3, 4, and 5 are planned to be used for commercial office space. The first or ground level space is currently restricted to marine use including berthing along the property bulkhead pursuant to existing zoning requirements. Pierce Atwood LLP intends to occupy 70,000+ square feet of upper floor use (the "Cumberland Cold Storage Project").~~

On _____, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers ("Added TIF District Properties of 2018"):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled "Investing in Our Working Waterfront – Final Report of the Mayor's Waterfront Task Force on Economic Development", dated October 2000 (herein referred to as the "Task Force II Report"). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

"Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill's Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970's, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly demonstrating the public's commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses ([The Waterfront Alliance Report, 1992](#)). While some may argue otherwise, the existing zoning structure, [based on the 1992 Report](#), strikes a reasonable balance between preserving the "working waterfront" and allowing property owners

necessary flexibility in managing their assets. Since the 1980's, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront."

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing ("TIF") Districts was put in place.

During 2009, twelve private pier owners formed an alliance to propose amendments to Municipal zoning regulations to support more mixed-use commercial activity along Portland's waterfront in order to enable private pier owners to generate additional revenue to cover the high costs of maintaining pier infrastructure. The Waterfront Alliance in the Spring of 2010 is in the process of presenting its recommendations to the City Planning Board which will require final approval by the City Council. Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. *Amended Development Program*

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan, the City Council formally recognized the unique business development needs of the waterfront. Since a funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, and Attachment #3 as amended December 1, 2008,) whereby any property within the WREZ geographic area, delineated on the attached map (see Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WREZ Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists, retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a perfect mix of fishing vessels, shipbuilding, chandlery, cargo operations and the like with the lawyers, bankers, dot-com entrepreneurs and tourists. So when a revenue stream was required to maintain and improve the economic vibrancy of the Portland waterfront, the City Council acted in such a way as to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WREZ Ordinance.

The WREZ Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hopes to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves. Therefore, the Original Development Program ~~served as, and this Amended Development program, and the three Added TIF District Properties of 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001)~~ will serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WREZ Ordinance.

The activities to be funded through the Original Development Program, ~~and this Amended Development Program, and the three Added TIF District Properties of 2018~~ will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development

Program so that each year the City Council could prioritize which specific ~~activities~~action to fund.

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1

Note 1: All citations refer to Title 30-A, chapter 206, Section 5225

<u>Project</u>	<u>Statutory Citation</u>	<u>Estimated Cost</u>
<u>In District: Capital Infrastructure Investments, for example:</u>		
Pier and Wharf Structural Repair	(1)(A)	\$3,200,000
Local Match for Ocean Gateway Project	(1)(A)	\$1,000,000
Street Improvements (Remedy Traffic Congestion)	(1)(A)	\$5,000,000
Pedestrian Circulation and Amenity Improvements	(1)(A)	\$750,000
Dredging	(1)(A)	\$10,000,000
<u>Credit Enhancement Agreements</u>		<u>\$50,000 Annual</u> Per Each Individual <u>CEA</u> Project
<u>In and out of District:</u>		
City Economic Development Staff		
<u>Credit Enhancement Agreements</u>		<u>\$50,000 Annually</u>
<u>Total Estimate of TIF Revenue Expenditure over 30-year term:</u>		<u>\$20,450,000 –</u> <u>excluding CEA</u> <u>Projects</u>

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through the five Original TIF Districts described in the Original Development Program and the three Added TIF District Properties of 2018. Since the Original Development Program, and this Amended Development Program, and the three

Added TIF District Properties of 2018 will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimates the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Improvements (Remedy Traffic Congestion)

With the development of the Ocean Gateway facility, significant transportation improvements will be required to accommodate the increased traffic on the street network along and around the waterfront, with particular emphasis on Franklin Arterial, Commercial Street and India Street.

Pedestrian Circulation and Amenity Improvements

Invest in pedestrian and multi-modal infrastructure to support the working waterfront and improve public access to the waterfront.

Dredging

This recommendation recognizes the environmental and financial burdens caused by combined sewer overflows and storm water pipes that discharge into the harbor. The cost associated with disposing the contaminated dredge material jumps to more than \$100 per cubic yard vs. as little as \$12 per cubic yard for uncontaminated dredge disposal costs. Placing an additional financial burden on the marine industry, the significant cost of the disposal of the contaminated dredged material allows only a limited ability to recover those costs through increased berthing fees. Since there are considerable public health and ecological benefits associated with removing/eliminating the contaminated sediment/dredge material they create, the Report recommends that the City devise a strategy to dispose of contaminated sediments and to mitigate the effects of this issue, as well as subsidize a portion of the costs of the dredging and disposal of the contaminated material.

Economic Development Staffing

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the Waterfront Central Zone (as depicted on Attachment #5) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved The City TIF Policy limits the Credit Enhancement Agreements to not exceed 675% of the incremental taxes up to a 20-year term ~~over the life of the district.~~

B. C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000+ square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer ~~is proposed to assist~~ with project costs.

DC. The Development District Property

The City Council created the WREZ Ordinance (see Attachments #2 and #3) whereby any property within the geographic area, delineated on the attached map (see Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the ~~subject of this application and are proposed as a~~ Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. ~~Added~~ Three Added TIF District Properties of 2018

<u>MAP</u>	<u>BLOCK</u>	<u>LOT</u>
<u>019</u>	<u>A</u>	<u>014001</u>
<u>031</u>	<u>K</u>	<u>003001</u>
<u>031</u>	<u>K</u>	<u>103001</u>

EC. *Municipal Use of TIF Revenues*

The City of Portland seeks authorization to utilize the revenues generated from the five Original TIF Districts ~~and~~ the Sub-District, ~~and the~~ Added three Added TIF District Properties of 2018 that are created in the WREZ in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A of this application.

FD. *Operational Components*

1. Public Facilities

See Section IIA of this application.

~~1.2.~~ 2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. ~~2.~~ Plans for relocation of persons displaced by development activities.

No displacement or relocation of persons is associated with this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

The Original Development Program and this Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

36. Plan of Operation

During the life of the five Original Districts, ~~and the Sub-District, and the Added~~ three Added TIF District Properties of 2018, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage of five Original TIF Districts: 3.4 acres
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%
- D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres
- E. Percent line D of line A (cannot exceed 5%): 0.63%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.
- G. Enclosed municipal maps:
 - 1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).
 - 2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = _____. Line F3 divided by line B = 100%.

III-BA. Added TIF District Properties of 2018 Physical Description

The total acreage of the three Added TIF District Properties of 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

G. Enclosed municipal maps:

- 1. Area map showing site location of the Sub-District, and the -three Added TIF District Properties of 2018, in relation to geographic location of municipality (Attachment #8)
- 2. Tax maps showing locations of the three Added TIF District Properties of 2018 (Attachment #9).

2.

IV. Original Development Program Financial Plan

A. *Costs and Sources of Revenues*

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #101 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Original TIF Districts. Attachment #101 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #101 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #112 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #112 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account ("Project Cost Account") pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the "City Cost Subaccount") pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a and Developer Cost Subaccount (the "Developer Cost Subaccount") pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #121 to finance the costs of this Amended Development Program and to fund the City's payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of 2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account ("Project Cost Account") pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount

(the "City Cost Subaccount") pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the "Developer Cost Subaccount") pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the three Added TIF District Properties of 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:

Existing	\$20,961,460
Proposed	\$6,716,410
Total	\$27,677,870

Line B divided by line A = 0.71% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #101
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #101
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this

development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.
- B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:

Existing	\$305,455,220
<u>Proposed</u>	<u>\$950,900</u>
Total	\$306,406,120

Line B divided by line A = 3.73% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #1211
- D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #112
- E. Estimated annual tax increment: \$143,503 (Average)
- F. Total average annual value of development program fund: \$143,503 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

I.

V-B. Added TIF District Properties of 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.

B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

<u>Existing</u>	<u>\$1,106,422,670</u>
<u>Proposed</u>	<u>\$616,430</u>
<u>Sub-Total</u>	<u>\$1,107,059,100</u>
<u>Less Exempt</u>	<u>-\$973,107,320</u>
<u>Total</u>	<u>\$133,951,780</u>

Line B divided by line A = 1.48% (cannot exceed 5%).

C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.

D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12

E. Estimated annual tax increment: \$491,204 (Average)

F. Total average annual value of development program fund: \$491,204 (Average)

G. Annual principal and interest payment of bonded indebtedness: N/A

H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

VI. Original Development Program Tax Shifts (See Attachment #13)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VII. Amended Development Program Municipal Approvals

A. Public Hearing Notice

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on May 28, 2010 in a newspaper of general circulation (see Attachment #15).

B. Public Hearing

A Public Hearing at which the proposed Amended Development Program designation of the Sub-District as a municipal development tax increment financing district and the proposed for adoption of the Amended Development Program was held on June 7, 2010, 2018 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #16-A.

C. Authorizing Votes

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program designating Sub-District as a municipal development tax increment financing district and adopting the Amended Development Program is included as Attachment #17-A.

City of Portland

Waterfront Economic Redevelopment Program
*Application for FY02 and FY10 Amended Waterfront Tax Increment Financing
Development Districts and Sub-District*

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL

ON _____

Prepared by:

The City of Portland Economic Development Department
March 13, 2002/Amended and Restated as of June 7, 2010; Amended _____, 2018

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Portland		
2. Address: 389 Congress Street		
3. Telephone: 207-874-8683	4. Fax: 207-756-8217	5. Email: gmittchell@portlandmaine.gov
6. Municipal Contact Person: Greg Mitchell, Economic Development Director		
7. Business Name: n/a (Amendment to Waterfront TIF Development District)		
8. Address:		
9. Telephone:	10. Fax:	11. Email:
12. Business Contact Person:		
13. Principal Place of Business:		
14. Company Structure (e.g. corporation, sub-chapter S, etc.):		
15. Place of Incorporation:		
16. Names of Officers:		
17. Principal Owner(s) Name:		
18. Address:		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
<input checked="" type="checkbox"/> job creation	<input checked="" type="checkbox"/> job retention	<input checked="" type="checkbox"/> capital investment
<input type="checkbox"/> training investment	<input type="checkbox"/> tax base improvement	<input type="checkbox"/> public facilities improvement
other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
<input type="checkbox"/> real estate purchase	<input type="checkbox"/> machinery & equipment purchase	<input type="checkbox"/> training costs
<input type="checkbox"/> debt reduction	other (list): See Section II, Table 1 in Attached Amendment Application.	

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

EMPLOYMENT GOALS
Company Goals for Job Creation and Job Retention

<i>A. Job Creation Goals</i>			
<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Professional & Technical	**	**	\$
2. Administrative Support, inc. Clerical	**	**	\$
3. Sales & Service	**	**	\$
4. Agriculture, Forestry & Fishing	**	**	\$
5. Maintenance, Construction, Production, & Transportation	**	**	\$
<i>B. Job Retention Goals</i>			
<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Professional & Technical	4		\$50,000, estimated, annually for portion of Economic Development Staff of the City
2. Administrative Support, inc. Clerical			\$
3. Sales & Service			\$
4. Agriculture, Forestry & Fishing			\$
5. Maintenance, Construction, Production, & Transportation			\$
<i>*Please use the Occupational Cluster descriptions on the next page to complete this form.</i>			

**A number of new jobs across different industry sectors will be created due to targeted TIF District investment.

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories defined below. Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

OCCUPATIONAL CLUSTERS

1. EXECUTIVE, PROFESSIONAL & TECHNICAL

Executive, administrative and managerial. Workers in executive, administrative and managerial occupations establish policies, make plans, determine staffing requirements, and direct the activities of businesses and other organizations. Workers in management support occupations, such as accountant and auditor or underwriter, provide technical assistance to managers.

Professional specialty. This group includes engineers; architects and surveyors; computer, mathematical, and operations research occupations; life, physical, and social scientists; lawyers and judges; social, recreational, and religious workers; teachers, librarians, and counselors; health diagnosing, assessment, and treating occupations; and communications, visual arts, and performing arts occupations.

Technicians and related support. This group includes health technologists and technicians, engineering and science technicians, computer programmers, tool programmers, aircraft pilots, air traffic controllers, paralegals, broadcast technicians, and library technicians.

2. ADMINISTRATIVE SUPPORT, INCLUDING CLERICAL

Administrative support, including clerical. Workers in this group prepare and record memos, letters and reports; collect accounts; gather and distribute information; operate office machines; and handle other administrative tasks.

3. SALES AND SERVICE

Marketing and sales. Workers in this group sell goods and services, purchase commodities and property for resale, and stimulate consumer interest.

Service. This group includes a wide range of workers in protective, food and beverage preparation, health, personal, private household, and cleaning and building services.

4. AGRICULTURE, FORESTRY AND FISHING

Agriculture, forestry and fishing. Workers in these occupations cultivate plants, breed and raise animals, and catch fish.

5. MAINTENANCE, CONSTRUCTION, PRODUCTION & TRANSPORTATION

Mechanics, installers, and repairers. Workers in this group adjust, maintain, and repair automobiles, industrial equipment, computers, and many other types of machinery.

Construction trades and extractive. Workers in this group construct, alter, and maintain buildings and other structures or operate drilling and mining equipment.

Production. These workers set up, adjust, operate, and tend machinery and/or use hand tools and hand-held power tools to make goods and assemble products.

Transportation and material moving. Workers in this group operate the equipment used to move people and materials. This group also includes handlers, equipment cleaners, helpers, and laborers who assist skilled workers and perform routine tasks.

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2. Waterfront Capital Improvement and Economic Redevelopment Zone (WREZ) as passed June 4, 2001.
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19. Attested Resolution of Portland City Council Amending District
20. Assessor's Certificates for Original District; Sub-District; and Added TIF Properties of 2018.

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the “Original TIF Districts”) as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the “Original Development Program”). The Original TIF Districts program was designed for the City to capture 100% of the tax increment for specified allowable uses.

On June 7, 2010, the Portland City Council amended approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD) on June 28, 2010, as follows:

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage Project.

On _____, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers (“Added TIF District Properties of 2018”):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled “Investing in Our Working Waterfront – Final Report of the Mayor’s Waterfront Task Force on Economic Development”, dated October 2000 (herein referred to as the “Task

Force II Report”). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

“Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill’s Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970’s, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly demonstrating the public’s commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses (The Waterfront Alliance Report, 1992). While some may argue otherwise, the existing zoning structure, based on the 1992 Report, strikes a reasonable balance between preserving the “working waterfront” and allowing property owners necessary flexibility in managing their assets. Since the 1980’s, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of

which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to “focus on economic support for the waterfront...and to make the working waterfront work.” It is the second of a three-phase process for defining the City’s vision for its waterfront.”

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing (“TIF”) Districts was put in place.

Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. Amended Development Program

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan, the City Council formally recognized the unique business development needs of the waterfront. Since a funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, and Attachment #3 as amended December 1, 2008.) whereby any property within the WREZ geographic area, delineated on the attached map (see Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WREZ Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists,

retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a perfect mix of fishing vessels, shipbuilding, chandlery, cargo operations and the like with the lawyers, bankers, dot-com entrepreneurs and tourists. So when a revenue stream was required to maintain and improve the economic vibrancy of the Portland waterfront, the City Council acted in such a way as to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WREZ Ordinance.

The WREZ Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hopes to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves. Therefore, the Original Development Program and the three Added TIF District Properties of 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001) will serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WREZ Ordinance.

The activities to be funded through the Original Development Program, this Amended Development Program, and the three Added TIF District Properties of 2018 will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development Program so that each year the City Council could prioritize which specific activities to fund.

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1

Note 1: All citations refer to Title 30-A, chapter 206, Section 5225

Project	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Investments, for example:		
Pier and Wharf Structural Repair	(1)(A)	\$3,200,000
Local Match for Ocean Gateway Project	(1)(A)	\$1,000,000
Street Improvements (Remedy Traffic Congestion)	(1)(A)	\$5,000,000
Pedestrian Circulation and Amenity Improvements	(1)(A)	\$750,000
Dredging	(1)(A)	\$10,000,000
Credit Enhancement Agreements		Per Each
		Individual CEA
		Project
In and out of District:		
City Economic Development Staff		\$50,000 Annually
Total Estimate of TIF Revenue Expenditure over 30-year term:		
		\$20,450,000 –
		excluding CEA
		Projects

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through the five Original TIF Districts described in the Original Development Program and the three Added TIF District Properties of 2018. Since the Original Development Program, this Amended Development Program, and the three Added TIF District Properties of 2018 will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimates the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Improvements (Remedy Traffic Congestion)

With the development of the Ocean Gateway facility, significant transportation improvements will be required to accommodate the increased traffic on the street network along and around the waterfront, with particular emphasis on Franklin Arterial, Commercial Street and India Street.

Pedestrian Circulation and Amenity Improvements

Invest in pedestrian and multi-modal infrastructure to support the working waterfront and improve public access to the waterfront.

Dredging

This recommendation recognizes the environmental and financial burdens caused by combined sewer overflows and storm water pipes that discharge into the harbor. The cost associated with disposing the contaminated dredge material jumps to more than \$100 per cubic yard vs. as little as \$12 per cubic yard for uncontaminated dredge disposal costs. Placing an additional financial burden on the marine industry, the significant cost of the disposal of the contaminated dredged material allows only a limited ability to recover those costs through increased berthing fees. Since there are public health and ecological benefits associated with removing contaminated sediment, the Report recommends that the City devise a strategy to dispose of contaminated sediments and to subsidize a portion of the costs of the dredging.

Economic Development Staffing

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the Waterfront Central Zone (as depicted on Attachment #5) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved City TIF Policy limits the Credit Enhancement Agreements to not exceed 65% of the incremental taxes up to a 20-year term.

C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000± square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer assists with project costs.

D. The Development District Property

The City Council created the WREZ Ordinance (see Attachments #2 and #3) whereby any property within the geographic area, delineated on the attached map (see Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. Three Added TIF District Properties of 2018

MAP	BLOCK	LOT
019	A	014001
031	K	003001
031	K	103001

E. Municipal Use of TIF Revenues

The City of Portland seeks authorization to utilize the revenues generated from the five Original TIF Districts, the Sub-District, and the three Added TIF District Properties of 2018 that are created in the WREZ in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A of this application.

F. Operational Components

1. Public Facilities

See Section IIA of this application.

2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. Plans for relocation of persons displaced by development activities.

No displacement or relocation of persons is associated with this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

The Original Development Program and this Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

6. Plan of Operation

During the life of the five Original Districts, the Sub-District, and the three Added TIF District Properties of 2018, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

A. Total acreage of the municipality: 12,386 (taxable acres)

- B. Total acreage of five Original TIF Districts: 3.4 acres
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%
- D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres
- E. Percent line D of line A (cannot exceed 5%): 0.63%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.
- G. Enclosed municipal maps:
 - 1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).
 - 2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.

2. Acreage in need of rehabilitation, redevelopment or conservation N/A
. Line F2 divided by line B = _____.
3. Acreage suitable for commercial siting = ____ . Line F3 divided by line B = 100%.

III-B. Added TIF District Properties of 2018 Physical Description

The total acreage of the three Added TIF District Properties of 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the Sub-District, and the three Added TIF District Properties of 2018, in relation to geographic location of municipality (Attachment #8)
2. Tax maps showing locations of the three Added TIF District Properties of 2018 (Attachment #9).

IV. Original Development Program Financial Plan

A. Costs and Sources of Revenues

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #10 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Original TIF Districts. Attachment #10 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #10 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis,

determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #11 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #11 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #11 to finance the costs of this Amended Development Program and to fund the City’s payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of

2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the three Added TIF District Properties of 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:

Existing	\$20,961,460
Proposed	\$6,716,410
Total	\$27,677,870

Line B divided by line A = 0.71% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #10
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #10
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.
- B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:

Existing	\$305,455,220
Proposed	\$950,900
Total	\$306,406,120

Line B divided by line A = 3.73% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #11
- D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #11
- E. Estimated annual tax increment: \$143,503 (Average)
- F. Total average annual value of development program fund: \$143,503 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

V-B. Added TIF District Properties of 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,106,422,670
Proposed	<u>\$616,430</u>
Sub-Total	\$1,107,059,100
Less Exempt	<u>-\$973,107,320</u>
Total	\$133,951,780

Line B divided by line A = 1.48% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.
- D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12
- E. Estimated annual tax increment: \$491,204 (Average)

- F. Total average annual value of development program fund: \$491,204 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

VI. Original Development Program Tax Shifts (See Attachment #13)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VII. Amended Development Program Municipal Approvals

A. Public Hearing Notice

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on _____ in a newspaper of general circulation (see Attachment #15).

B. Public Hearing

A Public Hearing at which the proposed Amended Development Program for adoption was held on _____, 2018 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #16-A.

C. Authorizing Votes

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program is included as Attachment #17-A.

Investing in Our Working Waterfront

Final Report of the Mayor's Waterfront Task Force on Economic Development

October, 2000: Final Report

Task Force Members:

Councilor Karen Geraghty, Chair

Portland Harbor Commissioner Erno Bonebakker

Councilor James Cloutier

P.D. Merrill

Paul Peck

Charlie Poole

Anne Pringle

Senator Anne M. Rand

Representative G. Steven Rowe

Representative Michael Saxl

Elizabeth Sheehan

*Prepared by the Greater Portland Council of Governments
Staffed by GPCOG and the City of Portland*

Investing in Our Working Waterfront

Final Report of the Mayor's Waterfront Task Force on Economic Development

Produced by

Greater Portland Council of Governments

Karen Martin, Economic Development Director

Annie Wadleigh, Support Services

David Willauer, Transportation Director

public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront.

The Task Force presents its work to the City Council and to the public in the hope that the recommendations outlined herein will strengthen and further extend Portland's proud heritage as a waterfront city.

Background

The Waterfront I report specified certain guiding principles for the redevelopment of the eastern waterfront area, including, in particular, the current site of the Bath Iron Works Ship Repair Facility, the Maine State Pier.

Since the submission of that report, BIW has indicated its consent to the basic provisions that the Maine State Pier would revert to public ownership. Approximately half of the funding for the redevelopment plan adopted by the Waterfront I Task Force was approved by the Legislature and voters during 1999. It is anticipated that additional funds will be sought through federal and State sources in the coming year.

The Waterfront I Task Force expressly reserved for future consideration three important general areas:

- 1.) **The Development Plan.** This plan will address the development of site plans, building purposes and specifications for the BIW site as a Transportation Center and Gateway. The plan will also address the uses of adjoining public lands and rights-of-way as well as the development of nearby private properties. Waterfront I referred to the plan to be created by an appropriate public process as the **Development Plan** of the waterfront. The process to create this plan will be take place in **Waterfront III**.
- 2.) **The Economic Plan.** An additional need acknowledged in the **Waterfront I** report was to develop practical short-term and intermediate-term means to assist in the promotion of the economic health of the private sector as it operated primarily in the inner harbor. An additional responsibility was to understand and find ways to implement practical means to assist our fishing industry. The charge for this committee – the **Waterfront II Task Force** -- was, in the words of Mayors Kane and Mavodones, "action, action, action."

-
- 3.) **The Master Plan.** A **Master Plan** for the entire Portland Waterfront, focused primarily on the Harbor, but including the distance from Stroudwater to the Presumpscot River, as well as the Island shores, would project long-term changes, inventory assets and under-utilized facilities and capabilities along the Waterfront. It would identify needs and opportunities for future uses and development, and outline funding and economic strategies for maintaining our maritime and marine industrial economy, while introducing opportunities for recreation, public access and appropriate other complementary uses.

Master planning for this purpose will be a central mission of **Waterfront III** and is contemplated in the current City budget. The uses and purposes set out in the **Development Plan** will necessarily depend on adjoining and nearby compatible uses and facilities.

The Mayor's Waterfront Task Force (Waterfront II) was appointed in the Summer of 1999 as a follow-on to the work of the original Waterfront Task Force (Waterfront I), which submitted its report to the Council and community in January, 1999.

Research and Findings of Waterfront II

As a group charged with narrow and specific tasks associated with focused economic planning, the Task Force has consciously sought to fully involve identified segments of the harbor economic community, focusing most directly on business owners, pier owners/operators and fishing vessel owners/operators. Involvement in the process included deliberation and discussion with affected persons and structured information gathered within the affected community. This report documents the public process, the research finding, guiding principles and goals for the waterfront and, finally, recommendations.

Information Sources: The Task Force is broadly based within the harbor community, and through its membership has created direct links to organizations that have grappled with many of the salient issues for years. The participation of waterfront officials and the ready availability of information supplemented knowledge gleaned from economic development authorities – both public and private. The Task Force used business surveys, interviews and forums to obtain direct information from the participants in the current economy. Three surveys were administered as part of the Waterfront II process. One survey focused on the waterfront property owners. A second survey included all businesses located on the water-side of the waterfront. A third survey was directed at fishing vessel owners and operators. In particular, the Task Force sought to understand operating issues, difficulties in capital flows, and other business needs. Some of these clearly implicated public policy in some way, or suggested structural economic barriers that could benefit from a public policy solution.

The research also revealed that information is an occasionally scarce resource in the waterfront economic community. Most glaring was the lack of information implicit in an often stated need or desire for precisely the same economic or technical assistance that is now routinely available through the Resource Hub, the Department of Economic Development and the Downtown Portland Corporation.

Other research completed as part of this report included a rough physical assessment of wharves and piers developed from a water-side inspection of the entire inner harbor. The assessment, conducted by a marine engineer, resulted in an inventory of the apparent conditions of all the piers. In the preliminary engineering assessment performed by TEC Associates, 14 wharves were examined for short-term and long-term maintenance and repairs. In the short term, four of the 14 wharves were in good condition and would probably require no repairs over the next three years. Six of the wharves required repairs and maintenance that was estimated to cost between \$15,000 and \$100,000. The remaining four wharves required short-term investments in repair and maintenance estimated at more than \$100,000. Two of these wharves needed maintenance and repairs estimated at nearly \$500,000 over the next three years. The assessment indicated a total need of approximately \$1.4 million in repairs over the next three years.

The Task Force also included a review of the many waterfront-related studies and task force reports over the past 20 years, made good use of technical and financial expertise of City officials in the Assessment and Finance Offices, and had the benefit of the expertise of City, regional (Greater Portland Council of Governments), and nonprofit economic development professionals. In the Appendices of the full report, we included a copy of the overview of previous studies, summaries of public meetings, our survey response compilations and copies of our meeting minutes.

Economic Findings: In summary, the Task Force concluded that the private piers suffer from a limited return on capital in relation to the most critical resource and marine heritage related uses -- the water-dependent, or so-called "working waterfront" uses. The piers are in various states of repair or disrepair, and suffer to a greater or lesser degree from obsolescence and disinvestment. Infrastructure for the piers, such as modern sewerage, electrical service or structural support, is expensive, requires permitting or environmental reviews, and, as with the piers and buildings themselves, is subject to rapid degradation from natural elements.

In a preliminary engineering assessment performed by TEC Associates, 14 wharves were examined for short-term and long-term maintenance and repairs. In the short term, four of the 14 wharves were in good condition and would probably require no repairs over the next three years. Six of the wharves required repairs and maintenance that was estimated to cost between \$15,000 and \$100,000. The remaining four wharves required short-term investments in repair and maintenance estimated at more than \$100,000. Two of these wharves needed maintenance and repairs estimated at nearly \$500,000 over the next three years. The assessment indicated a total need of approximately \$1.4 million in repairs over the next three years.

Over the next 10 years, an additional estimated \$1.8 million in investment is needed in repairs and maintenance for the 14 wharves included in the inventory. It should be noted that these estimates are for repairs and maintenance. The estimates do not include costs for any improvements or additions to the wharves. They do not take into consideration needed machinery or other types of marine-related infrastructure that may be needed to support marine-related industries.

Private Piers Dredging: Alongside the piers, the complexities of dredging, and most particularly, the expense and difficulty of obtaining permits and approval for means of dredged material disposal, has resulted in an ongoing decrease in water depths. Dredging has been a long-term problem. Hopes that the pier dredging could be addressed when the Federal Channel was dredged were dashed upon the shoals of the environmental permitting process. The private pier owners identified the soil contamination caused by combined sewer overflows (CSO's) and stormwater runoff as a major cost in environmental permitting for dredging. This contamination is beyond the control of the property owner and, therefore, the public shares some responsibility for the permitting and dredge disposal designation problems. The City's Waterfront Department is exploring State and federal participation in addressing this problem. Contamination caused by CSO's and stormwater runoff is a significant future economic roadblock, and one appropriate for public participation in a solution.

Parking Issues: Traffic and parking has been repeatedly and currently identified as a burden on conducting business on the piers, and it is certainly one likely to increase in scope and severity as the eastern waterfront is redeveloped and the current islander parking area is converted to other uses. The need to accommodate on-site parking, even at the reduced levels specified for the waterfront in our zoning ordinances, contributes to the low equity return on piers by consuming, perhaps unnecessarily, large and valuable areas at the water's edge.

The Fishing Industry: The most dire predictions about the fishing industry have not come true. Nevertheless, the fleet of the Port of Portland may never recover to the degree that it will operate again in the range of its historic highs. The industry faces competition from other ports in attracting the fewest participants in the fishing industry. Research revealed a willingness by private lenders to participate in the capitalization of this industry, and there is clearly a public role in assuring a steady and economical flow of capital on a consistent and long-term basis. An important strategy for the long-term health of the port is investing in infrastructure that supports waterfront businesses. Examples of infrastructure investment could include the development of fish freezing capability on the Portland waterfront, the exploration of aquaculture enterprise, the addition of more berthing space and the rehabilitation of area clam beds.

Fiscal Analysis: The intention of the Task Force has been to develop a long-term means of addressing persistent infrastructure and business development problems. Avoiding duplication of already existing programs or administrative capabilities and minimizing, if not eliminating, impact on the City budget are additional important considerations.

The proposals have a low impact on the City budget and depend on revenues from anticipated growth as the primary means for financing the public share of lending and capital projects. As capital projects come on-line with associated revenues, and as loan funds are repaid and re-loaned, we hope that the economic impacts will combine with fund repayment cash flows and operational revenues (such as from the fish freezer or parking garages) to create a positive impact on the city budget.

Recommendations: The Task Force recommends the following actions to address the economic development needs of the Portland waterfront:

- ◆ Encourage private and public sector waterfront investments through lending programs and a capital improvements program.
- ◆ Create a waterfront-centered economic development outreach program to ensure that waterfront businesses have access to needed programs and services.
- ◆ Support the current use taxation referendum to provide property tax relief to waterfront property owners.
- ◆ Support clean, working harbors through addressing the negative effects of combined sewer overflows (CSO's) and stormwater runoff on the waterfront economy. In particular, explore ways to share the expense of dredging caused by contaminants resulting from CSO's and stormwater runoff.

I. Task Force Origin and Statement of Purpose

Task Force Origin

The Mayor's Waterfront Task Force was convened by Mayor Thomas Kane in June, 1998. Three phases were identified:

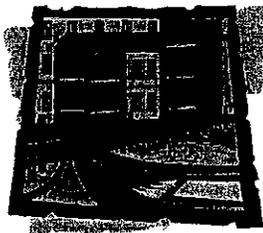
- Phase I The Task Force would engage in fact-finding and solicit public comment on recommendations for use of the property currently leased by BIW, and city-owned property immediately adjacent to the BIW-leased property, on the eastern end of the Portland waterfront (essentially waterfront and upland area east of Franklin Street).
- Phase II The Task Force would analyze additional data and make recommendations based on the economic development needs of the working waterfront.
- Phase III The Task Force will undertake the production of a Master Plan for the entire waterfront.

Phase I work began in June, 1998 and ended in February, 1999 with the distribution of the Phase I report. The Phase II project began in May 1999 and will be completed in September of 2000 after a series of public meetings to review the recommendations contained in this report.

The focus of Phase II was to determine how to identify resources to ensure future economic development for the Port of Portland. The Phase II Task Force developed the following Statement of Purpose toward this end:

Statement of Purpose

Private property owners and businesses on the Portland Waterfront face economic challenges because of the need to make large capital investment in infrastructure. The Waterfront Task Force will review infrastructure along the waterfront to identify infrastructure challenges that may adversely affect the economy of the waterfront and to identify possible solutions that address those challenges.



II. Methodology

Overview

The purpose of Phase II of the Waterfront Task Force was to review infrastructure along the waterfront in order to identify infrastructure challenges that may adversely affect the economy of the waterfront. In order to assess infrastructure challenges, the Task Force employed several methods of collecting information.



The first and most important part of the information collection process was the development of an open and ongoing discussion with business owners, property owners and interested parties on the Portland waterfront. This chapter documents the methods used to solicit input from the various waterfront stakeholders on the needs and the potential of Portland's working waterfront.

The Task Force also developed technical approaches to assessing the needs and condition of the waterfront. These technical assessments included:

- a) an engineer's preliminary inventory and structural assessment of private piers and wharves;
- b) the development of three surveys to solicit information from property owners, businesses and owners of fishing vessels using the Portland Harbor; and
- c) an assessment of the City of Portland's financial loan programs available to businesses.

In addition to the new information developed by The Task Force, members reviewed existing assessments of waterfront infrastructure needs. A list of all previous waterfront plans and initiatives was developed and is included in Appendix F.

Public Participation

Citizens, businesses, property owners and other interested parties were invited into the Task Force process in a variety of ways. First, the Task Force meetings were open to the public and participation in the meetings was encouraged. Meetings were generally held on the third Wednesday of the month at 4:00 p.m. in Room 209 at Portland City Hall. Meeting notices and materials were distributed to any interested party. Attendance at the meetings generally included five to 10 non-committee members. Attendance at each meeting is documented in Appendix A of this report.

The Task Force also held a special luncheon meeting for pier and wharf owners. This meeting took place at DiMillo's Restaurant on January 13, 2000. Seventeen property owners attended the meeting. A full meeting summary is included in Appendix B.

The Task Force also devoted time at meetings to learn about the special demands and expenses of marine-related infrastructure. Marine construction must accommodate tremendous and dynamic energy loads in a highly corrosive and fragile environment. To better understand marine construction, the Task Force agenda included a presentation by

the Maguire Group Inc. This team of architects, engineers and planners explained to the Task Force and the public just how costly marine construction can be.

The Task Force made time on its agenda for emerging Maine State Legislative initiatives that could affect working waterfronts. By providing time at the meetings, the Task Force assisted in distributing important and late-breaking information to waterfront stakeholders.

Lastly, the public and waterfront constituents needed the opportunity to learn and discuss Task Force findings and recommendations. Four public meetings were held to present the report developed by this Task Force, including three boat tours. During the boat tours, the citizens were able to view the infrastructure of the waterfront for themselves. Summaries of these meetings are contained in Appendix H.

As we enter the action phase, we also suggest a full opportunity for public discussion on a large scale. Hopefully, public forums can be organized throughout the city where the history and philosophy of zoning, what we know of current issues, opportunities and needs and recommended actions and courses of action can be reviewed.

Technical Studies

Three inventories/assessments were developed specifically for the Task Force's use. First, a preliminary inventory and survey of private wharves and piers in the Portland Harbor was conducted by Wayne W. Duffett, P.E. of TEC Associates, in December of 1999. The work was developed by a visual inspection from a small boat. While the observations and estimates made in the report are cursory in nature and are not intended to guarantee the condition, safety, or capacity of the structures, they did give the Task Force some basic idea of the magnitude of the investment needed in private piers and wharves on the Portland waterfront.

Second, a series of survey instruments were developed to ascertain the needs of the various stakeholders for infrastructure improvements. The first target of the surveys were the property owners. This survey was mailed to every owner of waterfront property who was engaged in marine-related activities. This survey concentrated on the specifics of the improvements needed on the owners' properties.

The second survey was targeted to business owners along the waterfront – regardless of whether they were property owners. The survey identified 232 businesses that were physically located on the waterfront, most of them on the water-side. This inventory is included in Appendix E. The business list was developed by walking along each of the working piers and wharves and documenting businesses. The survey was mailed out to all of the 232 businesses, without regard to their *need* to be located on the waterfront. The survey requested, however, that each respondent indicate the percentage of their business that was *related to* waterfront activity. Of the 232 surveys mailed out, 30% were returned. Of the surveys that were returned, 80% of the respondents indicated that their business was dependent on waterfront activities. When examining the surveys by the products of each business, we found that 22% of the surveys were water-dependent,

43% of the survey respondents were marine-related, 12% identified their business as minimally related to marine activities, and an additional 22% were located on the waterfront but had no relationship to marine activities.

The third survey was targeted toward fishing vessels using the Portland Harbor. Just over 40 surveys were mailed out. Eighteen surveys were returned, representing 30 boats and approximately 125 employees. All of the respondents stated that their product line included groundfish. The majority of the boats were equipped for multi-species harvesting.

All three survey instruments and the results are included in Appendix D.

The last element to the information puzzle for the Task Force was an inventory of City of Portland loan programs and financial services that are available to Portland businesses. This inventory is available in Appendix C.

Waterfront Task Force Meeting Highlights

September 7, 1999

- The particular focus of the current Waterfront Task Force was determined to be how to generate funds for private pier owners and how to garner appropriate resources to ensure future economic development.
- The City of Portland Department of Transportation's "Strategic Action Plan" includes reinvestment in privately owned piers in its guiding principles.
- Doing comparison studies with other ports similar to Portland will generate ideas on an economic plan.
- The Task Force decided to review the City's Comprehensive Plan, clarify the zoning policy, create a current inventory of waterfront business and conduct a survey of needs, develop an action plan and make recommendations to the City Council.

October 20, 1999

- Joe Gray, from the Portland Planning Department, presented an overview of waterfront zoning ordinances and the three major waterfront zones: The Port Development Zone, the Special Use Zone and the Waterfront Central Zone.
- The Task Force reviewed the proposed Statement of Purpose and Three-Step Process to develop a scan of waterfront businesses, conduct a survey of infrastructure problems and review economic development models.
- Three Subcommittees were formed to assist in this process: The Business Survey Subcommittee, the Infrastructure/Property Owner Survey Subcommittee and the Economic Development Subcommittee.

November 17, 1999

- Lee Urban gave a presentation on the Downtown Portland Corporation Model, including five loan programs that may be relevant to waterfront needs.

-
- The Business and Infrastructure Survey Subcommittees reviewed survey tools and timelines. The Economic Development Subcommittee reviewed various funding ideas.

December, 1999

- Victor Calabretta, from the Maguire Group, gave a presentation on the various types, impacts, costs and special considerations related to marine construction.
- Wayne Duffet, from TEC Associates, reviewed a quick Physical Survey and Report of Waterfront Infrastructure he conducted by boat for PDOT. The report did not address dredging or building infrastructure. Many piers are better-off than their appearance would suggest.
- The Task Force planned a Property Owners Luncheon at which waterfront property owners would be invited to gather and discuss their infrastructure needs.

January, 2000

- The Task Force reviewed the Property Owners Luncheon at which various issues, including dredging, property taxes, parking and economic development were discussed. Questionnaires were also filled out at the meeting.
- The importance of the dredging issue was discussed and various recommendations and options were explored.
- Elizabeth Sheehan distributed a one-page sheet profiling existing economic development finance programs in the area.
- The Task Force reviewed draft copies of the Business Survey and the Waterfront Business Inventory list.

February, 2000

- The Task Force decided to offer conceptual support to the City's Legislative Committee to the effect that L.D. 2422, the Commercial Fishing Initiative is acceptable and should be advanced.
- Karen Martin gave an update on the surveys. Almost half of the Property Owner Questionnaires were returned. Main themes included loan fund needs, the importance of retaining marine-related uses on the waterfront, lack of economic returns on investment, infrastructure concerns and the need for increased flexibility for property owners due to changing waterfront interests.
- The Task Force requested that a Fishing Vessel Survey tool be developed and sent out in order to get feedback from boat owners.

March 15, 2000

- It was reported that L.D. 2422, the Commercial Fishing Initiative, was passed by the Maine Legislature and would go to public referendum in November, 2000.
- Outreach suggestions for the Resource Hub included giving talks to various waterfront organizations
- Discussion took place regarding the "Business Survey Result Summary" and the following conclusions were drawn: space constraints on the waterfront are a major issue; banks and other lenders are often uneducated about marine-related businesses;

there is a lack of available financing for large loans; industry perspectives often vary from public perceptions.

- A review of the "Port of Port Chronology" demonstrated ongoing attention given to waterfront issues, particularly waterfront zoning and investment in infrastructure.
- It was noted that dredging is largely beyond the scope of the Task Force.
- Jeff Monroe presented draft copies of a "Master Dredging Plan/EIR/Local Share" legislative initiative.

April 26, 2000

- Elizabeth Sheehan distributed copies of the Economic Development Subcommittee Report and reviewed the four main sections: Guiding Principles, Goals, Suggested Actions and Waterfront Fund Recommendations. The first priority should be in infrastructure investment with funding at below the market interest rates. The Subcommittee agreed to revise the report according to comments from the Task Force.
- The Task Force discussed various funding strategies.
- Karen Martin distributed copies of the Fishing Vessel Survey Summary.

May 24, 2000

- The Draft Final Report, prepared by GPCOG was reviewed by the Task Force.

September 20, 2000

- The Task Force held one final meeting to review the public outreach component and finalize details of the Final Report.

III. Guiding Principles and Goals



Before developing various strategies and recommendations, the Task Force proposed and agreed upon some basic guiding principles and goals regarding the waterfront.

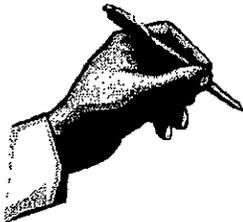
Guiding Principles

- ◆ The Portland waterfront is a limited natural resource and the City has established and should continue a policy of preserving access for both traditional and emerging water-dependent uses.
- ◆ While the Portland waterfront serves a number of functions (job center, industry center, property tax base, transportation center, retail center, gateway, home, marine ecosystem, etc.), its primary role, recognizing its unique geography, is as an economic center for water-dependent businesses which cannot exist elsewhere.
- ◆ Stable pier infrastructure is an essential element for successful water-dependent businesses.
- ◆ Easy access to land-based transportation is essential for successful water-dependent businesses.
- ◆ The array of marine-related industries on the waterfront represents a critical mass of interdependent uses and services that, in total, provide a necessary base for continued viability of water-dependent uses.
- ◆ Mixed uses, including existing tenants and, potentially, new development, present important opportunities to generate revenue streams that support infrastructure dedicated to water-dependent uses.

Goals

- ◆ To continue the policy priority of supporting water-dependent and marine-related businesses.
- ◆ Assist in maintaining the physical infrastructure of the waterfront.
- ◆ Utilize existing program and funding resources to cover gaps not being met by private financing sources.
- ◆ Address overarching needs that affect both waterfront businesses and other businesses in the Old Port area, especially regarding traffic congestion and parking.

IV. Research and Findings



This chapter presents highlights of the findings of the Task Force, based on its technical studies and public participation process. The important elements from the various assessment tools include the following:

- ◆ Assessment of the current conditions of the Waterfront infrastructure.
- ◆ Identification of the types of infrastructure needed or desired by owners and users of the waterfront.
- ◆ Identifications of barriers to investing in the waterfront.
- ◆ Identification of potential tools for improving the waterfront for business.

Current Conditions of the Infrastructure

In the preliminary engineering assessment performed by TEC Associates, 14 wharves were examined for short-term and long-term maintenance and repairs. In the short term, four of the 14 wharves were in good condition and would probably require no repairs over the next three years. Six of the wharves required repairs and maintenance that was estimated to cost between \$15,000 and \$100,000. The remaining four wharves required short-term investments in repair and maintenance estimated at more than \$100,000. Two of these wharves needed maintenance and repairs estimated at nearly \$500,000 over the next three years. The assessment indicated a total need of approximately \$1.4 million in repairs over the next three years.

Over the next 10 years, an additional estimated \$1.8 million in investment is needed in repairs and maintenance for the 14 wharves included in the inventory. It should be noted that these estimates are for repairs and maintenance. The estimates do not include costs for any improvements or additions to the wharves. They do not take into consideration needed machinery or other types of marine-related infrastructure that may be needed to support marine-related industries.

According to the property owners' survey, five of the nine respondents indicated that they had infrastructure financing needs of between \$100,000 and \$500,000. If the financing needs of all the property owners are totaled, the total sum of the investment needed amounts to approximately \$1.6 million. This figure is remarkably similar to the \$1.4 million identified as the actual costs of repairs needed in the short-term structural assessment.

Types of Infrastructure Investments

Fish harvesters, businesses and property owners were all asked about the type of infrastructure investments needed on the Portland waterfront. In addition, the TEC Associates' inventory suggested needed repairs, by wharf.

Based on surveys from 18 fish harvesters, several different types of infrastructure needs were identified. Some harvesters pointed out that some of the private wharves needed dredging and repairs. Fish harvesters also listed the need for more reasonably priced dock space; a building to work on fishing gear; more parking; and better traffic movement on Commercial Street. The need for more dockage was the most frequently cited response.

Based on the survey of property owners, their number one infrastructure need is for dredging. Six of the nine respondents stated that they needed to dredge. Four of these property owners indicated that the cost of dredging would average approximately \$100,000. Two of the six owners did not provide cost estimates. Other common infrastructure needs were for basic wharf maintenance such as pilings, bulkheads, and decking. Two of the owners listed road work as a need. One of the owners cited the need for parking infrastructure.

Based on the survey of businesses on the waterfront, infrastructure needs include: parking; transportation improvements on Commercial Street; the addition of the I-295 Connector; more restrooms; building renovations; more affordable, light-industrial space; dredging; more Internet connections; and more general development. The most frequently cited response focused on parking.

Barriers to Investment

Property owners identified a few key barriers to reinvesting in the waterfront infrastructure. At the property owners meeting, the expense of dredging was expressed by wharf owners as a key barrier. The owners indicated that contaminated storm water runoff from city streets and sewers was one of the major contributors to the cost of dredging and, therefore felt the City should participate in those costs.

The tax structure was another barrier listed by the property owners. Basic repairs are made; however, real growth in infrastructure capacity does not happen because of the fear of increased taxes. Some property owners are concerned about their ability to construct and fill new buildings, given the first-floor use restrictions. With the first floor restricted to marine uses, owners worry that marine uses really can't pay market rates and survive. The owners need market rates to pay for the new investments. Some owners were also concerned about the ability to fill first floors with marine businesses. The owners wondered if enough new marine businesses are being generated to keep up with the available space. Problems with building vacancy rates were indicated by two of the nine wharf owners who participated in the survey. An additional four owners indicated that the marine infrastructure is underutilized, due to the need for basic repairs and maintenance.

Through the business owner survey, we learned that over half of the respondents felt that their space would be inadequate for their needs over the next three years. If property owners are reluctant to make investments, there is the possibility that those businesses that don't have to be on the waterfront may abandon their current facilities in search of additional space. Without new investment in the waterfront infrastructure, some

waterfront businesses may move away to suit their growth needs, even though these strong, growing companies are the ones that are needed to subsidize the investment in waterside infrastructure.

Some owners also indicated that the City lacks a clear vision of the future of the waterfront. Without a future spelled out, owners may be reluctant to make significant investments.

When we add in the fishing vessel surveys, we add another layer of complexity to the barriers to waterfront investment. Fishing is an industry that, on the surface, looks bleak, yet recent landings at the Portland Fish Exchange are up significantly. The respondents in the fishing vessel survey indicated that despite the hardships, they are continuing to invest in the industry.

Given the ever-changing combination of restrictions to days at sea, types of gear, and areas to fish, harvesters have an extremely difficult time in developing business plans. Yet the very nature of the industry demands constant investment in gear, rigging and other marine-related investments. Four of the six respondents who indicated that they needed financing for their fishing businesses stated that they have had problems with banks that don't understand the nature of their industry.

The fishing fleet also needs reasonably priced waterside infrastructure on the piers and wharves. They need berthing space, office space and gear storage space. All of which they need at the low end of the market rate.

Lastly, existing public sector financing programs present barriers to waterfront investments. Most of the public-sector lending programs are for loans of under \$100,000. The surveys illustrate that waterfront infrastructure is extremely costly and exceeds the parameters of many existing lending programs.

Potential Tools to Encourage Investment

A basic characterization of the barriers to waterfront infrastructure investment is that there is a gap between the costs of improvements and the return on the investments from these improvements. There are only a few ways to bring investments and return on investments in line: reduce the tax burden, reduce the cost of financing, or increase the potential for return on investment.

The survey instruments provided feedback regarding the need for various types of financing and business services. The following exhibits show several characteristics of the waterfront businesses, including: future plans, types of financing needs, problems with financing, and amount of financing needed. The table breaks out the business responses by water-dependent, marine-related, no relationship, and those that have a slight relationship to the waterfront.

Exhibit 1 shows results from the survey of all waterfront businesses. The exhibit indicates that nearly half of all businesses on the waterfront are planning to add new employees and invest in new equipment. These trends are true for water-dependent businesses as well as non-water-dependent uses. Another large percentage of businesses are looking to either renovate or expand their space.

Exhibit 1: Business Plans and Financial Needs

Plans	Water Dependent	Marine Related	No Relationship	< 10% Marine Related	Total Responses	% of All Respondents Saying Yes
Renovate Space	5	6	1	1	13	21%
Expand Space	2	9	4	2	17	27%
Expand Market Area	4	10	2	4	20	32%
Move Off Waterfront	1	1	1	0	3	5%
Reduce Employees	0	1	0	0	1	2%
Change Product Mix	1	5	3	1	10	16%
Invest in Equipment	6	10	5	6	27	43%
Relocate on Waterfront	1	3	1	0	5	8%
Add Employees	6	13	7	5	31	49%
No Changes	3	6	5	2	16	25%
Total Respondents	13	29	13	8	63	

Exhibit 2 shows the financing needs of businesses along the waterfront and of the fishing vessels. More than half of the 67 business respondents stated that they would be interested in a public sector loan program. For water-dependent businesses, 67% indicated that they would be interested in financing programs. Of the 67 businesses, 27% indicated that they needed the financing programs for working capital. Of those businesses that stated that they needed financing, 18 of the 35 businesses wanted financing for working capital. A significant portion of the businesses also said that they needed financing for machinery and equipment.

Exhibit 2: Financing Needs of Waterfront Businesses

Financing Needs of Waterfront Businesses	Water Dependent	Marine Related	No Relationship	< 10% Marine Related	Total Responses	% of All Responses
Pier/Wharf Improvements	0	0	0	0	0	6%
Building	2	2	0	1	5	7%
Technical Assistance	1	1	0	0	2	3%
Machinery and Equipment	4	3	0	2	9	13%
Legal & Accounting	1	0	0	0	1	2%
Working Capital	2	7	5	4	18	27%
Total Responding that they had needs	10	13	5	7	35	52%
Total Respondents	15	29	15	8	67	100%

When fishing vessel owners were surveyed, 61% of the respondents indicated that they had financing needs. Unlike the respondents in the land side businesses, fishing vessel owners wanted financing for pier and wharf improvements. After pier and wharf improvements, owners needed financing for machinery and equipment and working capital. Exhibit 3 displays the financing needs of fishing vessels responding to the survey.

Exhibit 3: Financing Needs of Fishing Vessels

Financing Needs	Fishing Vessels
Pier/Wharf Improvements	5
Building	1
Technical Assistance	1
Machinery and Equipment	4
Legal & Accounting	1
Working Capital	4
Total Responding that they had needs	11
Total Respondents	18

Exhibit 4 shows the amount of financing needed for business owners, property owners and fishing vessels. The land-side business owners had financing needs at a variety of levels. Ten of the businesses needed financing in excess of \$100,000. Eleven of the businesses needed financing of \$50,000 or less. Fishing vessel owners and property owners generally needed larger amounts of financing. Five of the six property owners needed financing in excess of \$100,000. The larger amounts of financing needed by the fishing vessels and the property owners is consistent with their desires to invest in pier and wharf improvements.

**Exhibit 4: Amount of Financing Needed Compared: Land Side
Businesses, Fishing Vessels and Property Owners**

Amount of Financing Needed	Business Owners	Fishing Vessels	Property Owners	Total Yes's
Less than \$25,000	6	3		9
\$25,000 to \$50,000	5	2		7
\$50,000 to \$100,000	6	3	1	10
\$100,000 to \$500,000	7	4	4	15
More than \$500,000	3	1	1	5
Total Specifying Amount of Financing Needed	27	13	6	46
Total Respondents	67	18	9	94

V. Task Force Recommendations



Based on the findings identified above, the Task Force recommends the following four actions:

- ◆ Encourage private and public sector waterfront investments through lending programs and a capital improvements program.
- ◆ Create a waterfront-centered economic development outreach program to ensure that waterfront businesses have access to needed programs and services.
- ◆ Support the current use taxation referendum to provide property tax relief to waterfront property owners.
- ◆ Support clean, working harbors through addressing the negative effects of combined sewer overflows and stormwater runoff on the waterfront economy.

Recommendation One:

Encourage Private and Public Waterfront Investments

The Task Force recommends a public/ private partnership be developed for the dual purposes of providing a low-cost fixed rate loan fund and implementing a waterfront-related public improvement program to construct infrastructure for the fishing/marine resources industry and to finance parking facilities or congestion mitigation. The loan program will be a source of financing for improving privately owned waterfront piers, infrastructure and "gap" business financing,

The lending program and the infrastructure improvement program should be financed through the City's Capital Improvement Program (CIP). The CIP serves as the City's budget for capital expenditures and, if necessary, their supporting bonds. The CIP is also a multi-year strategy that provides a longer-term picture of the infrastructure needs of the City. Any bonds authorized through the CIP in support of waterfront improvements could be paid back through Tax Increment Financing Districts. A TIF could be authorized for a large geographic section of the waterfront to capture all improvements. A TIF could also be authorized for a specific business along the waterfront to spur private investment.

The effectiveness of these programs should be evaluated on a periodic basis to evaluate the degree to which they contribute to the long-term economic goals of the community on the waterfront. In particular, the economic health of "working waterfront" businesses and activities, the circumstances of the fisheries industry and the Fish Pier operations, and the physical condition of piers and the depths of water along the sides of piers have been documented in this report or in other recent research, and all should be re-evaluated periodically. The scale of investment contemplated in this report clearly indicates a path for measurable, positive change.

A. The Lending Program

We recommend that the City Council and city administration develop a lending program in conjunction with the identified partners and such others as may be identified from time to time.

- 1) Advisory Committee: We urge the city to use existing administrative capabilities and procedures for implementation of this program. In conjunction with that, however, we believe that our findings about the waterfront economic community and its unique needs means that an Advisory Committee specific to the waterfront program is needed.

The purpose of this committee will be to advise the lending partners and City concerning the purposes and uses of the loan fund, and to advise the City administration and Council concerning infrastructure investments to be financed in whole or in part by the Waterfront Investment Fund. Members should be appointed through the normal appointment process, and should include lending partners, waterfront experts or representatives, public representatives and technical advisors, (such as waterfront office staff and affected industry representatives of marine resources from areas such as harvesting, production or processing).

This group would be charged with assessing the performance of the fund, and would guide fund policy and make appropriate recommendations to participants for changes. It would not make loan decisions.

The committee should take an active, annual role in developing a capital improvement program for the waterfront, including maintaining a persistent focus on assisting the marine-related, water-dependent uses which are the core activities of the "working waterfront."

- 2) Loan Funding Goals and Criteria: The participants should implement the principles and goals as articulated in this report and as refined and elaborated by the Advisory Committee from time to time. Procedures for funding, hypothecation or securitization, underwriting and repayment will be adjusted from time to time within the program to match the needs of the borrowers and the capabilities of the lending partners.

One principal objective of the loan fund process should be to incorporate the participation of lending partners to assist in market penetration, diversify funding sources and risks and access underwriting and technical expertise on a consistent basis as it evolves in the local capital markets. In general, the funding of loans should include, from non-city participants, a 50% match for projects expending \$100,000.00 or more.

changed to
1/3
1/3
1/3

- 3) Lending Partners: The Task Force is aware that loan funds administered through the Economic Development Office and the Downtown Portland Corporation have been created, in whole or in part, with limited purpose grants or funding from private sector partners. We have identified lending partners, including Coastal Enterprises Inc., Greater Portland Council of Governments (GPCOG), and commercial banks, that are already lending to the waterfront commercial real estate and fishing sectors. Within the parameters of the broad purposes to be accomplished, additional participants should be recruited on an ongoing basis.
- 4) Loan Administration: The fund administration should be centralized and easy to access. The program should use existing administrative and technical resources and capabilities whenever possible. Two methods of administration could be used to create this "one-stop-shop" effect. First, the loan program could be assigned to the Downtown Portland Corporation. The Corporation should be renamed to reflect a broader mission i.e. Portland Investment Corporation. A second method for administering the program would be to outsource the program. Whichever method of administration is selected, the program must function as a "one-stop-shop" for financing to ensure ease of use.
- 5) Loan Fund Amount: Our evaluation of short-term loan demand, based on our surveys, indicates that the need for \$1,000,000.00 in City resources, assuming a 50% match from partners, to generate a total of \$2,000,000.00, would be adequate for initial periods.
- 6) Eligible Uses: The first priority we have identified would be to fund infrastructure investments and fixed assets such as utilities, pilings, dredging, deck replacement, pier improvements and renovations of lease space used or to be used for water-dependant purposes. At present, small business lending appears adequate through existing economic development programs; however, identification of gaps in available capital should lead to implementation of lending programs to fill capital gaps.
- 7) Interest Rate: A principal purpose of this program is to assure long-term capital flows to waterfront infrastructure which will assist in generating an economic return for marine-related, water-dependant activities. Lending programs financing these activities should feature a below market, blended rate.

B. Waterfront Improvement Program

The Task Force recognizes that unique conditions of congestion, economic crowding-out generated by mixed or multiple uses in certain areas, and a predictably slow return on investment in certain important economic sectors (including, currently, fisheries) make long-term capital investment a desirable public activity. Principally, parking facilities, traffic congestion and fishing industry investments are appropriate for immediate consideration for public investment.

The Task Force recognizes that some of these investments, while of great importance to the waterfront, are unlikely to enjoy prompt funding when blended with the very great demands on capital funds from other projects and undertakings in the city. The needs to be addressed include congestion and lack of parking. Use of some of Maine's most valuable real estate as surface parking lots to meet zoning and land use requirements, as well as inadequate capital bases for investment or reinvestment in marine resources, all suggest a more focused public improvement program would have lasting beneficial effects on the waterfront economy.

The Waterfront Improvement Program would outline a dedicated, multi-year strategy for public investments. The stability inherent in a multiple-year public program of investment and reinvestment is an important element in inducing business confidence. Other important elements include the future existence of adequate infrastructure, the future availability of the financing of water-dependant uses operated by the private sector, and the future commitment of the City of Portland to the working waterfront.

1. Dredging: Funds should be made available on a grant or loan basis to provide a reasonable public share of the costs of permits and disposal options development to allow dredging of the pier areas with reasonably priced disposal. The highest value should be placed on reestablishing and continuously maintaining adequate depths at piers to accommodate ocean-going vessels. Local public and private funds should be leveraged with multiple other sources to create a permanent solution to this very important problem.
2. Environmental Improvements: A number of environmental issues were raised in the context of the waterfront. As noted in the following section of this report, contaminants from a variety of sources add to the cost of dredging. To the extent that improved public infrastructure can reduce these contaminants, such expenditures should be considered as part of the Waterfront Improvement Program. Examples of such facilities could be sewer lines, the reduction of stormwater runoff, pumpout facilities and solid waste disposal.
3. Transportation Infrastructure: The Task Force recommends that the City of Portland address these waterfront concerns and issues. The Task Force is aware that Phase III will undoubtedly deal in detail with eastern waterfront issues surrounding the development of transportation facilities and other anticipated development. The I-295 Connector roadway proposal, if built, will add important roadway infrastructure to the commercial activities of the West Commercial Street area.
4. Parking Garages: The Task Force recommends the development of waterfront parking garages not located on the water-side (with appropriate streetscape for retail or office uses) to supplement or replace the surface parking which serves the area. The intent is to free up precious waterfront land for productive use while relieving the parking problems for waterfront commerce. When appropriate, a progressive lessening of the on-premise parking requirements for piers could be coupled with

revised trucking and loading arrangements to assure a freer flow of freight and supplies.

C. Financing of Loans and Public Improvements for the Waterfront.

The Task Force recommends the initiation of a dedicated fund to provide the capital for the lending program and the Waterfront Improvement Program. The fund would be part of the City's CIP program and would be managed by the by the City Council and administration, with the advice and assistance of the Advisory Committee. A dedicated bond package may be needed to finance the initial expenditures listed in the CIP. The CIP expenditures including bond payments are intended to be partially, if not completely, offset by the creation of a Tax Increment Financing District (TIF's) or Districts. The TIF Districts would capture any new valuation created by private investment into a dedicated fund.

The following actions are recommended:

1. Capitalization: A dedicated fund would be set aside to finance both the lending program and the Waterfront Improvement Program. To accomplish the goals of increasing both public and private investment, the fund should be capitalized at a level of \$1,000,000 to \$1,250,000 per year.
2. Capitalize Loan Program: The first use of the funds would be to provide capital for the lending program. To the extent that CIP or other funds are utilized to commence the lending program, these should be reimbursed or replenished to maintain the continuity and integrity of the fund.
3. Leverage Public Investments: Additional funds should be used to leverage productive capital expenditure in marine-related industries, and to create parking, through an annual plan of capital improvement.
4. Tax Increment Financing District: The amount of capitalization of the lending program and Waterfront Improvement Program will be dependent on the ability of the City to capture revenues through the creation of either one large Tax Increment Financing District (TIF) or a series of TIF's. Both sides of Commercial Street east of the Casco Bay Bridge, and an area of Fore Street and India Street within the region of the Development Plan could be designated, through effective Council and administrative action, to capture new assessments in the District. Funds captured by this method should be meaningfully restricted to assure they are devoted to economic development and investment as detailed in the Waterfront Improvements Program.

Recommendation Two:

Create a Waterfront-Centered Economic Development Outreach Program.

The surveys show that many waterfront businesses are simply unaware of the business services available through the City of Portland, and, in particular, the Resource Hub and

Downtown Portland Corporation. Waterfront business operators have routinely expressed as a high priority a desire for the very programs that the city offers.

The waterfront economic community can be treated as somewhat distinct for purposes of marketing the availability of business development services. The addition of specialized lending programs for the specific "gap" needs of waterfront businesses (see Recommendation One above) and the continued emphasis on developing marine-related, water-dependant uses should be prominently highlighted as the core economic policies of the community on the waterfront.

The Task Force recommends developing a waterfront business development marketing program, and specifically a brochure for waterfront businesses and pier owners, which outlines these community priorities and the associated financing and business assistance programs.

Recommendation Three:

Support the Current Use Taxation Referendum to provide Property Tax Relief

Since reducing property taxes would be one way of reducing costs for waterfront property owners, the City of Portland should support the Legislative Referendum that would address current use taxation for waterfront properties through amending the Maine State Constitution. Without such an amendment, the City has no mechanism to address property tax concerns of the waterfront property owners. These concerns were expressed in the meeting with waterfront business owners. The potential for increasing property taxes is a major concern of property owners who are considering re-investing in waterfront infrastructure. Discussions with the Portland Tax Assessor's office suggest that the impact of this change to the Maine State Constitution would have a minimal effect on the City's tax revenues.

Recommendation Four:

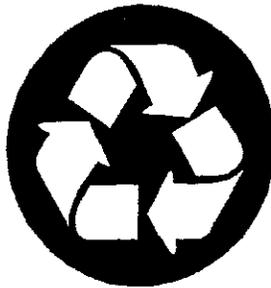
Support Clean, Working Harbors

There are numerous combined sewer overflows (CSO's) and stormwater pipes that discharge into the harbor. They carry contaminants such as heavy metals from the land and spread them over the harbor floor. The contaminants build up in the mud that must be dredged in order to maintain a working water depth at the piers and wharves. The cost to dispose of the contaminated mud is about \$100 per cubic yard of contaminated mud vs. about \$12 per cubic yard for uncontaminated mud. The cost to dredge 200 to 300 feet of wharf face, depending on depth and width could be around \$30,000. If the mud is contaminated, the cost could increase up to \$300,000. These costs are almost impossible to recover in increased berthing fees. This situation is a significant future economic roadblock to our working waterfront, and one appropriate for public participation in a solution.

To address this problem, the Task Force recommends that the City develop and implement a plan to mitigate the effects of Combined Sewer Overflows (CSO's) and stormwater runoff on the ~~economy~~ of the working waterfront and on the ecological health

of the harbor. The cost of some of these measures will be incorporated into the Waterfront Improvement Fund. The plan would accomplish the following

- 1) Devise a strategy that subsidizes dredging of sediments contaminated due to CSO's and stormwater runoff.
- 2) Incorporate the costs of addressing stormwater runoff in calculating infrastructure needs/costs.
- 3) Encourage the DEP initiative to eliminate illegal discharges.
- 4) Assess the potential for providing for sewer access out to the end of the wharves.
- 5) Assess the adequacy of pumpout facilities, solid waste disposal and hazardous waste disposal at the waterfront.
- 6) Explore the possibility of conducting a statewide environmental impact review
- 7) Request that the State develop a comprehensive process for future dredging.
- 8) Work with other port communities to address dredging issues at the national level.
- 9) Develop a specific plan to capture and treat street and stormwater runoff that contaminates the harbor.



As passed by City Council on June 4, 2001

AMENDMENT TO THE PORTLAND CITY CODE,
CHAPTER 14, ARTICLE XV
(WATERFRONT CAPITAL IMPROVEMENT AND ECONOMIC
REDEVELOPMENT ZONE AND ORDINANCE)

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

1. *That Chapter 14, Article XV Waterfront Capital Improvement and
Economic Redevelopment Zone and Ordinance is hereby enacted to read as follows:*

Article XV. WATERFRONT CAPITAL IMPROVEMENT AND ECONOMIC
REDEVELOPMENT ZONE AND ORDINANCE

Sec. 14.905. Title.

This ordinance shall be known as the Waterfront Capital Improvement and
Economic Redevelopment Ordinance.

Sec. 14-906. Purposes.

The purpose of this ordinance is to implement those provisions of the Waterfront
Economic Development Task Force Report, (Waterfront II) entitled "Investing in Our
Working Waterfront: Final Report of the Mayor's Waterfront Task Force on Economic
Development," dated September 2000, as adopted by the Portland City Council on
June 4, 2001 which create a capital improvement plan for redevelopment on the Portland
Waterfront. That plan includes funding the loan fund described in that report, the
financing and installation of infrastructure to support the economy of that area of the City
of Portland, such as parking facilities, utilities, traffic and congestion management
installations, operating facilities for the cargo, fishing and other water-dependent, marine
related industries, environmental protection and improvement, including the management
and abatement of combined sewer overflows, appropriate assistance in the permitting and
completion of dredging of siltation at piers wharfs and weirs, and such other matters as
the City Council shall approve from time to time. These activities shall be collectively
known as the redevelopment program.

Sec. 14-907. Creation of the Waterfront Redevelopment Economic Zone (WREZ).

The Waterfront Redevelopment Economic Zone is hereby created.

Beginning at a point on the southerly side of the Eastern Promenade at the intersection of the Westerly side of the Portland House Condominium and the Easterly sideline of land now or formerly of Dan Haley.

Thence Southwesterly along the Southerly side of Eastern Promenade to Fore Street.

Thence Westerly along the Southerly side of Fore Street to the intersection of Fore Street and Montfort Street.

Thence Northerly along Montfort Street to the Southeast corner of the lot referenced as 20-C-2 on City of Portland Tax maps as of April first, 2001.

Thence Westerly along lot 20-C-2 about 72 feet.

Thence Northerly along 20-C-2 to 20-C-5.

Thence Westerly along 20-C-5 to the south corner of 20-C-5.

Thence Northwesterly along 20-C-5 to Newbury Street.

Thence Southwesterly along Newbury Street to Hancock Street.

Thence Southeasterly along Hancock Street to Middle Street.

Thence Southwesterly along Middle Street to 20-C-27.

Thence Southeasterly along the Northeast sideline of 20-C-27 about 99.99 feet.

Thence Southwesterly along the Southeast sideline of 20-C-27 to India Street.

Thence South along India Street to the Northern corner of 29-N-26.

Thence Westerly along the Northern side of lot 26 to lot 24.

Thence Westerly, Northerly, Westerly, and Southerly along 29-N-24 to Bradbury Court.

Thence Westerly along Bradbury Court to the Franklin Street Arterial.

Thence Northerly along Franklin Street Arterial to Fore Street.

Thence Westerly along Fore Street to Pearl Street.

Thence Southerly along Pearl Street to Gold Street.

Thence Westerly along Gold Street to Silver Street.

Thence Northerly along Silver Street to Fore Street.

Thence Westerly along Fore Street to Market Street.

Thence Southerly along Market to the dividing line between 32-S-3 and 32-S-4 & 5.

Thence Northerly along Moulton Street to Wharf Street.

Thence Westerly along Wharf Street to a passage between Assessor's map 32 blocks "T" and "U" leading to Commercial Street.

Thence Southerly along said passage about 28 feet to the dividing line between lots 32-U-3 and 32-U-5.

Thence Westerly, Southerly, and Westerly along the Southerly line of lot 5 to Dana Street.

Thence Westerly across Dana Street and following the Northern boundary of lots 32-V-2, 4, 5, 8, and 12 to Union Street.

Thence Northerly on Union Street to Fore Street.

Thence Westerly on Fore Street to parcel 38-F-8.

Thence Southerly along the Easterly sideline of 38-F-8.

Thence Westerly along the Southerly sideline of 38-F-8 to Cross Street.

Thence Northerly to Fore Street

Thence Westerly along Fore Street to 38-G-7.

Thence Southerly along the Easterly sideline of 38-G-7.

Thence Westerly along the Southerly sideline of 38-G-7 to the Easterly sideline of Center Street.

Thence Northerly along Center Street to the Southerly sideline of 40-F-11.

Thence Southwesterly along the Southerly sideline of 40-F-11 and 40-E-1.

Thence Westerly along the South side of 42-A-8.

Thence Northerly along the Westerly line of 42-A-7 to York Street.

Thence Westerly along the Southerly side of York Street to High Street.

Thence Southerly along High Street 44 feet ± to Southern sideline of 42-B-7.

Thence Westerly along the Southerly sideline of 44-B-2 to Park Street.

Thence Westerly across Park Street to the Southerly sideline of 43-C-7.

Thence Westerly along the Southern sideline of 43-C-7 to the edge of proposed State Street.

Thence Westerly across proposed State Street to the Southerly sideline of 43-E-8.

Thence Westerly along the Southerly sideline of 43-E-8 to the Casco Bay Bridge.

Thence Southeasterly along the Casco Bay Bridge to the Harbor Commissioner's Line.

Thence Northeasterly along the Harbor Commissioner's line to a point which is the intersection of the Harbor Commissioner's line and a line which is the extension of the lot line between the Southeasterly line of land now or formerly of Dan Haley and the Southwesterly line of the Portland House Condominium.

Thence Northwesterly along said line to the Southerly side of the Eastern Promenade at the point of beginning.

All as shown on a map dated April 13, 2001 entitled "Proposed Waterfront Redevelopment Area" on file in the Planning Office.

Any inconsistencies between this description and the map shall be controlled by the map.

Sec. 14-908. Financing Activities.

The following financing activities are authorized for the creation of funds to be used for the activities approved for funding by this ordinance:

(a) Tax Increment Financing Districts Revenues.

(1) Within the Waterfront Redevelopment Economic Zone (WREZ) all activity except minor changes as defined below, which results in an increase in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment, shall be subject to designation as a Tax Increment Finance (TIF) District to support redevelopment activities within the WREZ pursuant to 30-A M.R.S.A. §§ 251-526, as amended.

Minor changes shall mean those physical changes, minimal in scope or purpose, which when accumulated with previous and anticipated other changes, over a period of

two years, increase the assessed value of the affected property by a cumulative total of \$400,000 or less.

(2) Affected properties shall mean those properties within the zone which undertake activity, except minor changes as defined above, which results in a change in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment.

Affected properties within the WREZ shall be designated for inclusion in this redevelopment program as a TIF District, and the tax increment from the captured assessed value shall be applied to the redevelopment program purposes, subject to approval by the City Council on a TIF-by-TIF basis.

A property is an affected property if it otherwise so qualifies, and the total aggregate amount of captured assessment in the TIF Districts devoted to this redevelopment program does not exceed 1.25% (.0125) of the total taxable valuation of the City of Portland, when adjusted as necessary to reflect 100% valuation, as determined by the City Assessor.

(3) The redevelopment program shall be that series of investments, expenditures, guarantees and supports which are planned for project fund expenditures.

(b) Program Income and Other Revenues.

The City Manager will budget the program activities, including the program income and expense, of the redevelopment program annually for approval and implementation by the City Council. The redevelopment program is authorized to receive program income, grants, participations, joint ventures, investments and other revenues for the purposes of the redevelopment program as approved by the City of Portland from time to time.

(c) Advisory Committee.

At least once each fiscal year, the Waterfront Economic Development Advisory Committee established in Sec. 14-909 shall meet for the purpose of evaluating and proposing updates to the Development Plan, and for identifying properties developed in the redevelopment zone which qualify as TIF District properties. The Advisory Committee shall make an annual report of conditions and changes in conditions addressing the economic circumstances of the waterfront economy, and shall include in said report detail on at least the following issues:

(1) The utilization, adequacy and capital and operating position of the enterprise loan fund designed to assist water-dependant, marine-related properties and businesses;

(2) The state of the fishing industry, the adequacy and demand for berthing space and operating facilities, financing, local markets and opportunities, and the operations of public operations pertaining to the fishing industry;

(3) The status of other water dependant industries and operations along the Portland waterfront, including opportunities to develop or promote water dependent and marine resource dependant economic opportunities;

(4) The status of dredge operations and needs at public and private piers, the nature of impediments to maintaining full depths at all working Portland piers;

(5) The status of cargo operations in the Port of Portland, including analysis of surface transportation capacities serving the Port cargo operations, whether public or private;

(6) The status of parking availability, public access to the waterfront and to water dependent recreational activities and pursuits;

(7) The status of environmental concerns, programs and issues along the Portland waterfront, and particularly in the inner harbor; and

(8) Such other information, data or findings concerning conditions as affects the economic and environmental health of the waterfront area, or the recommendations of the Advisory Committee concerning the operations of the loan fund or the capital improvement program.

(d) Recommendations.

As often as it deems prudent, but at least once each fiscal year, the Advisory Committee shall, after notice and public hearing, prepare and submit to the City Manager and Council a recommended capital improvement plan, utilizing the revenues of the WREZ. The Finance Committee of the City Council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

(e) Adoption.

The City Council shall adopt amendments to the WREZ, designate TIF Districts and authorize expenditures and take such other actions as are necessary each year to implement this redevelopment plan and administer its revenues and expenses.

Sec. 14-909. Waterfront Economic Development Advisory Committee.

(a) Creation and Purpose.

The Waterfront Economic Development Advisory Committee is hereby created for the purpose of advising the City and its lending partner on the purposes and uses of the waterfront loan fund recommended in the Task Force Report and to advise the City administration and Council concerning infrastructure investments to be financed in whole or in part by the Waterfront Investment Fund.

(b) Other Responsibilities.

The Committee shall also:

- (1) fulfill its responsibilities under Sec. 14-908(b) and (c);
- (2) assess the performance of the fund, guide fund policy and make appropriate recommendations for change;
- (3) take an active annual role in developing a capital improvement program for the waterfront; and
- (4) maintain a persistent focus on assisting the marine-related, water dependent uses which are the core activities of the working waterfront.

(c) Membership.

There shall be nine members on the Committee including lending partners, waterfront experts or representatives, public representatives, and technical advisors such as City waterfront staff and affected industry representatives of marine resources from areas such as harvesting, production or processing.

(d) Appointment.

Appointments shall be made by the City Council based on the recommendations of the Appointments Committee.

(e) Term of Office.

The term of office for each member shall be three (3) years. Members shall serve until their successors have been appointed.

Attachment #3

City of Portland
Code of Ordinances
Sec. 14-902

Land Use
Chapter 14
Rev. 2-4-10

Standards of Chapter 14 of the Portland Code prior to July 1, 2002, so long as such approval is valid and in effect on the date of this ordinance.
(Ord. No. 26-02/03, 8-5-02)

ARTICLE XV. WATERFRONT CAPITAL IMPROVEMENT AND ECONOMIC REDEVELOPMENT ZONE AND ORDINANCE

Sec. 14-905. Title.

This ordinance shall be known as the Waterfront Capital Improvement and Economic Redevelopment Ordinance.
(Ord. No. 249-01, 6-4-01)

Sec. 14-906. Purposes.

The purpose of this ordinance is to implement those provisions of the Waterfront Economic Development Task Force Report, (Waterfront II) entitled "Investing in Our Working Waterfront: Final Report of the Mayor's Waterfront Task Force on Economic Development," dated September 2000, as adopted by the Portland City Council on June 4, 2001 which create a capital improvement plan for redevelopment on the Portland Waterfront. That plan includes funding the loan fund described in that report, the financing and installation of infrastructure to support the economy of that area of the City of Portland, such as parking facilities, utilities, traffic and congestion management installations, operating facilities for the cargo, fishing and other water-dependent, marine related industries, environmental protection and improvement, including the management and abatement of combined sewer overflows, appropriate assistance in the permitting and completion of dredging of siltation at piers, wharfs and weirs, and such other matters as the City Council shall approve from time to time. These activities shall be collectively known as the redevelopment program.
(Ord. No. 249-01, 6-4-01)

Sec. 14-907. Creation of the Waterfront Redevelopment Economic Zone (WREZ).

The Waterfront Redevelopment Economic Zone is hereby created.

Beginning at a point on the southerly side of the Eastern Promenade at the intersection of the Westerly side of the Portland House Condominium and the Easterly sideline of land now or formerly of

City of Portland
Code of Ordinances
Sec. 14-905
Dan Haley.

Land Use
Chapter 14
Rev. 2-4-10

Thence Southwesterly along the Southerly side of Eastern Promenade to Fore Street.

Thence Westerly along the Southerly side of Fore Street to the intersection of Fore Street and Mountfort Street.

Thence Northerly along Mountfort Street to the Southeast corner of the lot referenced as 20-C-2 on City of Portland Tax maps as of April first, 2001.

Thence Westerly along lot 20-C-2 about 72 feet.

Thence Northerly along 20-C-2 to 20-C-5.

Thence Westerly along 20-C-5 to the south corner of 20-C-5.

Thence Northwesterly along 20-C-5 to Newbury Street.

Thence Southwesterly along Newbury Street to Hancock Street.

Thence Southeasterly along Hancock Street to Middle Street.

Thence Southwesterly along Middle Street to 20-C-27.

Thence Southeasterly along the Northeast sideline of 20-C-27 about 99.99 feet.

Thence Southwesterly along the Southeast sideline of 20-C-27 to India Street.

Thence South along India Street to the Northern corner of 29-N-26.

Thence Westerly along the Northern side of lot 26 to lot 24.

Thence Westerly, Northerly, Westerly, and Southerly along 29-N-24 to Bradbury Court.

Thence Westerly along Bradbury Court to the Franklin Street Arterial.

Thence Northerly along Franklin Street Arterial to Fore Street.

Thence Westerly along Fore Street to Pearl Street.

Thence Southerly along Pearl Street to Gold Street.

Thence Westerly along Gold Street to Silver Street.

Thence Northerly along Silver Street to Fore Street.

Thence Westerly along Fore Street to Market Street.

Thence Southerly along Market to the dividing line between 32-S-3 and 32-S-4 & 5.

Thence Northerly along Moulton Street to Wharf Street.

Thence Westerly along Wharf Street to a passage between Assessor's map 32 blocks "T" and "U" leading to Commercial Street.

Thence Southerly along said passage about 28 feet to the dividing line between lots 32-U-3 and 32-U-5.

Thence Westerly, Southerly, and Westerly along the Southerly line of lot 5 to Dana Street.

Thence Westerly across Dana Street and following the Northern boundary of lots 32-V-2, 4, 5, 8, and 12 to Union Street.

Thence Northerly on Union Street to Fore Street.

Thence Westerly on Fore Street to parcel 38-F-8.

Thence Southerly along the Easterly sideline of 38-F-8.

Thence Westerly along the Southerly sideline of 38-F-8 to Cross Street.

Thence Northerly to Fore Street

Thence Westerly along Fore Street to 38-G-7.

Thence Southerly along the Easterly sideline of 38-G-7.

Thence Westerly along the Southerly sideline of 38-G-7 to the Easterly sideline of Center Street.

Thence Northerly along Center Street to the Southerly sideline of

City of Portland
Code of Ordinances
Sec. 14-905
40-F-11.

Land Use
Chapter 14
Rev.2-4-10

Thence Southwesterly along the Southerly sideline of 40-F-11 and 40-E-1.

Thence Westerly along the South side of 42-A-8.

Thence Northerly along the Westerly line of 42-A-7 to York Street.

Thence Westerly along the Southerly side of York Street to High Street.

Thence Southerly along High Street 44 feet \pm to Southern sideline of 42-B-7.

Thence Westerly along the Southerly sideline of 44-B-2 to Park Street.

Thence Westerly across Park Street to the Southerly sideline of 43-C-7.

Thence Westerly along the Southern sideline of 43-C-7 to the edge of proposed State Street.

Thence Westerly across proposed State Street to the Southerly sideline of 43-E-8.

Thence Westerly along the Southerly sideline of 43-E-8 to the Casco Bay Bridge.

Thence Southeasterly along the Casco Bay Bridge to the Harbor Commissioner's Line.

Thence Northeasterly along the Harbor Commissioner's line to a point which is the intersection of the Harbor Commissioner's line and a line which is the extension of the lot line between the Southeasterly line of land now or formerly of Dan Haley and the Southwesterly line of the Portland House Condominium.

Thence Northwesterly along said line to the Southerly side of the Eastern Promenade at the point of beginning.

All as shown on a map dated April 13, 2001 entitled "Proposed Waterfront Redevelopment Area" on file in the Planning Office.

City of Portland
Code of Ordinances
Sec. 14-905

Land Use
Chapter 14
Rev.2-4-10

Any inconsistencies between this description and the map shall be controlled by the map.
(Ord. No. 249-01, 6-4-01)

Sec. 14-908. Financing Activities.

The following financing activities are authorized for the creation of funds to be used for the activities approved for funding by this ordinance:

(a) Tax Increment Financing Districts Revenues.

- (1) Within the Waterfront Redevelopment Economic Zone (WREZ) all activity except minor changes as defined below, which results in an increase in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment, shall be subject to designation as a Tax Increment Finance (TIF) District to support redevelopment activities within the WREZ pursuant to 30-A M.R.S.A. §§ 251-526, as amended.

Minor changes shall mean those physical changes, minimal in scope or purpose, which when accumulated with previous and anticipated other changes, over a period of two years, increase the assessed value of the affected property by a cumulative total of \$400,000 or less.

- (2) Affected properties shall mean those properties within the zone which undertake activity, except minor changes as defined above, which results in a change in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment.

Affected properties within the WREZ shall be designated for inclusion in this redevelopment program as a TIF District, and the tax increment from the captured assessed value shall be applied to the redevelopment program purposes, subject to approval by the City Council on a TIF-by-TIF basis.

A property is an affected property if it otherwise so qualifies, and the total aggregate amount of captured assessment in the TIF Districts devoted to this redevelopment program does not exceed 1.25% (.0125) of the total taxable valuation of the City of Portland, when adjusted as necessary to reflect 100% valuation, as determined by the City Assessor.

(3) Paragraphs (1) and (2) notwithstanding, the Council may by Council order determine that the increases in assessed value that would otherwise be designated for the first time as TIF districts under (1) and (2) above for the next succeeding fiscal year shall not be so designated.

(4) The redevelopment program shall be that series of investments, expenditures, guarantees and supports which are planned for project fund expenditures.

(b) Program Income and Other Revenues.

The City Manager will budget the program activities, including the program income and expense, of the redevelopment program annually for approval and implementation by the City Council. The redevelopment program is authorized to receive program income, grants, participations, joint ventures, investments and other revenues for the purposes of the redevelopment program as approved by the City of Portland from time to time.

(c) Updates to development plan.

Periodically, the city manager shall evaluate and propose updates to the Development Plan, and identify properties developed in the redevelopment zone which qualify as TIF District properties. The city manager shall report to the council on conditions and changes in conditions addressing the economic circumstances of the waterfront economy, and shall include in said report detail on at least the following issues:

(1) The utilization, adequacy and capital and operating position of the enterprise loan fund designed to assist water-dependant, marine-related properties

and businesses;

- (2) The state of the fishing industry, the adequacy and demand for berthing space and operating facilities, financing, local markets and opportunities, and the operations of public operations pertaining to the fishing industry;
- (3) The status of other water dependant industries and operations along the Portland waterfront, including opportunities to develop or promote water dependent and marine resource dependant economic opportunities;
- (4) The status of dredge operations and needs at public and private piers, the nature of impediments to maintaining full depths at all working Portland piers;
- (5) The status of cargo operations in the Port of Portland, including analysis of surface transportation capacities serving the Port cargo operations, whether public or private;
- (6) The status of parking availability, public access to the waterfront and to water dependent recreational activities and pursuits;
- (7) The status of environmental concerns, programs and issues along the Portland waterfront, and particularly in the inner harbor; and
- (8) Such other information, data or findings concerning conditions as affects the economic and environmental health of the waterfront area, or recommendations concerning the operations of the loan fund or the capital improvement program.

(d) Recommendations.

As often as he or she deems prudent, the city manager shall submit to the city council a recommended capital improvement plan, utilizing the revenues of the WREZ. The finance committee of the city council or such other committee as the Council shall designate shall conduct

public hearings on the recommended plan and refer the matter to the council for action.

(e) Adoption.

The City Council shall adopt amendments to the WREZ, designate TIF Districts and authorize expenditures and take such other actions as are necessary each year to implement this redevelopment plan and administer its revenues and expenses.

(Ord. No. 249-01, 6-4-01; Ord. No. 151-02/03, 2-3-03; Ord. No. 116-08/09, 12-1-08)

**Editor's Note:* Sec. 14-909 *Waterfront economic development advisory committee* was repealed in its entirety per council order no. 116-08/09 and passed on 12/1/08.

Sec. 14-909. Reserved.
Sec. 14-910. Reserved.
Sec. 14-911. Reserved.
Sec. 14-912. Reserved.
Sec. 14-913. Reserved.
Sec. 14-914. Reserved.
Sec. 14-915. Reserved.
Sec. 14-916. Reserved.
Sec. 14-917. Reserved.
Sec. 14-918. Reserved.
Sec. 14-919. Reserved.
Sec. 14-920. Reserved.
Sec. 14-921. Reserved.
Sec. 14-922. Reserved.
Sec. 14-923. Reserved.
Sec. 14-924. Reserved.
Sec. 14-925. Reserved.
Sec. 14-926. Reserved.
Sec. 14-927. Reserved.
Sec. 14-928. Reserved.
Sec. 14-929. Reserved.
Sec. 14-930. Reserved.
Sec. 14-931. Reserved.
Sec. 14-932. Reserved.
Sec. 14-933. Reserved.
Sec. 14-934. Reserved.
Sec. 14-935. Reserved.

Waterfront Capital Improvement & Economic Redevelopment Zone



Attachment #4

1 inch = 1,000 feet



Map Produced by the City of Portland's MIS Division.

05/11/2010

Waterfront Capital Improvement & Economic Redevelopment Zone (WREZ) Waterfront Central Zone (WCZ)



- WCZ
- WREZ

Attachment #5

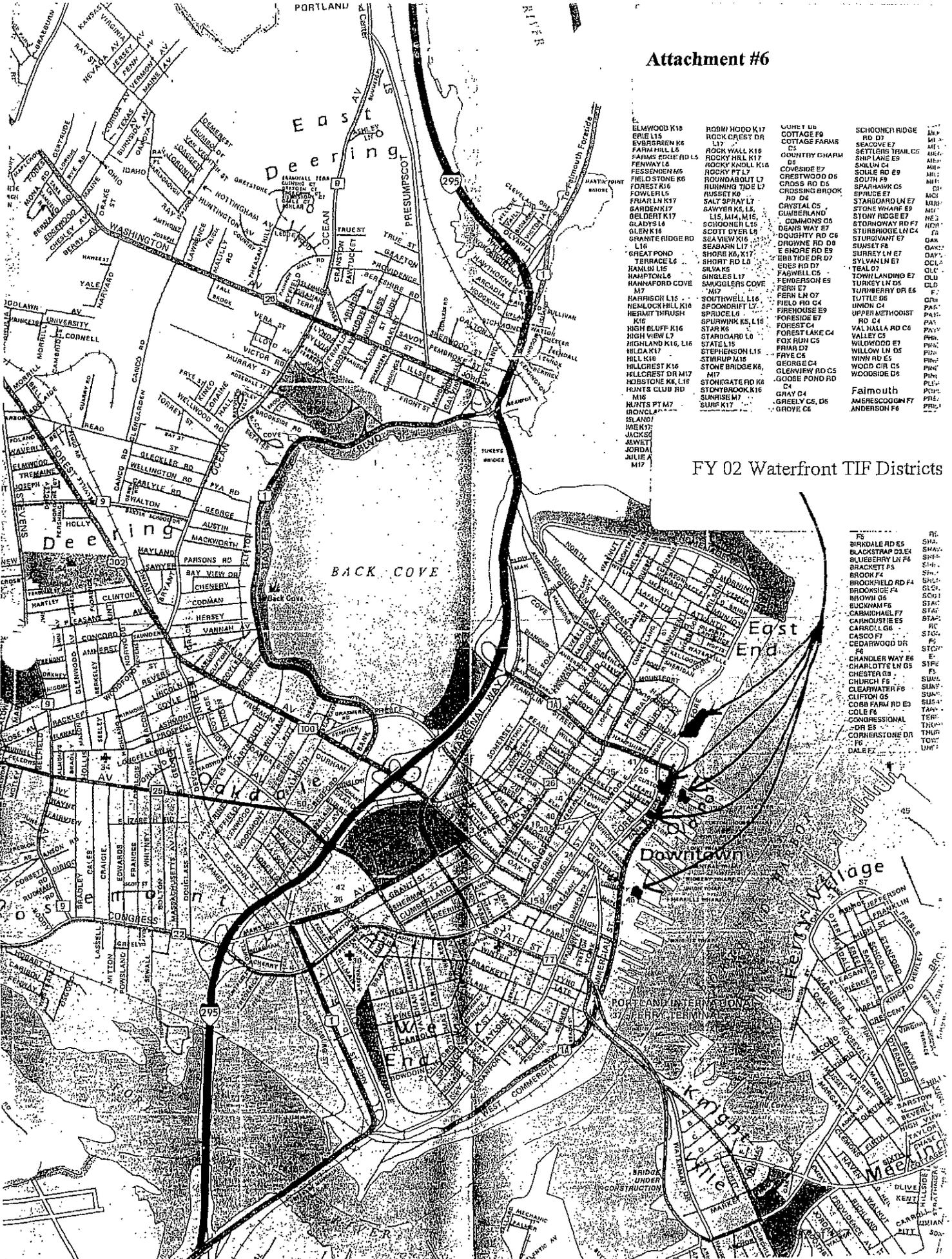
1 inch = 1,000 feet



Map Produced by the City of Portland's MIS Division.

05/11/2010

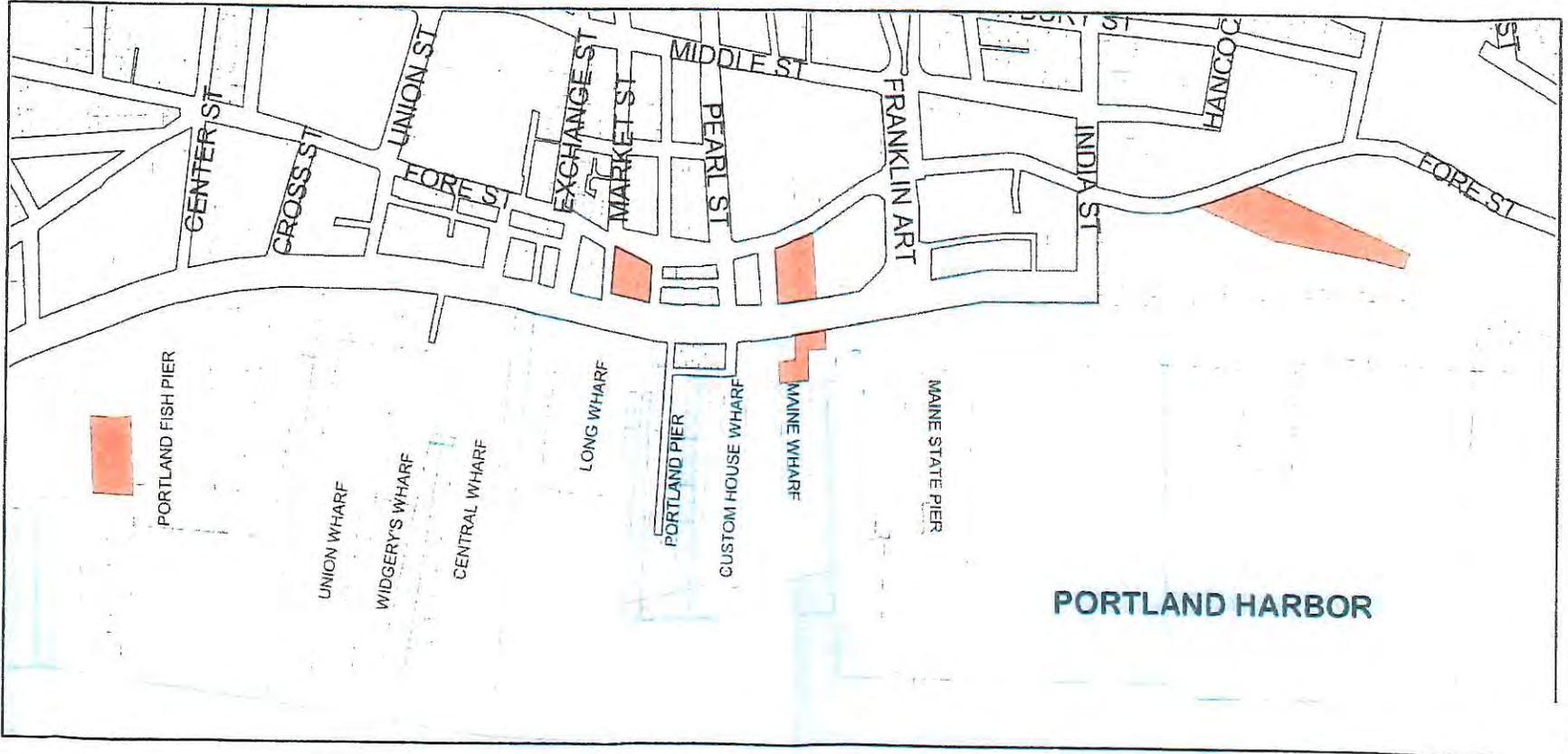
Attachment #6



- | | | | |
|-------------------|-------------------|---------------|-------------------|
| ELMWOOD K18 | ROBIN HOOD K17 | USNET 10B | SCHOONER RIDGE |
| ERIE L15 | ROCK CREST DR | COTTAGE F9 | RD D7 |
| EVERGREEN K5 | LY | COTTAGE FARMS | SEACOVE E7 |
| FARM HILL L5 | ROCK WALL K16 | C2 | SETTLERS TRAIL C5 |
| FARMS EDGE RD L5 | ROCKY HILL K17 | COUNTRY CHARM | SHIP LANE E9 |
| FENWAY L6 | ROCKY KNOLL K18 | D5 | SMILUN C1 |
| FESSENDEN M5 | ROCKY PT L7 | D6 | SOULE RD E9 |
| FIELDSTONE K6 | ROUNDABOUT L7 | D7 | SOUTH F9 |
| FOREST R16 | RUNNING TIDE L7 | D8 | SPARHAWK C5 |
| FOWLER L6 | RUSSET RD | D9 | SPRUCE E7 |
| FRANLIN K17 | SALT SPRAY L7 | D10 | STARBUCK RD LN E7 |
| GARDEN K17 | SAVYER K5, L5 | D11 | STONE VNHAF E9 |
| GELBERT K17 | L15, M14, M15 | D12 | STONY RIDGE E7 |
| GLADYS L18 | SCIONDEN L15 | D13 | STORMWAY RD F7 |
| GLEN K18 | SEA VIEW K16 | D14 | STURBROGE LN C4 |
| GRANITE RIDGE RD | SEABARK L17 | D15 | STURDIVANT E7 |
| L16 | SEABARK LN | D16 | SUNSET F8 |
| GREAT POND | SEASIDE K16, L16 | D17 | SWIRLYN E7 |
| TERRACE L6 | SHORE K6, L17 | D18 | SYLVAN LN E7 |
| HANBY L15 | SHORT RD L6 | D19 | TEAL D7 |
| HAMPTON L6 | SILVA K5 | D20 | TOWNLANDING E7 |
| HANNAFORD COVE | SINGLES L17 | D21 | TURKEY LN D5 |
| M7 | SHUGGLERS COVE | D22 | TURBERRY DR E5 |
| HARRISON L15 | M7 | D23 | TUTTLE D6 |
| HELDLOCK HILL K16 | SOUTHWELL L16 | D24 | UNION C4 |
| HERMIT THROUGH | SPOONDRIFT L7 | D25 | UPPER METHOEN ST |
| K16 | SPRUCE L8 | D26 | RD C4 |
| HIGH BLUFF K16 | SPURWINK K5, L15 | D27 | VAL HALLA RD C6 |
| HIGH VIEW L7 | STAR K6 | D28 | WALLEY C5 |
| HIGHLAND K16, L16 | STARBUCK L8 | D29 | WILLOW D7 |
| MILDA K17 | STATE L15 | D30 | WILLOW LN D5 |
| HILL K16 | STEPHENSON L15 | D31 | WIMY RD E5 |
| HILLCREST K16 | STIRUP M16 | D32 | WOOD CIR C5 |
| HOBSTONE KK, L18 | STONE BRIDGE, M17 | D33 | WOODSIDE D5 |
| HUNTS CLUB RD | STONEGATE RD K6 | D34 | GOOSE POND RD |
| M16 | STONYBROOK K16 | D35 | C4 |
| HUNTS PT M7 | SUNBIE M17 | D36 | GRAY C4 |
| IRONCLAD | SURF K17 | D37 | GREELY C5, D5 |
| ISLAND | | D38 | GROVE C5 |
| JACKSON | | D39 | |
| JEWETT | | D40 | |
| JORDAN | | D41 | |
| MILE A | | D42 | |
| M17 | | D43 | |

FY 02 Waterfront TIF Districts

- | | |
|------------------|------|
| F8 | SH- |
| BIRDALE RD E5 | SHM- |
| BLACKSTAR DR E2 | SHF- |
| BLUESBERRY LN F6 | SHL- |
| BRACKET F3 | SHL- |
| BROOK F4 | SHL- |
| BROOKFIELD RD F4 | SHL- |
| BROOKSIDE F4 | SHL- |
| BROWN G5 | SHL- |
| BUCKNAM F6 | SHL- |
| CARBONADEL F7 | SHL- |
| CARNOUSTIE E5 | SHL- |
| CARROLL G6 | SHL- |
| CASCO F7 | SHL- |
| CEDARWOOD DR | SHL- |
| F6 | SHL- |
| CHANDLER WAY E6 | SHL- |
| CHARLOTTE LN G5 | SHL- |
| CHESTER G5 | SHL- |
| CHURCH F8 | SHL- |
| CLEARWATER F8 | SHL- |
| CLIFTON G5 | SHL- |
| COBB FARM RD E3 | SHL- |
| COLE F4 | SHL- |
| CONGRESSIONAL | SHL- |
| DR E5 | SHL- |
| CORNHURST DR | SHL- |
| F6 | SHL- |
| DALE F5 | SHL- |

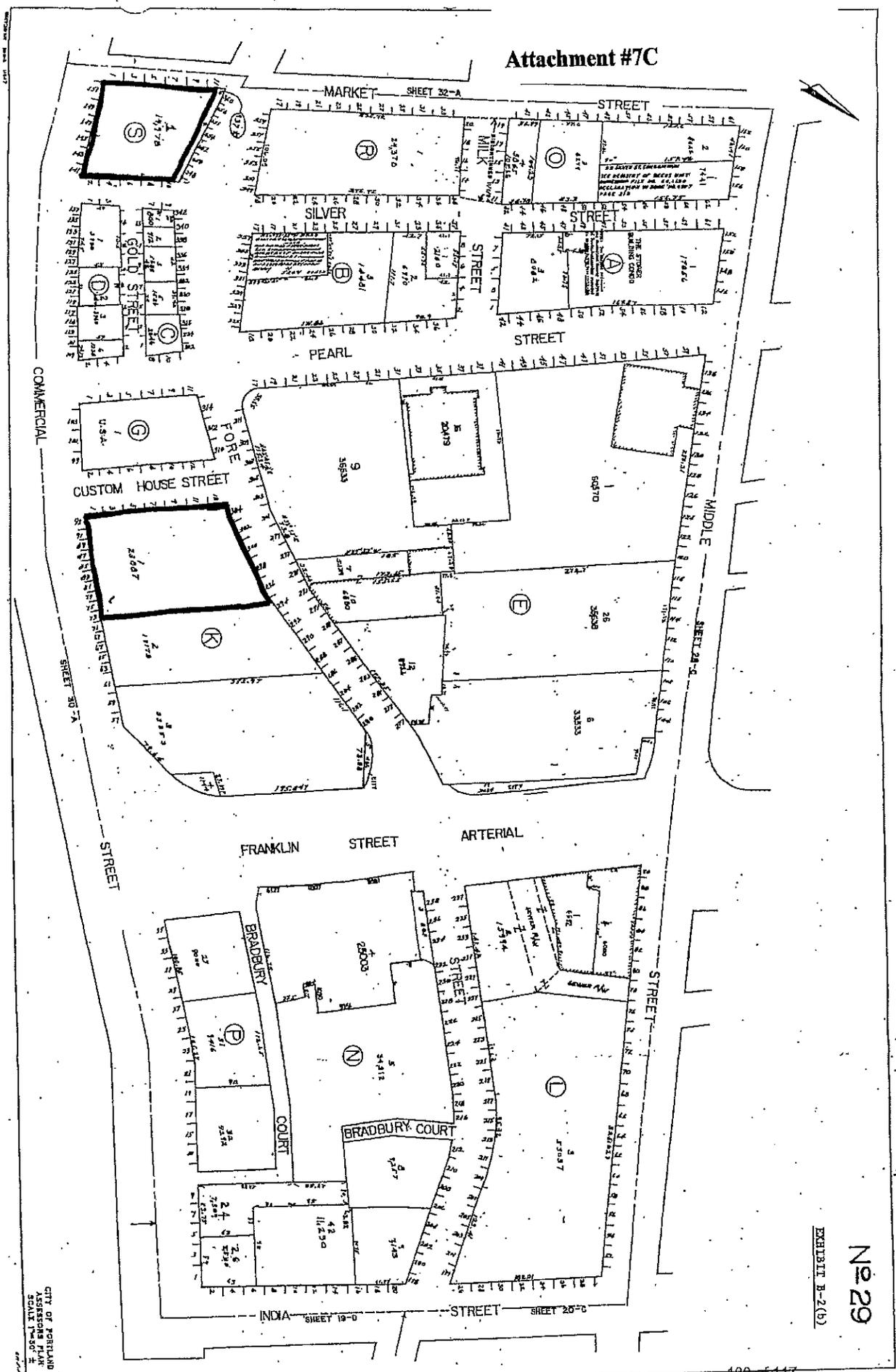


Waterfront Economic Redevelopment Program - 2002 TIF Districts



Map produced by the City of Portland's GIS Workgroup February 2002

Attachment #7C



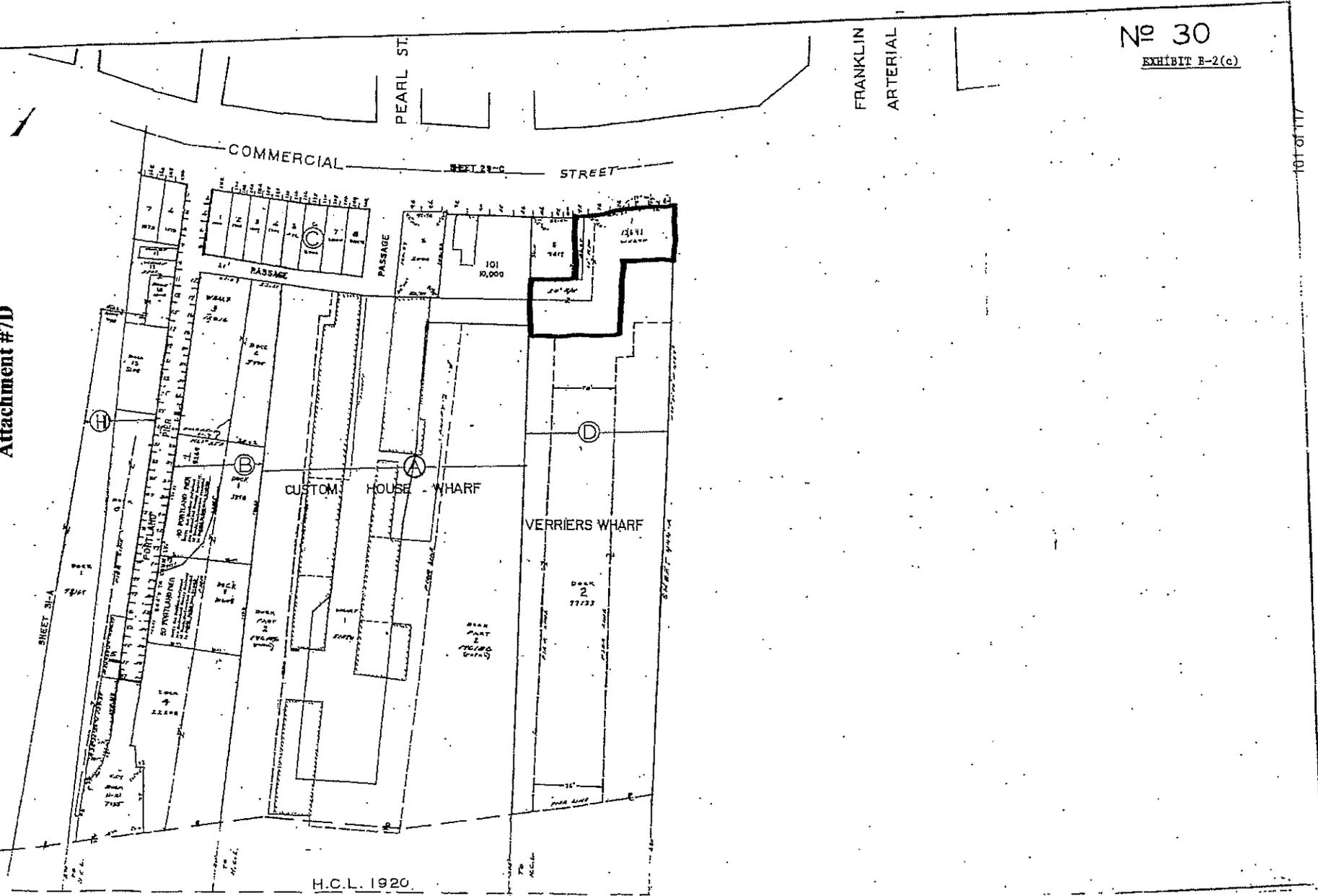
COMMERCIAL

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1"=50'

EXHIBIT B-2(B)

№ 29

Attachment #7D



No 30
EXHIBIT B-2(c)

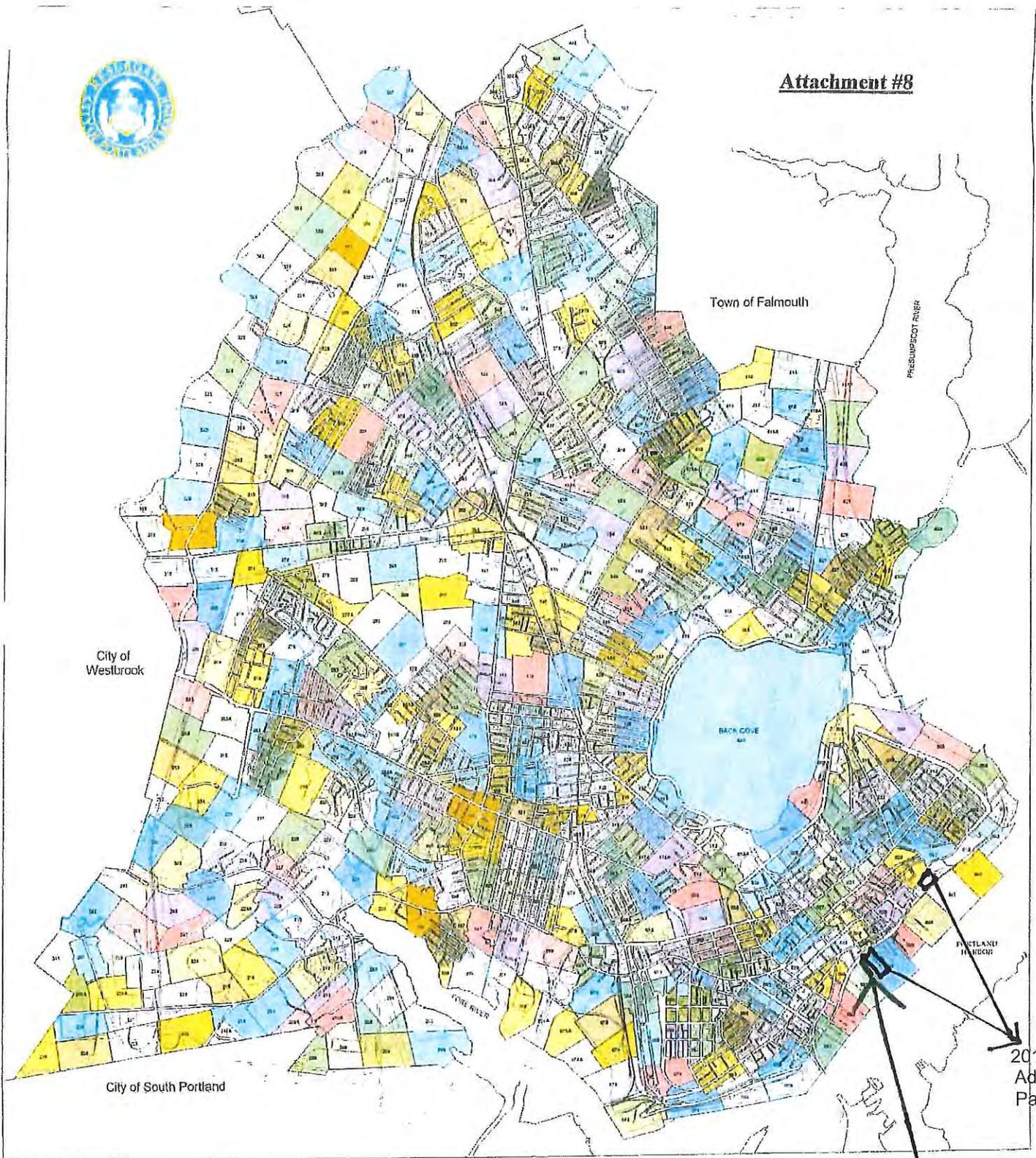
H.C.L. 1920.

FRANKLIN
ARTERIAL

101 of 117

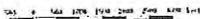


Attachment #8



City of Portland, Maine Tax Map Index

Scale: 1 Inch = 850 Feet



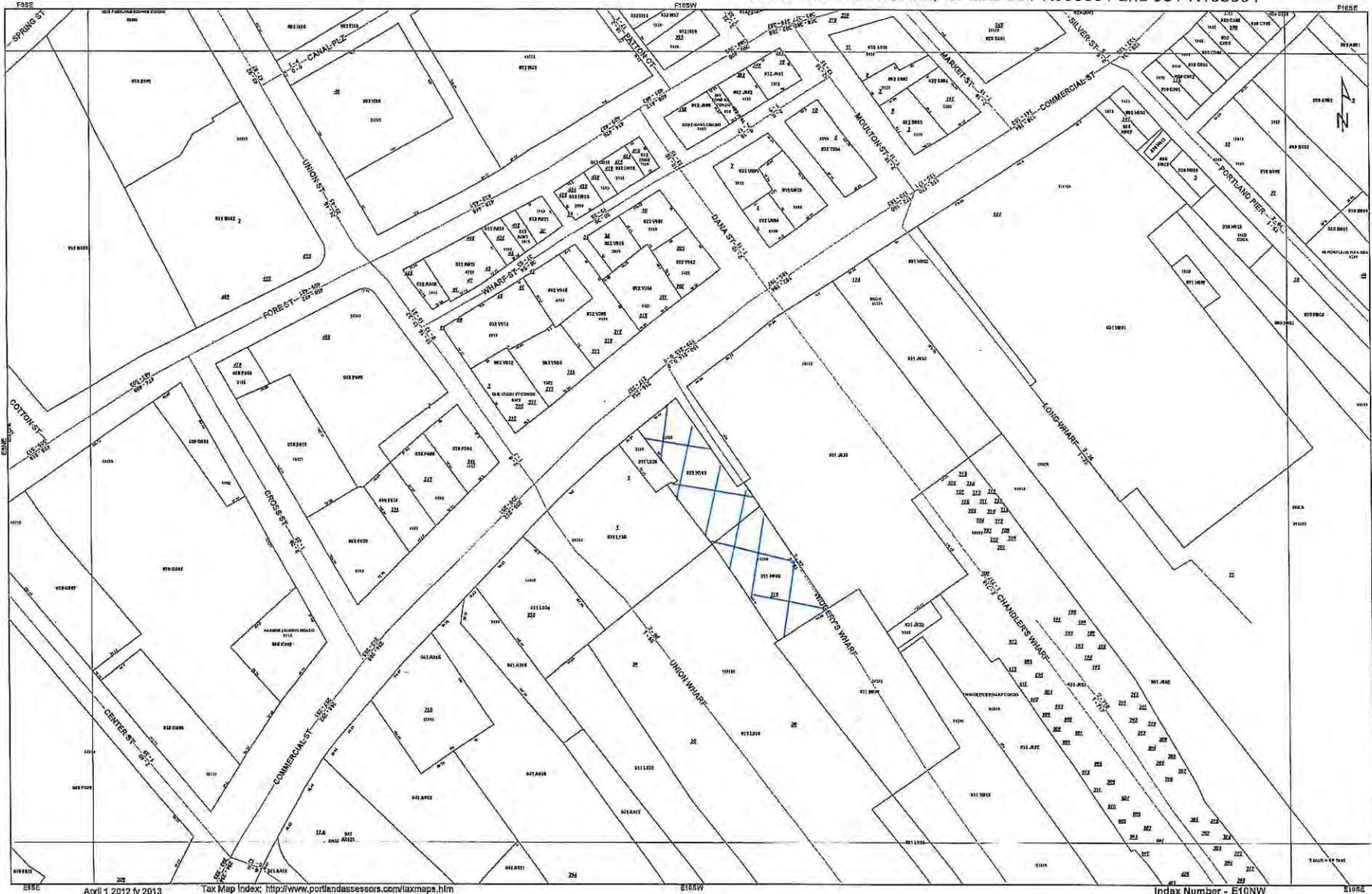
Map produced by the City of Portland's Assessor Office and the GIS Workgroup June 2004



2018
Added
Parcels

Subdistrict
103 of 117

Attachment 9A-Tax Map of Lots 031-K003001 and 031-K103001



April 1 2012 ty 2013 Tax Map Index; <http://www.portlandassessors.com/taxmaps.htm>

Index Number - E10NW

WATERFRONT TIF		5/12/2010		Based on 3/31/01 Original Assessed Value of \$6,716,410.								
*NOTE: FY11 numbers are projections.												
Original TIF District was ten years ending FY12; this spreadsheet is based on extending the TIF District for 20 years.												
TIF PLAN	CITY	REAL	PERSONAL	TOTAL	ORIGINAL	CAPTURED	TAX	PERCENT	TIF DISTRICT	General Fund		
YEAR	FY	ESTATE	PROPERTY	ASSESSED	ASSESSED	VALUE	RATE	RETAINED	PROCEEDS	Proceeds		
1	2003	11,603,350	6,646,410	18,249,760	6,716,410	11,533,350	0.02572	1%	2,966.38	293,671.38		
2	2004	11,767,990	3,915,280	15,683,270	6,716,410	8,966,860	0.02680	1%	2,403.12	237,908.73		
3	2005	12,827,340	5,830,410	18,657,750	6,716,410	11,941,340	0.02653	1%	3,168.04	313,635.71		
4	2006	15,480,490	5,277,320	20,757,810	6,716,410	14,041,400	0.02013	35.38%	100,000.00	182,650.62		
5	2007	20,261,470	5,031,690	25,293,160	6,716,410	18,576,750	0.01631	1%	3,029.87	299,956.92		
6	2008	22,112,170	5,285,400	27,397,570	6,716,410	20,681,160	0.01710	100%	353,647.84	0.00		
7	2009	21,843,970	4,922,550	26,766,520	6,716,410	20,050,110	0.01774	62%	220,527.15	135,161.80		
8	2010	22,046,270	4,680,700	26,726,970	6,716,410	20,010,560	0.01774	79%	280,439.99	74,547.34		
9	2011	22,046,270	4,680,700	26,726,970	6,716,410	20,010,560	0.01797	58%	208,562.06	151,027.70		
10	2012	22,266,733	4,727,507	26,994,240	6,716,410	20,277,830	0.01797	100%	364,392.60	0.00		
11	2013	22,489,400	4,774,782	27,264,182	6,716,410	20,547,772	0.01833	100%	376,628.33	0.00		
12	2014	22,714,294	4,822,530	27,536,824	6,716,410	20,820,414	0.01870	100%	389,258.21	0.00		
13	2015	22,941,437	4,870,755	27,812,192	6,716,410	21,095,782	0.01907	100%	402,294.62	0.00		
14	2016	23,170,851	4,919,463	28,090,314	6,716,410	21,373,904	0.01945	100%	415,750.35	0.00		
15	2017	23,402,560	4,968,657	28,371,217	6,716,410	21,654,807	0.01984	100%	429,638.57	0.00		
16	2018	23,636,585	5,018,344	28,654,929	6,716,410	21,938,519	0.02024	100%	443,972.86	0.00		
17	2019	23,872,951	5,068,527	28,941,479	6,716,410	22,225,069	0.02064	100%	458,767.23	0.00		
18	2020	24,111,681	5,119,213	29,230,893	6,716,410	22,514,483	0.02105	100%	474,036.12	0.00		
19	2021	24,352,798	5,170,405	29,523,202	6,716,410	22,806,792	0.02148	100%	489,794.42	0.00		
20	2022	24,596,326	5,222,109	29,818,434	6,716,410	23,102,024	0.02191	100%	506,057.46	0.00		
21	2023	24,842,289	5,274,330	30,116,619	6,716,410	23,400,209	0.02234	100%	522,841.07	0.00		
22	2024	25,090,712	5,327,073	30,417,785	6,716,410	23,701,375	0.02279	100%	540,161.57	0.00		
23	2025	25,341,619	5,380,344	30,721,963	6,716,410	24,005,553	0.02325	100%	558,035.75	0.00		
24	2026	25,595,035	5,434,147	31,029,182	6,716,410	24,312,772	0.02371	100%	576,480.96	0.00		
25	2027	25,850,985	5,488,489	31,339,474	6,716,410	24,623,064	0.02419	100%	595,515.06	0.00		
26	2028	26,109,495	5,543,374	31,652,869	6,716,410	24,936,459	0.02467	100%	615,156.49	0.00		
27	2029	26,370,590	5,598,807	31,969,398	6,716,410	25,252,988	0.02516	100%	635,424.22	0.00		
28	2030	26,634,296	5,654,796	32,289,092	6,716,410	25,572,682	0.02567	100%	656,337.84	0.00		
29	2031	26,900,639	5,711,344	32,611,983	6,716,410	25,895,573	0.02618	100%	677,917.52	0.00		
30	2032	27,169,645	5,768,457	32,938,102	6,716,410	26,221,692	0.02670	100%	700,164.08	0.00		
									TOTAL TIF District Proceeds:	12,003,389.77		
Assumptions:		1% Increase yearly beginning with FY12 through FY32 for Real Estate and Personal Property Values										
		2% yearly increase in tax rate										

WATERFRONT TIF SUB-DISTRICT REVENUE SCHEDULE

TIF Year	FY	Projected Annual Assessment	OAV	Projected Increase in Assessment	Mil Rate Rate 2%	Property Taxes			Developer Share		City Share
						OAV	Increased Value	Total	%		
base valuation	2009	\$12,950,900	\$950,900								
1	2012			\$12,000,000	17.97	17,088	215,640	232,728	63.00%	\$135,853	\$96,874
2	2013			\$12,000,000	18.33	17,429	219,953	237,382	63.00%	\$138,570	\$98,812
3	2014			\$12,000,000	18.70	17,778	224,352	242,130	63.00%	\$141,342	\$100,788
4	2015			\$12,000,000	19.07	18,134	228,839	246,972	63.00%	\$144,169	\$102,804
5	2016			\$12,000,000	19.45	18,496	233,416	251,912	63.00%	\$147,052	\$104,860
6	2017			\$12,000,000	19.84	18,866	238,084	256,950	64.00%	\$152,374	\$104,576
7	2018			\$12,000,000	20.24	19,243	242,846	262,089	64.00%	\$155,421	\$106,668
8	2019			\$12,000,000	20.64	19,628	247,703	267,331	64.00%	\$158,530	\$108,801
9	2020			\$12,000,000	21.05	20,021	252,657	272,678	64.00%	\$161,700	\$110,977
10	2021			\$12,000,000	21.48	20,421	257,710	278,131	64.00%	\$164,934	\$113,197
11	2022			\$12,000,000	21.91	20,830	262,864	283,694	55.00%	\$144,575	\$139,119
12	2023			\$12,000,000	22.34	21,246	268,121	289,368	55.00%	\$147,467	\$141,901
13	2024			\$12,000,000	22.79	21,671	273,484	295,155	55.00%	\$150,416	\$144,739
14	2025			\$12,000,000	23.25	22,105	278,953	301,058	55.00%	\$153,424	\$147,634
15	2026			\$12,000,000	23.71	22,547	284,532	307,079	55.00%	\$156,493	\$150,586
16	2027			\$12,000,000	24.19	22,998	290,223	313,221	45.00%	\$130,600	\$182,620
17	2028			\$12,000,000	24.67	23,458	296,028	319,485	45.00%	\$133,212	\$186,273
18	2029			\$12,000,000	25.16	23,927	301,948	325,875	40.00%	\$120,779	\$205,096
19	2030			\$12,000,000	25.67	24,405	307,987	332,392	40.00%	\$123,195	\$209,198
20	2031			\$12,000,000	26.18	24,894	314,147	339,040	35.00%	\$109,951	\$229,089
		\$12,950,900		\$240,000,000			\$5,239,484	\$5,654,670	50.76%	\$2,870,058	\$2,784,613
									NPV (6.5%)	\$1,598,938	\$1,391,832.59

TIF Term Years 1-20: Fixed TIF annual reimbursement amount up to Developer cap of \$2,870,058.

File: Cumberland Storage Project TIF Projections 5-21-10 GAM.XLS

Attachment 12

City of Portland- TIF Projection Table for WTIF Added Parcels of 2018

TIF Year	Tax Year- April 1	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Business Project Account	Captured Revenue to Municipal Project Account	City Non-Captured General Fund Revenues	Taxes from OAV of \$616,430
1	2018	\$2,978,680	100.00%	\$2,978,680	22.08	\$65,778	\$0	\$65,778	\$0	\$13,611
2	2019	\$19,200,000	100.00%	\$19,200,000	22.52	\$432,473	\$0	\$432,473	\$0	\$13,882
3	2020	\$20,700,000	100.00%	\$20,700,000	22.98	\$475,586	\$0	\$475,586	\$0	\$14,166
4	2021	\$20,700,000	100.00%	\$20,700,000	23.43	\$485,097	\$0	\$485,097	\$0	\$14,443
5	2022	\$20,700,000	100.00%	\$20,700,000	23.90	\$494,799	\$0	\$494,799	\$0	\$14,733
6	2023	\$20,700,000	100.00%	\$20,700,000	24.38	\$504,695	\$0	\$504,695	\$0	\$15,029
7	2024	\$20,700,000	100.00%	\$20,700,000	24.87	\$514,789	\$0	\$514,789	\$0	\$15,331
8	2025	\$20,700,000	100.00%	\$20,700,000	25.37	\$525,085	\$0	\$525,085	\$0	\$15,639
9	2026	\$20,700,000	100.00%	\$20,700,000	25.87	\$535,587	\$0	\$535,587	\$0	\$15,947
10	2027	\$20,700,000	100.00%	\$20,700,000	26.39	\$546,298	\$0	\$546,298	\$0	\$16,268
11	2028	\$20,700,000	100.00%	\$20,700,000	26.92	\$557,224	\$0	\$557,224	\$0	\$16,594
12	2029	\$20,700,000	100.00%	\$20,700,000	27.46	\$568,369	\$0	\$568,369	\$0	\$16,927
13	2030	\$20,700,000	100.00%	\$20,700,000	28.01	\$579,736	\$0	\$579,736	\$0	\$17,266
14	2031	\$20,700,000	100.00%	\$20,700,000	28.57	\$591,331	\$0	\$591,331	\$0	\$17,611
14 Year TIF		\$270,578,680		\$270,578,680		\$6,876,849	\$0	\$6,876,849	\$0	\$217,446
14 Year Average		\$19,327,049	\$0	\$19,327,049	\$0	\$491,204	\$0	\$491,204	\$0	\$15,532

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: Original Waterfront TIF Being Extended 20 Years from Tax Year 2011 to Tax Year 2031.*

TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2002	\$11,533,350	\$115,334	\$796	\$107	\$49	\$952
2	2003	\$8,956,860	\$89,669	\$671	\$83	\$38	\$792
3	2004	\$11,941,340	\$119,413	\$893	\$110	\$51	\$1,055
4	2005	\$14,041,400	\$4,967,847	\$37,159	\$4,591	\$2,121	\$43,871
5	2006	\$18,576,750	\$185,768	\$1,390	\$172	\$79	\$1,641
6	2007	\$20,681,160	\$20,681,160	\$154,695	\$19,113	\$8,825	\$182,633
7	2008	\$20,050,110	\$12,431,058	\$92,984	\$11,488	\$5,305	\$109,778
8	2009	\$20,010,560	\$15,808,342	\$118,246	\$14,610	\$6,746	\$139,602
9	2010	\$20,010,560	\$11,606,125	\$86,814	\$10,726	\$4,953	\$102,493
10	2011	\$20,277,830	\$20,277,830	\$151,678	\$18,740	\$8,653	\$179,071
11	2012	\$20,547,772	\$20,547,772	\$153,697	\$18,990	\$8,768	\$181,455
12	2013	\$20,820,414	\$20,820,414	\$155,737	\$19,242	\$8,884	\$183,862
13	2014	\$21,095,782	\$21,095,782	\$157,796	\$19,496	\$9,002	\$186,294
14	2015	\$21,373,904	\$21,373,904	\$159,877	\$19,753	\$9,120	\$188,750
15	2016	\$21,654,807	\$21,654,807	\$161,978	\$20,013	\$9,240	\$191,231
16	2017	\$21,938,519	\$21,938,519	\$164,100	\$20,275	\$9,361	\$193,736
17	2018	\$22,225,069	\$22,225,069	\$166,244	\$20,540	\$9,483	\$196,266
18	2019	\$22,514,483	\$22,514,483	\$168,408	\$20,807	\$9,607	\$198,822
19	2020	\$22,806,792	\$22,806,792	\$170,595	\$20,807	\$9,731	\$201,133
20	2021	\$23,102,024	\$23,102,024	\$172,803	\$21,350	\$9,857	\$204,010
21	2022	\$23,400,209	\$23,400,209	\$175,034	\$21,626	\$9,984	\$206,644
22	2023	\$23,701,375	\$23,701,375	\$177,286	\$21,904	\$10,113	\$209,303
23	2024	\$24,005,553	\$24,005,553	\$179,562	\$22,185	\$10,242	\$211,989
24	2025	\$24,312,772	\$24,312,772	\$181,860	\$22,469	\$10,373	\$214,702
25	2026	\$24,623,064	\$24,623,064	\$184,181	\$22,756	\$10,506	\$217,442
26	2027	\$24,936,459	\$24,936,459	\$186,525	\$23,046	\$10,639	\$220,210
27	2028	\$25,252,988	\$25,252,988	\$188,892	\$23,338	\$10,774	\$223,005
28	2029	\$25,572,682	\$25,572,682	\$191,284	\$23,634	\$10,911	\$225,828
29	2030	\$25,895,573	\$25,895,573	\$193,699	\$23,932	\$11,048	\$228,679
30	2031	\$26,221,692	\$26,221,692	\$196,138	\$24,233	\$11,187	\$231,559
30 Year TIF Total		\$632,091,854	\$552,284,490	\$4,131,021	\$510,135	\$235,651	\$4,876,807

*Note: Tax Years 2002 through 2009 are actual numbers as of May 14, 2010; model based on OAV of \$6,716,410 as of March 31, 2001.

Tax Shift Analysis Assumptions

The mill rate is estimated to be 17.97 mills in Tax Year April 1, 2011 with a 2% annual increase for future years.

The tax shifts resulting from the sheltering of valuation from the state school funding formula are based on the state EPS funding model in which a statewide mill rate of 6.90 mills in FY 2010-11 and 7.48 mills thereafter is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the district avoids having to raise an amount equal to the valuation sheltered X mills.

State Municipal Revenue Sharing amounts are calculated from spreadsheet provided by Maine Revenue Services, FY 2011 Projected Municipal Revenue Sharing - updated 3-31-10.

County tax calculations are based on data from the Cumberland County Finance Department for the FY 2010 County Tax Year. For purposes of this analysis the total county tax assessment is assumed to remain constant throughout the life of the TIF when in actuality increases in the total county tax assessment are likely.

Attachment #13

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- Cumberland Cold Storage Building							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2011	\$12,000,000	\$7,560,000	\$52,164	\$6,987	\$3,227	\$62,378
2	2012	\$12,000,000	\$7,560,000	\$56,549	\$6,987	\$3,227	\$66,762
3	2013	\$12,000,000	\$7,560,000	\$56,549	\$6,987	\$3,227	\$66,762
4	2014	\$12,000,000	\$7,560,000	\$56,549	\$6,987	\$3,227	\$66,762
5	2015	\$12,000,000	\$7,560,000	\$56,549	\$6,987	\$3,227	\$66,762
6	2016	\$12,000,000	\$7,680,000	\$57,446	\$7,098	\$3,278	\$67,822
7	2017	\$12,000,000	\$7,680,000	\$57,446	\$7,098	\$3,278	\$67,822
8	2018	\$12,000,000	\$7,680,000	\$57,446	\$7,098	\$3,278	\$67,822
9	2019	\$12,000,000	\$7,680,000	\$57,446	\$7,098	\$3,278	\$67,822
10	2020	\$12,000,000	\$7,680,000	\$57,446	\$7,098	\$3,278	\$67,822
11	2021	\$12,000,000	\$6,600,000	\$49,368	\$6,100	\$2,817	\$58,285
12	2022	\$12,000,000	\$6,600,000	\$49,368	\$6,100	\$2,817	\$58,285
13	2023	\$12,000,000	\$6,600,000	\$49,368	\$6,100	\$2,817	\$58,285
14	2024	\$12,000,000	\$6,600,000	\$49,368	\$6,100	\$2,817	\$58,285
15	2025	\$12,000,000	\$6,600,000	\$49,368	\$6,100	\$2,817	\$58,285
16	2026	\$12,000,000	\$5,400,000	\$40,392	\$4,991	\$2,305	\$47,688
17	2027	\$12,000,000	\$5,400,000	\$40,392	\$4,991	\$2,305	\$47,688
18	2028	\$12,000,000	\$4,800,000	\$35,904	\$4,436	\$2,049	\$42,389
19	2029	\$12,000,000	\$4,800,000	\$35,904	\$4,436	\$2,049	\$42,389
20	2030	\$12,000,000	\$4,200,000	\$31,416	\$3,882	\$1,793	\$37,090
20 Year TIF Total		\$240,000,000	\$133,800,000	\$996,439	\$123,654	\$57,112	\$1,177,205

Tax Shift Analysis Assumptions

The mill rate is estimated to be 17.97 mills in the first year of the TIF with a 2% annual increase for future years.

The tax shifts resulting from the sheltering of valuation from the state school funding formula are based on the state EPS funding model in which a statewide mill rate of 6.90 mills in FY 2010-11 and 7.48 mills thereafter is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the district avoids having to raise an amount equal to the valuation sheltered X mills.

State Municipal Revenue Sharing amounts are calculated from spreadsheet provided by Maine Revenue Services, FY 2011 Projected Municipal Revenue Sharing - updated 3-31-10

County tax calculations are based on data from the Cumberland County Finance Department for the FY 2010 County Tax Year. For purposes of this analysis the total county tax assessment is assumed to remain constant throughout the life of the TIF when in actuality increases in the total county tax assessment are likely.

6/2/2010

OAV on 3/31/10 = \$950,900 for Cumberland Cold Storage Building, the "Sub-District".

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model for WTIF Added Parcels of 2018							
100% Sheltered - 14 years - 100% to City Development Account							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2018	\$2,978,680	\$2,978,680	\$0	\$1,814	\$1,622	\$3,437
2	2019	\$19,200,000	\$19,200,000	\$0	\$11,694	\$10,453	\$22,148
3	2020	\$20,700,000	\$20,700,000	\$0	\$12,608	\$11,270	\$23,877
4	2021	\$20,700,000	\$20,700,000	\$57,270	\$12,608	\$11,270	\$81,147
5	2022	\$20,700,000	\$20,700,000	\$114,540	\$12,608	\$11,270	\$138,417
6	2023	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
7	2024	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
8	2025	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
9	2026	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
10	2027	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
11	2028	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
12	2029	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
13	2030	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
14	2031	\$20,700,000	\$20,700,000	\$171,810	\$12,608	\$11,270	\$195,687
14 Year TIF Total		\$270,578,680	\$270,578,680	\$1,718,100	\$164,804	\$147,310	\$2,030,214
14 Year Average		\$19,327,049	\$19,327,049	\$122,721	\$11,772	\$10,522	\$145,015

STATUTORY REQUIREMENTS AND THRESHOLDS
Portland Waterfront TIF | AMD-2

SECTION A. Acreage Caps		
1. Total municipal acreage;		12,386
2. Acreage of proposed Municipal TIF District;		1.675
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		0
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;		0
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;		1.675
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		.0135%
7. Total acreage of all existing/proposed Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ See attached listing.	Existing	602.047
	Proposed	1,675
	Total:	603.722
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an existing/proposed Downtown Municipal TIF district;		421.520
9. Acreage of all existing/proposed Transit-Oriented Development Municipal TIF districts: Thompson's Point TOD TIF/30 Acres		30
10. Acreage of all existing/proposed Community Wind Power Municipal TIF districts: None		0
11. Acreage in all existing/proposed Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: None		0
12. Total acreage [=A7-A8-A9-A10-A11] of all existing/proposed Municipal TIF districts counted toward 5% limit;		152.202
13. Percentage of total acreage [=A12÷A1] of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).		1.29%
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	1.675	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTDZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
Portland Waterfront TIF | AMD-2

SECTION B. Valuation Cap	
1. Total TAXABLE municipal valuation—use most recent April 1;	\$9,049,500,000
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	\$616,430
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: See Attached Listing	Existing \$1,106,422,670
	Proposed \$616,430
	Total: \$1,107,059,100
30-A § 5223(3) EXEMPTIONS	
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	\$968,136,850
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: Thompson's Point TOD TIF	\$4,970,470
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: None	\$0
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts: None	\$0
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-l (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: None	0
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$133,951,780
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	1.48%

COMPLETED BY	
NAME:	Lori Paulette
DATE:	2/13/2018

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for MDECD for City's Application for Amending WTIF to
add Parcels - Approved by City Council a/o _____**

Active TIFs			
TIF District	FY Start/End	Original Assessed Value (OAV)	Acres
Bramhall/Holt Hall	FY1999-00/FY2018-19	\$349,110	1.030
Waterfront/and Sub District	FY2002-03/FY2031-32	\$7,667,310	4.950
- adding Union Wharf and Wex	FY2018-19/FY2031-32	\$616,430	1.675
Bayside Expanded TIF District	FY2003-04/FY2032-33	\$122,318,180	129.180
Riverwalk/Ocean Gateway	FY2006-07/FY2018-19	\$1,085,550	3.680
Pearl Place/Avesta-AH TIF	FY2007-08/FY2035-36	\$0	1.035
Baxter Library TIF District	FY2010-11/FY2018-19	\$0	0.370
Public Market/Power Pay	FY2010-11/FY2039-40	\$1,862,600	1.070
McAuley Place	FY2009-10/FY2038-39	\$0	5.320
Avesta/409 Cumberland Ave-AH TIF	FY2013-14/FY2034-35	\$0	0.410
Thompson's Pt TOD/TIF II	FY2014-15/FY2043-44	\$4,970,470	30.000
134 Washington Avenue/AH TIF	FY2014-15/FY2033-34	\$0	0.230
17 Carleton St/AH TIF	FY2015-16/FY2036-37	\$0	0.572
Downtown TOD and Omnibus TIF District	FY2015-16/FY2044-45	\$968,136,850	421.520
ImmuCell TIF	FY2017-18/FY2028-29	\$52,600	1.110
58 Boyd Street/AH TIF		\$0	0.480
Deering Place/AHTIF		\$0	1.090
Sub-Total:		\$1,107,059,100	603.722
Less Exempt:			
Thompson's Point (TOD TIF)	FY2014-15/FY2043-44	-\$4,970,470	-30.000
Downtown TOD and Omnibus TIF District	FY2015-16/FY2044-45	-\$968,136,850	-421.520
Totals for Caps:		\$133,951,780	152.202
FY18 Aggregate Total Value:		\$9,049,500,000	
Total Acreage for Ptl'd:			12,386.000
5% Allowed to be TIF'd:		\$452,475,000	619.300
Current Amounts TIF'd:		\$133,951,780	152.202
Amount Remaining that can be TIF'd:		\$318,523,220	467.098

THE CITY OF PORTLAND
TAX INCREMENT FINANCING DEVELOPMENT PROGRAM

EXHIBIT D

ASSESSOR'S CERTIFICATE

The undersigned Tax Assessor for the City of Portland, Maine, does hereby certify pursuant to the provisions of 30-A M.R.S.A. § 5254 that the assessed value of the FY02 Waterfront Economic Redevelopment Municipal Tax Increment Financing Districts as described in the Waterfront Economic Redevelopment Program to which this certificate is included, was \$6,716,410 as of March 31, 2001.

IN WITNESS WHEREOF, this certificate has been executed as of this 27th day of February 2002.

CITY ASSESSOR

By 
Richard W. Blackburn



CITY OF PORTLAND

Waterfront Economic Redevelopment Program
*Application for FY02 and FY10 Amended Waterfront Tax Increment
Financing Development Districts and Sub-District*

ASSESSOR'S CERTIFICATE
Sub-District

The undersigned Tax Assessor for the City of Portland, Maine does hereby certify, pursuant to the provisions of 30-A M.R.S.A. Section 5227, that the assessed real value of the Municipal Waterfront Economic Redevelopment Program Municipal Development District and Tax Increment Financing Sub-District as described in the Amended TIF District Program to which the certificate is included was \$950,900 as of March 31, 2010.

IN WITNESS WHEREOF, this Certificate has been executed as of this 13th day of February 2018.

WITNESS:

CITY ASSESSOR

Louis J. Paullette

Christopher Huff
Christopher Huff



CITY OF PORTLAND

Waterfront Economic Redevelopment Program
*Application for FY18 Amended Waterfront Tax Increment Financing
Development Districts*

ASSESSOR'S CERTIFICATE

The undersigned Tax Assessor for the City of Portland, Maine does hereby certify, pursuant to the provisions of 30-A M.R.S.A. Section 5227, that the assessed real property value of the Added TIF District Properties of 2018 to the Municipal Waterfront Economic Redevelopment Program Municipal Development District and Tax Increment Financing District as described in the Amended TIF District Program to which the certificate is included was \$616,430 as of March 31, 2017.

IN WITNESS WHEREOF, this Certificate has been executed as of this 13th day of February 2018.

WITNESS:

CITY ASSESSOR





Christopher Huff

*Order 168-17/18
Tab 14 3-5-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER SETTING PUBLIC HEARINGS ON
FISCAL YEAR 2019 ANNUAL ACTION PLAN
AND APPROPRIATIONS FOR COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS
GRANT PROGRAM**

ORDERED, that public hearings be held on the Fiscal Year 2019 Annual Action Plan and appropriations for the Community Development Block Grant Program, HOME Program, and the Emergency Solutions Grant Program; and

BE IT FURTHER ORDERED, that such hearings be held on March 19, 2018 and April 18, 2018 at City Council Meetings held at 5:30 p.m., in Portland City Hall Council Chambers, 389 Congress Street.

MEMORANDUM
City Council Agenda Item

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

FROM: Planning and Urban Development Department

DATE: February 15, 2018

SUBJECT: Order Setting Public Hearing on Fiscal Year 2019 Annual Action Plan and Appropriations for Community Development Block Grant Program, HOME Program and Emergency Solutions Grant Program.

SPONSOR: Jon P. Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED: Final Action March 5

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

Notice of the public hearings must be published two weeks prior to first meeting date.

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

I. ONE SENTENCE SUMMARY

Request to set public hearings for FY2019 Annual Action Plan and appropriation of funding for the Community Development Block Grant Program (CDBG), HOME Program and Emergency Solutions Grant (ESG) Program.

II. AGENDA DESCRIPTION

As required under our HUD approved citizen participation process, Public Hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by Council, reviewed each application and made funding recommendations. They are given an opportunity to make a presentation to the Council at this meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and ESG funds.

Public hearings will be held on March 19, 2018 and on April 18, 2018 at a City Council Meeting held at 5:30 p.m., both in Portland City Hall Council Chambers, 389 Congress Street.

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: James Dealaman
Date: February 15, 2018

Bean/agendarequestmemo/rev 1/23/2017

*Order 169-17/18
Tab 15 3-5-18*

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)

**TRAFFIC SCHEDULE AMENDMENT
RE: SECTION OF KENNEBEC STREET TO 30-MINUTE PARKING**

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

By adding under Kennebec Street from Forest Avenue to Brattle Street:

North Side from a point 175 feet east of Forest Avenue to a point 50 feet west of Brattle Street.

- **Schedule XVI – 30-Minute Parking between 9:00 a.m. and 6 p.m.**

MEMORANDUM
City Council Agenda Item

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

FROM: Jennifer Ladd, Senior Transportation Engineer
Department of Public Works

COPY: Chris Branch, DPW Director
Keith Gray, City Engineer
Jeremiah Bartlett, Transportation Systems Engineer
John Peverada, Parking Division

DATE: February 16, 2018

SUBJECT: Traffic Schedule Amendment: Unrestricted to Time-Restricted Parking on Kennebec Street

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading ___ March 5th, 2018 ___ **Final Action** ___ March 19th, 2018 ___

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

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

I. ONE SENTENCE SUMMARY –

The Department of Public Works requests City Council approval to amend the Traffic Schedule to convert ten existing unrestricted parking spaces along the north side of Kennebec Street (from approx. 175 feet east of Forest Ave to Brattle Street) to ten 30-minute time-restricted parking spaces.

II. AGENDA DESCRIPTION -

Kennebec Street, between Forest Ave and Brattle Street, is one-way with 12 on-street parking spaces. The requested Council action would change the Traffic Schedule to make the north side of Kennebec Street, from approximately 175 feet east of Forest Ave to the opposite of Brattle Street, from unrestricted to 30-minute parking. This would apply to ten of the twelve parking spaces; the two closest to the Century Plaza driveway are already 30-minute spaces. (See attached graphic)

III. BACKGROUND -

The development along Kennebec Street has intensified recently and existing businesses have requested shorter term parking to allow for successful operations.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED -

The intended result of this conversion is to provide parking turnover during typical business hours in order to support existing businesses and attract economic development along the corridor that desire access to on street parking.

V. FINANCIAL IMPACT -

The financial impact will be approximately \$500 for staff time, \$500 in materials, and the required DigSafe fees related to the installation of signage.

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

The owners of both Leavitt & Sons Deli and Century Plaza, businesses on both sides of this portion of Kennebec Street, have requested this change after observing cars parked here all day.

VII. RECOMMENDATION -

DPW staff, with support from the Parking Division, recommend this change.

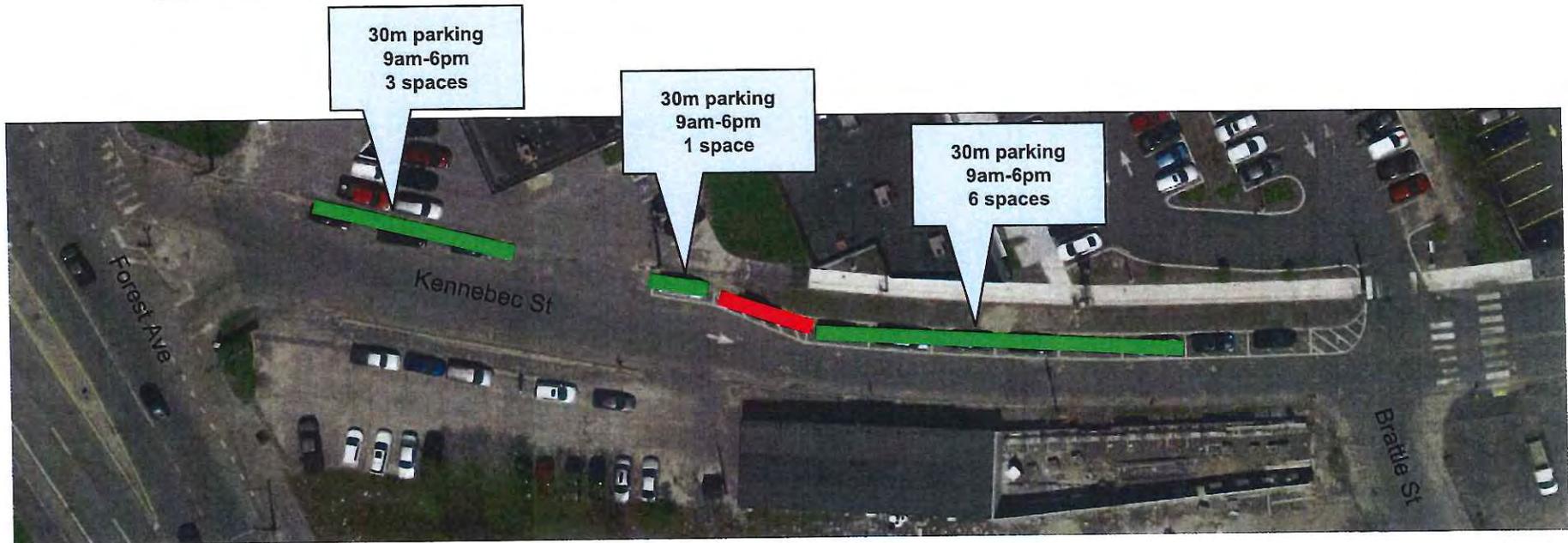
VIII. LIST ATTACHMENTS

1. Parking Change Proposed for Kennebec St

Prepared by: Jennifer Ladd
Date: February 16, 2018

Bean/agendarequestmemo/rev 11/2015

Parking Change Proposed for Kennebec St



DPW
February 2018

Order 170-17/18
Tab 16 3-5-18

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: B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES

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

*That Chapter 14, Sections 14-161, 14-162 and 14-165 are
hereby amended as follows:*

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

...

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses to serve a local market, while supporting mixed-use buildings with residential uses above ground floor commercial space and on the ground floor where the principal street frontage is maintained for active commercial uses. ~~preserving residential uses and character above the ground floor of structures.~~ The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b

zone, refer to subsection (5) below: in existence on November 15, 1993:

1. *Residential*

a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

b. In any structure with commercial use on the first floor, multifamily dwellings are permitted:—above the first floor,

i. Above the first floor; and

i.ii. On the first floor where a minimum building depth of 25 feet along the principal street frontage is maintained for commercial uses.

b.c. Combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage.

...

5. Uses permitted above the ground floor level of buildings in the B-1b zone:

a. Any residential use set forth in section 14-162(a) (1);

...

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14-162(a) (1) (a), shall meet the requirements of such abutting or nearest residential zone. ~~except minimum lot area per dwelling unit.~~ Residential uses in on-peninsula locations, as defined in

Section 14-47, residential uses in mixed-use buildings in off-peninsula locations, as defined in Section 14-47 and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

Min. Lot Size	School: 20,000 SF Place of Assembly: 10,000 SF Other Non-Res Uses: None Residential: None
Min. Lot Area per D.U.	On-peninsula: 435 SF Off-peninsula: min. lot area of nearest residential zone, except 1,000 SF <u>in a mixed-use building. for multifamily dwellings above first floor.</u>
Min. Street Frontage	20 ft.
Min. Lot Width	None
Min. Front Yard	None
Max. Front yard	10 ft., or the maximum front yard setback shall not exceed the average depth of nearest developed lots if that average depth is less than 10 ft.
Min. Rear Yard	Principal: None, except 10 ft. if abutting a residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Min. Side Yard	Principal: None, except 5 ft. if abutting residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Max. Side Yard on Side Street	10 ft., except that this requirement applies to only one side street in cases where a lot has more than one side street
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.
Max. Structure Height¹	Off- peninsula: 35 ft., except where abutting R-6, where max. height shall be the max. height of R-6. ² On-peninsula: 45 ft. except 50 ft. along Congress Street if commercial first floor & residential upper floors.

Max. Floor Area	Total maximum first floor area for non-residential uses per structure: 10,000 SF ³ Total maximum floor area per retail establishment: 5,000 SF
Max. Impervious Surface	90%

1. *The commercial first floor uses shall utilize at least 75 percent of the first floor frontage along Congress Street and shall have an average depth of at least 20 feet.*
2. *Except when B-1 properties abut an R-6A zone, the maximum height shall be 45 feet.*
3. *Structures which existed prior to date of enactment of the B-1/B-1b zones are exempt.*

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

DATE: February 16, 2018

SUBJECT: Text Amendments to Division 9. B-1 and B-1b Neighborhood Business Zones

SPONSOR: Sean Dundon, Chair, Portland Planning Board

- Planning Board- 2/13/18 - Unanimous Recommendation to Adopt Amendments, Vote: 6-0. Morrissette abstained due to possible conflict of interest.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading March 5, 2018 Final Action March 5, 2018

The City is requesting that this item be considered as an emergency provision so that final Certificates of Occupancy may be issued for the project at 502 Stevens Avenue.

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

The project at 502 Stevens Avenue is ready for Certificate of Occupancy

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

Sean Dundon, Chair, Planning Board, and Tuck O'Brien, City Planning Director. Summary of Board's recommendation. Combined 5 to 10 minutes.

I. ONE SENTENCE SUMMARY

To promote fair housing compliant mixed-use development in off-peninsula locations within the B-1 and B-1b Neighborhood Business zones, the Planning Board recommends Division 9 text amendments to permit ground-floor residential units as either live/work units (permitted in any location on the ground floor), or straight residential units (in ground floor locations where a minimum depth of 25 feet is maintained along the principal street frontage for active commercial use) and confirms density standards for mixed-use projects that include first floor residences.

II. AGENDA DESCRIPTION

The B-1 and B-1b Neighborhood Business zones are intended to foster mixed-use development in its traditional form, with residential uses located over ground-floor commercial spaces. Under the current ordinance, this form is maintained in off-peninsula locations by tying the density of ground-floor residential units to the adjacent or nearest residential zone and by increasing the permitted density for residential units located above ground level. While effective, this regulatory strategy is somewhat incompatible with fair housing laws which require that residential projects of four or more units provide ADA

accessible ground-floor units where no elevator exists, or make all units and common spaces accessible in a building where an elevator does exist.

Given the zone's transitional role between residential neighborhoods and commercial districts, lot sizes are typically small, and the scale and scope of projects permitted is necessarily and appropriately limited. As a result of site conditions and both market and regulatory constraints, the installation of an elevator for universal building access in small-scale mixed-use projects is oftentimes challenging if not cost prohibitive, thus requiring a ground-floor residential unit. Under current standards, this required unit severely impacts the number of units permitted above ground-floor which is contrary to both the City's Comprehensive Plan and to the purpose statement of the B-1 and B-1b zones.

In response to this incongruity, the staff are proposing amendments to the B-1 and B-1b zones in an effort to establish less prescriptive regulatory standards that still facilitate the types of mixed-use development traditionally sought for these zones. Given that the city's zoning does not supersede state and federal fair housing requirements, the approach being proposed is to offer acceptable outlets for providing ground-floor units while still maintaining activated street frontages. Under this proposal, these units would be permitted as either live/work units, permissible within any location on the ground floor, or as straight residential units, permitted in ground-floor locations where a minimum depth of 25 feet along the principal street frontage is maintained for active commercial uses. In order to effectively accommodate these uses, the staff are proposing to remove onerous restrictions on ground-floor units and establish a new fixed-rate density requirement for all residential units in off-peninsula locations based upon the existing upper-floor ratio.

III. BACKGROUND

In December of 2017 it was brought to the attention of city staff that two previously approved and partially constructed projects, 502 Stevens Avenue and 23 Ocean Avenue, were in non-compliance with Federal and State Fair Housing regulations. These projects are small-scale mixed-use developments that were approved under the standards of the B-1 and B-1b Neighborhood Business zones respectively, and were similarly reviewed for ADA compliance. Neither project was required to provide an elevator as under ADA standards, buildings with floorplates of 3,000 square feet or less are exempt from meeting ADA requirements. No ground-floor residential units were provided.

While there is an exception under ADA for small buildings, that exception is not applicable under Fair Housing. In regards to Fair Housing requirements, all residential buildings constructed after 1991, with four or more residential units, are required to provide at least one accessible unit. In circumstances where an elevator is provided, then all units shall be accessible or able to be retrofitted so as to be accessible. Where no elevator is provided or required under ADA, then ground-floor residential units shall be made accessible. Prior to the proposal of this text amendment, a number of alternative retrofits were considered, including installation of a chairlift and reduction in the number of units.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Implement policies to increase the supply of safe, location-efficient, affordable and accessible housing.

V. FINANCIAL IMPACT

The proposed amendments will result in positive financial impacts imparted on the developer. The cost to construct a mixed-use building is reduced if no elevator is required, and return-on-investment increases as a result of increased unit density.

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

A. Planning Board Public Hearing

The Planning Board held a public hearing (February 13) on the proposed amendments unanimously recommended the amendments to the Council. At the hearing, members of the Board expressed support for the amendments, and particularly the provision of a live/work space option and use of a form-based standard within a Euclidean format to address positioning of the residential and commercial spaces. The Board asked for additional clarification on the location of the B-1 and B-1b zones and surrounding context. In response, the staff have produced a map highlighting these locations, which is attached to the report from the Planning Board. Six members of the public spoke at the public hearing, all in favor of the proposed amendments. During the public comment, the idea of eliminating the requirement 'lot area per dwelling unit' was raised, given other standards which already limit density, and concerns were raised regarding noticing of the hearing.

B. Comprehensive Plan Analysis

As currently written, the B-1 and B-1b zones encourage traditional mixed-use commercial and residential development within minor commercial nodes and corridors across the city. These areas are ideally situated for increased residential density, given their proximity to public transit, services and amenities, all of which are goals identified within the comprehensive plan. However, with FHA requirements taken into account, the current zoning proves to be largely incompatible with the comprehensive plan, as any development with four or more residential units is required to meet FHA standards, which requires either an accessible unit on the ground floor or an elevator with access to all upper-floor units. The current zoning essentially penalizes projects with ground-floor residential units and reduces the allowable density of the project considerably.

The proposed amendment explicitly permits ground-floor residential units and establishes a new density standard for mixed-use projects located off-peninsula. The amendment also includes new standards to maintain active commercial uses along principal street frontages and is supportive of and supported by many goals found in Portland's Comprehensive Plan.

Development Goals:

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- 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 approach taken by the staff in revising the city's land use code to address this identified concern is similarly supported under the strategies section of the Housing Chapter in Portland's Comprehensive Plan. For example, under the strategy, "Removing Housing Barriers", it encourages the evaluation of whether current zoning allows for new development that is consistent with historic patterns of form, density and use. The current zoning in fact limits historic development patterns by significantly reducing the allowable density of residential units, a characteristic that is vital to maintaining vibrant neighborhood centers. Similarly, under the strategy, "Support Age-Friendly Housing Options", it encourages that we create, promote and facilitate safe, affordable and practical housing solutions that will meet the evolving need of Portland residents as they age. The B-1 and B-1b zones and the uses found therein are ideally situated within the heart of Portland's neighborhood centers, and are well-positioned to take advantage of the amenities and services located in the city. Projects such as those at 502 Stevens Avenue and 23 Ocean Avenue provide alternative housing options within their respective neighborhoods and are positioned to be age-friendly and well suited to serve individuals with mobility challenges. The proposed amendments encourage increased unit densities at these locations and make it easier to create ADA accessible units.

VII. PLANNING BOARD RECOMMENDATION

On February 13, 2018, the Planning Board voted unanimously (6-0, Morrisette abstained due to possible conflict of interest) to find the proposed text amendments consistent with the Comprehensive Plan and to recommend the ordinance amendment for adoption by the City Council.

VIII. LIST ATTACHMENTS

Planning Board Report to City Council
Public Comment

Prepared by: Matthew Grooms, Planner
Date: February 16, 2018

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c) (3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses to serve a local market, while supporting mixed-use buildings with residential uses above ground floor commercial space and on the ground floor where the principal street frontage is maintained for active commercial uses. ~~preserving residential uses and character above the ground floor of structures.~~ The zone also provides the

opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c) (3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99; Ord. No. 281-10/11, 7-18-11; Ord. 90-14/15, 11/17/2014)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

1. Residential

a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

b. In any structure with commercial use on the first floor, multifamily dwellings are permitted: ~~above the first floor,~~

i. Above the first floor; and

ii. On the first floor where a minimum building depth of 25 feet along the principal street frontage is maintained for commercial uses.

b.c. Combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage.

2. Business: Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 100 peak hour vehicle trips per 2000 sq.ft. of space, and generates in excess of 100 peak hour vehicle trips is prohibited. As set forth in the City of Portland Technical Manual, section I, the city

traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.

- a. Professional, business, and general offices, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - i. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - ii. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - iii. Storage of all beverage containers shall be contained entirely within the building providing retail sales.
- g. Studios for artists, photographers and craftspeople including, but not limited to

painters, sculptors, dancers, graphic artists and musicians.

- h. Restaurants are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone provided they meet the following additional requirements in addition to the vehicle trips standards of in Sec. 14-162.a.2:
 - a. As set forth in the City of Portland Technical Manual, section I, the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.
 - b. Maximum total floor area for use of the public shall be two thousand (2,000) square feet.
 - c. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day.
 - d. Food service and consumption are the primary function of the restaurant.

3. *Institutional:*

- a. Places of religious assembly;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

4. *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47, subject to the standards of article V (site plan), sections 14-522 and 14-523

notwithstanding;

- c. Day care facilities or babysitting services;
 - d. Accessory uses as provided in section 14-404;
 - e. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.
 - f. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:
 - i. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.
 - ii. All applicable provisions of Article V of this chapter shall be met.
 - iii. Parking shall be provided in compliance with Division 20 of this Article.
 - iv. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - v. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
 - vi. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.
 - g. Neighborhood center.
5. Uses permitted above the ground floor level of buildings in the B-1b zone:
- a. Any residential use set forth in section 14-162(a) (1);

- b. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding.
- c. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:
 - i. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.
 - ii. All applicable provisions of Article V of this chapter shall be met.
 - iii. Parking shall be provided in compliance with Division 20 of this Article.
 - iv. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - v. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
 - vi. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99; Ord. No. 74-06/07, 12-4-06; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10, Ord. 10 10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 162-12/13, 4-1-13; Ord. 90-14/15, 11-17-2014)

***Editor's Note-** Pursuant to Ord. No. 74-06/07, enacted on 12-4-06 changes made in (2) *Business* are effective October 16, 2006.

Sec. 14-163. Conditional uses.

(a) The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions

of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

1. Temporary wind anemometer towers, as defined in sec. 14-47, are permitted provided the following standards are met in addition to sec. 14-430:
 - a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a certificate of occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the board of appeals with the application; and
 - c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
 - e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
 - f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
 - g. Towers shall be used for installing anemometers and similar devices at a range of heights from

the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.
(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99; Ord. No. 74-06/07, 12-4-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 33-11/12, 1-18-12; Ord. 90, 11-17-2014)

*Editor's Note- Pursuant to Ord. No. 74-06/07, enacted on 12-4-06 changes made in (2) *Business* are effective October 16, 2006.

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.
(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14-162(a) (1) (a), shall meet the requirements of such abutting or nearest residential zone. ~~except minimum lot area per dwelling unit.~~ Residential uses in on-peninsula locations, as defined in Section 14-47, residential uses in mixed-use buildings in off-peninsula locations, as defined in Section 14-47 and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

Min. Lot Size	School: 20,000 SF Place of Assembly: 10,000 SF Other Non-Res Uses: None Residential: None
Min. Lot Area per D.U.	On-peninsula: 435 SF Off-peninsula: min. lot area of nearest residential zone, except 1,000 SF in a mixed-use building. for multifamily dwellings above first floor.
Min. Street Frontage	20 ft.
Min. Lot Width	None
Min. Front Yard	None
Max. Front yard	10 ft., or the maximum front yard setback shall not exceed the average depth of nearest developed lots if that average depth is less than 10 ft.
Min. Rear Yard	Principal: None, except 10 ft. if abutting a residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Min. Side Yard	Principal: None, except 5 ft. if abutting residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Max. Side Yard on Side Street	10 ft., except that this requirement applies to only one side street in cases where a lot has more than one side street
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.
Max. Structure Height¹	Off- peninsula: 35 ft., except where abutting R-6, where max. height shall be the max. height of R-6. ² On-peninsula: 45 ft. except 50 ft. along Congress Street if commercial first floor & residential upper floors.
Max. Floor Area	Total maximum first floor area for non-residential uses per structure: 10,000 SF ³ Total maximum floor area per retail establishment: 5,000 SF
Max. Impervious Surface	90%

1. The commercial first floor uses shall utilize at least 75 percent of the first floor frontage along Congress Street and shall have an average depth of at least 20 feet.
2. Except when B-1 properties abut an R-6A zone, the maximum height shall be 45 feet.
3. Structures which existed prior to date of enactment of the B-1/B-1b zones are exempt.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99; Ord. No. 281-10/11, 7-18-11; Ord. No. 118-13/14, §165 (e), 1-15-14; Ord. 90-14/15, 11-17-2014)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.
- (c) Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.
- (d) Front yard parking: There shall be no off street parking in the front yard between the street line and the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.
- (e) Signs: Signs shall be subject to the provisions of division 22 of this article.
- (f) Exterior storage: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers

or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.

- (g) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.
- (h) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

- (a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the

Opacity Evaluation System of the U.S. Environmental
Protection Agency.

- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-168 - Sec. 14-180 Reserved.

DIVISION 10. B-2 AND B-2b COMMUNITY BUSINESS ZONES*

*Editor's note—Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181-14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181-14-187. Formerly, such sections derived from §§ 602.9.A-602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

Sec. 14-181. Purpose.



PLANNING BOARD REPORT PORTLAND, MAINE

Mixed-Use Development
23 Ocean Avenue
Level III Site Plan and Subdivision Review
23 Ocean Avenue Association, LLC

Submitted to: Portland Planning Board	Prepared by: Nell Donaldson, Planner
Date: October 21, 2016	CBL: 129-G-1
Public Hearing Date: October 25, 2016	Project #: 2016-120

I. INTRODUCTION

23 Ocean Avenue Association, LLC has requested a final Level III site plan and subdivision review for a mixed-use development at 23 Ocean Avenue, at the corner of Ocean Avenue and Hersey Street near Woodford's Corner. The proposed 7,000 SF development includes approximately 2,400 SF of office space on the basement level and first floor, and four two-bedroom apartments on the second and third floors. The proposal also includes new sidewalks on Ocean Avenue and Hersey Street, nine off-street parking spaces with a lease for additional off-site parking, landscaping, and stormwater treatment. The site is currently occupied by a former residential building which has been converted to office use and a large lawn area. This open space would be developed under the proposal. The existing office building would remain.

This development is being referred to the Planning Board for compliance with the site plan and subdivision standards of the land use code. A total of 144 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on July 18 and 19, 2016.

Applicant: Steve and Roberta Cope, 23 Ocean Avenue Association, LLC
Consultants: Kevin Moquin Architects, Ransom Consulting, Carroll Associates

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Aisle width – to allow 21 foot aisle in parking area	Technical Manual, <i>Section 1.14</i> . Aisle width for right-angle parking be 24 feet per <i>Figure I-27</i> .

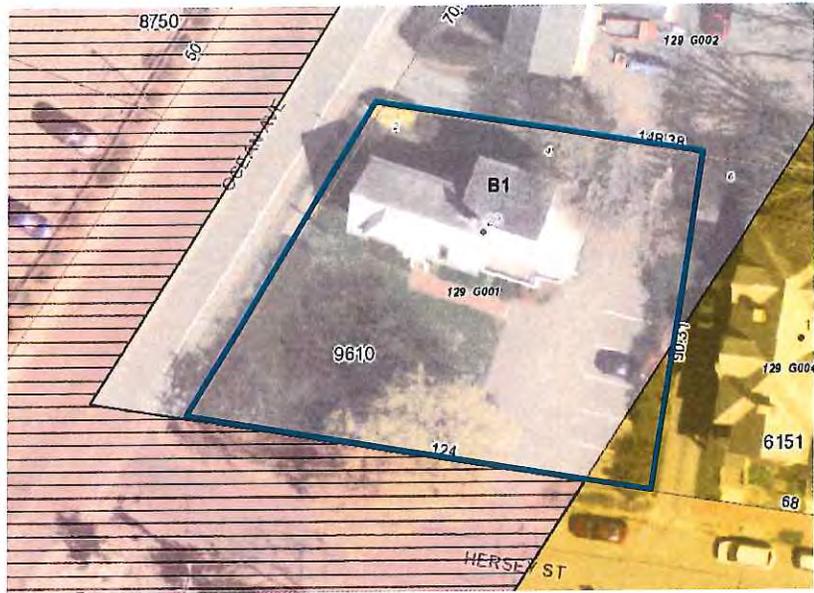
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-1/R-3
Existing Use	Office
Proposed Use	Mixed use (office and residential)
Proposed Development Program	App. 2,400 SF office ; App. 4,700 SF residential (4 2-br apartment units); App. 220 SF storage
Parcel Size	9,519 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,030 SF	2,730 SF	1,700 SF
Building Floor Area	1,580 SF	10,220 SF	8,640 SF
Impervious Surface Area	4,036 SF	6,188 SF	2,152 SF
Parking Spaces	5	9 on-site and 4 off-site	13
Bicycle Parking Spaces	0	6	6
Estimated Cost of Project	\$1,000,000		

Figures 1, 2, and 3 (Clockwise from top right):
23 Ocean Avenue from above, showing existing building in office use;
Site from the corner of Ocean Ave./Hersey St.;
Zoning context



IV. BACKGROUND & EXISTING CONDITIONS

23 Ocean Avenue lies at the intersection of Ocean Avenue and Hersey Street, where Woodford’s Corner meets the residential neighborhood of Back Cove. The Woodford’s Corner Rite Aid sits directly across Ocean Avenue from the site and the former Thurston’s Burgers lies directly to the south across Hersey Street, yet residential uses abut the site to the east and north. The site was originally developed for residential use, but the former home has since been repurposed for office. The majority of the site is zoned B-1, with a small sliver in the southeast corner lying in the R-3 zone.

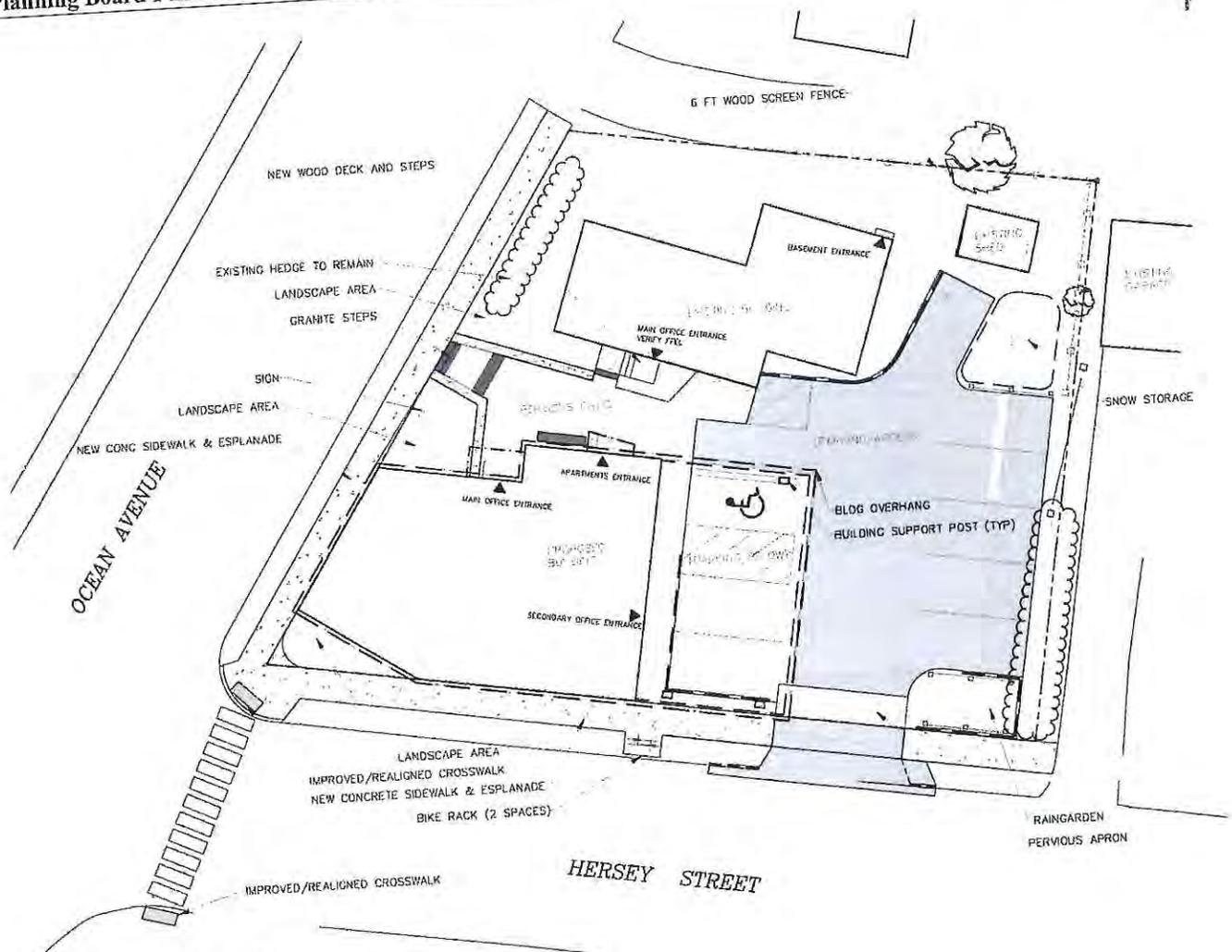


Figure 4: Final site plan

V. PROPOSED DEVELOPMENT

The applicant proposes to develop the existing, undeveloped portion of the lot with a 7,000 SF building including 2,400 SF of office space on the basement and first levels and four 2-bedroom apartment units on the top two floors. The main entrances for both uses would front a pervious patio courtyard area at the interior of the site, which would be shared with the existing office building. Vehicular access would be provided via an existing curb cut from Hersey Street. Nine parking spaces are proposed on site and six additional spaces would be leased off-site at a property on Vannah Avenue. New concrete sidewalks are proposed on Ocean Avenue and Hersey Street. The plans also include landscaping around the proposed building. Treated stormwater runoff from the roof of the new building would drain into the existing catch basin at Ocean Avenue and Hersey Street; the remainder of the site would drain to Hersey Street via a rain garden near the driveway entrance. Utilities are proposed to and from Hersey Street.

VI. PUBLIC COMMENT

The Planning Division has received a number of public comments on the proposal (*Attachments PC-1-5*). These comments raise questions about:

- The stormwater and utility plans, noting that Hersey Street experiences flooding during periods of heavy rain, and raising concerns about the impact of any additional stormwater runoff on the combined sewer in Hersey Street;
- The proposed parking supply as it relates to the demand analysis, and particularly the shared parking analysis, which neighbors have described as unsubstantiated and argued should be reviewed by the Zoning Board of Appeals;

- The use of off-site parking to meet projected parking demand and the potential for spillover impacts to Hersey Street;
- The trip generation analysis, which neighbors have criticized for failing to include actual counts from the existing office use;
- Traffic safety around the project site;
- The design and its lack of relationship to the residential context; and
- The construction management plan and potential impacts of truck traffic and contractor parking on Hersey Street.

The applicant is not required to host a neighborhood meeting, since only four residential units are proposed. No neighborhood meeting was held.

VII. RIGHT, TITLE, & INTEREST

The applicant's submittal includes a deed as evidence of right, title, and interest (*Attachment E*). A license is proposed for encroachments into the right-of-way for the purposes of footings and cornices. A public access easement will also be necessary for areas of sidewalk which are depicted on the site. This license and easement are proposed as conditions of approval.

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development is approximately \$1 million. The applicant has provided a letter from Biddeford Savings Bank attesting to the applicant's financial capacity (*Attachment H*).

IX. ZONING ANALYSIS

The applicant has provided a zoning analysis documenting that the plans meet the dimensional requirements of the B-1 zone, including the front yard maximum of 10 feet and the maximum height of 35 feet (*Attachment D*). It should be noted that the elevations show a stair tower extending above the roofline of the building, and above the permitted height limit. Stair towers are technically allowed to extend beyond the height limit per *Section 14-430* of the city code.

X. SITE PLAN SUBMISSION REQUIREMENTS (*Section 14-527*) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (*Section 14-496*)

The applicant has submitted a subdivision plat meeting the requirements of *Section 14-527* of the city's land use code. This plat has been reviewed by William Clark, the city's surveyor (*Attachment I*). A final recording plat, including all recording plat requirements, has been included as a condition of approval.

The applicant has submitted a draft construction management plan (*Attachment F*). Staff have forwarded several comments on this draft plan to the applicant, including a request that the applicant identify an off-street location for contractor parking, address concerns about truck traffic, and identify phasing. The applicant has requested that these comments be resolved as a condition of approval once a contractor has been selected for the project. A condition of approval has been suggested.

XI. SUBDIVISION REVIEW (*14-497(a). Review Criteria*)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

1. Water, Air Pollution

Lauren Swett, consulting civil engineer, has reviewed the plans relating to stormwater runoff and water quality (*Attachment 3*). Her comments are discussed in detail under site plan review below. No detrimental water or air quality impacts are anticipated.

2 & 3. Adequacy of Water Supply

The plans show domestic and fire water service from an existing 8-inch main in Hersey Street. The applicant has provided evidence of water capacity (*Attachment J*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided traffic analysis in the final submittal. Tom Errico, the city's consulting traffic engineer, has provided comments on potential traffic impacts, which are discussed in detail under site plan review below. No detrimental impacts to existing roads are anticipated.

6. Sanitary Sewer/Stormwater Disposal

One 6-inch sewer line with backflow preventer is proposed to service the building; this line would outlet to the combined sewer in Hersey Street. The applicant has not provided evidence of wastewater capacity from the Department of Public Services at this time. As such, this letter has been included as a condition of approval. As noted above, a stormwater management plan has been provided. Ms. Swett's comments on the proposed plans for stormwater and sewer are discussed in detail under site plan review below.

7. Solid Waste

The applicant has proposed curbside trash and recycling. No dumpster is proposed. The applicant writes that "[t]enants will be informed of collection day and appropriate interim on-site storage of waste and recycling" (*Attachment D*). Storage of office waste is proposed in the basement.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

9. Comprehensive Plan

The applicant's narrative argues that the project would achieve a number of goals of the city's Comprehensive Plan, including goals related to housing and neighborhood stability and integrity. The applicant also cites the Woodford's Corner Public Improvement Plan and Transforming Forest Avenue, which called for improvements that "promote livability, economic vibrancy, and mobility in Woodford's Corner" (*Attachment D*).

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial capacity (*Attachment H*).

11. Wetland/Water Body Impacts

There are no wetlands or water bodies on or immediately proximate to the site.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the city's existing flood maps, the site is not located in a flood zone.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

At the request of Tom Errico, the city's traffic engineer, the applicant has provided a trip generation analysis in the final submittal (*Attachment 2*). The trip generation analysis, which is based on ratios from the Institute of Traffic Engineers, estimates a total of six additional trips during the AM peak hour and seven additional trips during the PM peak hour, for a total of nine AM and PM peak hour trips from the site (including the existing office use on site, which the applicant's traffic engineer has estimated at three AM trips and two PM trips). The applicant writes, "this minimal level of new traffic would not be expected to have any significant impact off-site on traffic operations" (*Attachment L*). Mr. Errico has reviewed the

analysis and writes,

The applicant has provided an estimate of trip generation. As noted the project is expected to generate 6 new peak hour trips in the morning peak hour and 7 new peak hour trips during the afternoon peak hour. This level of trip generation is not expected to impact traffic operations and safety and therefore I have no further comment.

The applicant has also provided a safety analysis in the final submittal. This analysis finds, based on data from the Maine Department of Transportation, that although the segment of Ocean Avenue between Forest Avenue and Hersey Street has a “higher than expected accident rate,” this location fails to qualify as a high crash location since only two accidents occurred in this segment in the most recent three-year period. All other segments and intersections in the immediate vicinity of the project have lower than expected accident rates, and none qualify as high crash locations. Mr. Errico has also reviewed this analysis and writes,

A review of crash data was conducted by the applicant and that analysis indicated that there are no High Crash Locations in the vicinity of the project site. I have no further comment.

b. Access and Circulation

The plans include new concrete sidewalks on the length of the site’s frontage on both Hersey Street and Ocean Avenue. The applicant has proposed to provide a new detectable warning panel and a new crosswalk across Hersey Street at the Ocean Avenue intersection. Final details related to the design of this intersection are yet to be resolved, as there are right-of-way constraints on the property opposite the site. Mr. Errico writes,

The applicant shall upgrade the sidewalk ramp on the opposite side of Hersey Street to meet ADA requirements. The applicant shall submit plans to the City for review and approval. I would note that the City recognizes the right-of-way limitations at the subject corner and will assist the applicant in design development.

A condition of approval has been drafted to address this ramp.

The major building entrances are proposed via a patio at the interior of the site, with access from Ocean Avenue. This patio sits below the sidewalk elevation and thus is accessible via stair. ADA access to the major entrance of the proposed building would be provided from Hersey Street. In the final submittal, the applicant has noted that the proposed plan shows “accessible grades along the sidewalk connecting to the main office entrance and the accessible parking space” (*Attachment K*).

The final plans show continued use of an existing curb cut from Hersey Street for vehicular access. In the final plans, the applicant has reconfigured the parking area and reduced the number of proposed parking spaces by one as a means of eliminating the need for backing maneuvers to Hersey Street. The applicant has provided turning templates as documentation of the adequacy of the parking area design (*Plan 21*). The applicant has requested a waiver for parking lot aisle width. Mr. Errico writes,

The applicant has provided information that demonstrates onsite circulation can be accommodated.

Following a review of vehicle turning template information and revisions to the parking lot layout, I support a waiver from the City’s Technical Standards.

c. Public Transit Access

No accommodation for public transit is required.

d. *Parking*

Division 20 of the land use ordinance requires parking for residential uses at a ratio of two/unit off-peninsula and one/ 400 SF of usable area for office uses. At these ratios, eight parking spaces are required for the residential units and six spaces are required for the office space, for a total of 14 parking spaces for the proposed mixed-use building. Four additional parking spaces are required for the existing office building, bringing the total parking requirement for the site to 18 parking spaces. It should be noted that, in their final submittal, the applicant has provided a parking analysis that cites parking ratios from the Institute of Traffic Engineers, and estimates a total parking demand of six spaces for the residential uses and 13 spaces for the office uses, for a total of 19 parking spaces (*Attachment M*).

Recognizing the opportunity for shared parking in this context, where residential and office uses are apt to experience offset peak parking demand, the applicant's parking narrative includes some shared use analysis, based again on data from the Institute of Traffic Engineers (*Attachment M*). The city's code permits shared use parking under *Section 14-343*, stating,

the Board of Appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments... The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

The applicant has based their shared parking analysis on shared use factors developed by the Institute of Traffic Engineers. By applying these factors to both the residential and office uses in their off-peak hours, the applicant arrives at total estimated daytime and nighttime parking demand figures which allow for some overlap in use. The analysis estimates a peak daytime demand of 10-13 parking spaces for the office and two-three for purposes of the residential use, or a total of 12-15 spaces. (The range cited here is a function of differing sources, with the former number a product of applying the shared use factors to the parking supply numbers as required by code and the latter a product of applying the factors to the ITE-derived demand figures.) The applicant argues that, at night, while the residential use will generate its peak demand of six to eight spaces, the office use will not generate any demand at all.

With nine spaces proposed on site, then, the applicant argues that they meet their nighttime peak demand requirement of six to eight spaces. The proposed on-site parking is not sufficient, however, to accommodate the peak daytime demand, which again has been estimated at 12-15 parking spaces. For this reason, the applicant has submitted a letter of intent from the property owner at 28 Vannah Avenue indicating their agreement to lease six parking spaces to the applicant (*Attachment M*), which, when added to the nine on site, would bring the total parking supply to 15 (*Figure 5*). Technically, this is permissible per *Section 14-334* of the city's ordinance, which allows the Planning Board to approve off-street parking within 1,500 feet upon presentation of a lease agreement. 28 Vannah Street lies approximately 500 feet from the site by lines of public access and contains sufficient parking (15 spaces) to lease six parking spaces and remain conforming with respect to its own parking requirement under Division 20 of the land use code.

In their final submittal, the applicant has provided a parking management plan which speaks to how on-site and off-site parking would be managed so as to ensure the shared parking arrangement functions as designed (*Attachment M*). This plan identifies a number of tools, including signage, lease restrictions for office tenants, incentives for use of the off-site parking, and monitoring as means of managing the shared parking. Mr. Errico has reviewed the shared parking analysis and the parking management plan and writes,

I generally find the parking generation analysis to be reasonable and would expect a parking demand of 18 to 21 vehicles, without the consideration of shared parking.



Figure 5:
Proposed
off-site
parking at
28 Vannah
Avenue, with
missing
sidewalk link
highlighted.

I support the concept of shared parking for this project and thereby a reduced parking supply given proposed land uses. Based upon the information provided by the applicant and information from the Urban Land Institute, I would estimate a peak parking demand of 16 to 18 parking spaces. The applicant is providing 9 parking spaces onsite and has an agreement in place for up to 6 parking spaces on Vannah Avenue, for a total of 15 parking spaces. I would suggest that the applicant conduct a monitoring study at the time of full occupancy and determine if 15 spaces is sufficient. If parking demand is greater than expected, the applicant shall provide additional offsite parking that meet actual demand. I would suggest that the Woodford Club site, as originally proposed, be formally agreed to as a backup site.

I support the location of the offsite parking lot on Vannah Avenue. For it to be fully accessible by pedestrians to and from the site, the applicant shall construct a missing sidewalk section on the north side of Vannah Avenue near the proposed parking lot. The applicant shall submit plans to the City for review and approval.

The applicant has provided a parking management plan for the site. I am concerned that implementation will not be easily enforced, particularly as it related to early morning and late afternoon time periods when the residential and office uses are likely to conflict. I would note that the applicant has noted that TDM will likely impact trip and parking generation (for which I agree), but it is also likely that the residential uses may leave their cars all day, while walking or biking to work destinations. I would therefore suggest that the monitoring study also include a review of the parking management plan and necessary adjustments. I would suggest that the monitoring study be closely coordinated with the Planning Authority.

A final copy of an off-site parking lease, written to include a five-year term as required by the land use code, has been included as a condition of approval. Improvements to the sidewalk on the north side of Vannah Street to close the sidewalk gap between the off-site parking location and the site have also been included as a condition of approval. Last, a monitoring study has been suggested as a condition of approval.

It should be noted that the applicant stresses in their parking analysis that TDM will be employed at the site in an effort to reduce car-dependency on site. The applicant writes, "the building will provide interior bike lockers for both resident and office uses to encourage bicycle commuting" and notes that METRO provides service within a block of the site (*Attachment M*).

- e. *Transportation Demand Management*
A transportation demand management plan is not required.

2. *Environmental Quality Standards*

- a. *Preservation of Significant Natural Features*
There are no known significant natural features on the site.

- b. *Landscaping and Landscape Preservation*
At the request of Jeff Tarling, the city's arborist, the applicant has revised the landscape plans to show two zelkovas on the Ocean Avenue frontage, three Armstrong maples in the esplanade on Hersey Street, and a cherry tree at the corner of Ocean Avenue and Hersey Street. Collectively, these trees meet the city's street tree requirement of one per unit. It should be noted that staff has recommended a condition of approval to address a potential conflict between the cherry tree and a stormwater treatment unit proposed for the Ocean Avenue/Hersey Street corner.

Elsewhere on the site, the applicant shows a mix of perennials and sunac in the rain garden, a combination of juniper and lilacs on the eastern property line to create a buffer where the site addresses residential neighbors, and a mix of day lilies at the corner of Ocean Avenue and Hersey Street. Ferns, climbing hydrangeas, bayberries, fountain grass, and rhododendrons are also proposed for the site. Mr. Tarling has reviewed the revised plans and verbally indicated that they meet the landscaping requirements of the land use code.

- c. *Water Quality/Storm Water Management/Erosion Control*
The site is currently occupied by a residential structure which has been converted to office use, a surface parking lot, and a landscaped lawn area. The project will disturb approximately 7,170 SF of the parcel and result in a total impervious area of 6,188 SF, or an increase of 2,152 SF. As such, the applicant has provided a stormwater management plan outlining their approach for managing and treating stormwater on and from the site (*Attachment J*).

At the Department of Public Works' request, the applicant has modified their final drainage plan to direct runoff from the proposed building's roof to an existing catch basin in Ocean Avenue, which, as a product of future city plans, would ultimately be connected to a new separated stormwater system. This runoff would be treated with a roof drain cartridge filter. The remainder of the site, including the existing building roof and the parking area, would drain to a rain garden, which would outlet to the combined sewer in Hersey Street and overflow to a pervious paver system in the driveway apron. The applicant writes that, under the proposed plan, "the peak flow rates discharging to Hersey Street will decrease for all storm events. This is because both the total area and impervious area draining to Hersey Street are proposed to decrease [under the post-development condition]" (*Attachment J*).

Ms. Swett has reviewed the design of this system and provided the following comments,

The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant will be discharging a portion

of the site's stormwater to the combined sewer in Ocean Avenue. The site does not discharge to this location in the existing condition; however, the Applicant has discussed this condition with Public Works, and the connection will be allowed. Stormwater from the site will be collected as part of a future City sewer separation project. As a result of this connection, the stormwater discharge to Hersey Street will be reduced, providing an improvement over the existing condition on Hersey Street.

It should be noted that Ms. Swett has determined that a waiver from the flooding standard is not required in this instance.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

As noted above, the project is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

The applicant has provided a life safety summary for review by the city's Fire Prevention Bureau (*Plan 16*). Per this summary, the building would be fully sprinklered and accessible from two sides. Assistant Fire Chief Keith Gautreau has reviewed the plans and indicated that he has no comments (*Attachment 4*).

c. Availability and Capacity of Public Utilities

As noted above, the applicant has proposed to connect to existing water and sewer lines in Hersey Street, and has provided evidence of water capacity (*Attachment I*). Evidence of sewer capacity has been included as a condition of approval. Underground electrical service would be provided from an existing pole on the opposite side of Hersey Street. With respect to the capacity of the combined sewer on Hersey Street, as noted above, the city's consulting civil engineer has noted that stormwater runoff to Hersey Street will be reduced under the post-development condition, "providing an improvement over the existing condition." The development is not anticipated to overburden existing public infrastructure.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The bulk, location, or height of the building is not likely to result in health or safety problems from a reduction in ventilation to abutting structures. In the final submittal, the applicant has indicated that HVAC equipment will consist of six rooftop condensers.

b. Shadows

The project will not result in shadow impacts to publicly accessible open spaces.

c. Snow and Ice Loading

The project is not likely to result in snow or ice loading impacts.

d. View Corridors

The project does not lie on a protected view corridor.

e. Historic Resources

There are no historic resources within 100 feet.

f. Exterior Lighting

The applicant has provided a photometric plan and lighting cut sheets which meet the standards of the Technical Manual (*Plan 17 and Attachment K*).

g. Noise and Vibration

Mechanical equipment is proposed at the interior of the site and generally screened from view. HVAC cut sheets will be required as a product of the building permit review.

h. Signage and Wayfinding

One sign is depicted on the site plan near the patio entrance. This sign is intended to serve both buildings on the site. The sign will be subject to separate sign permits, and is not being reviewed at this time.

i. Zoning-Related Design Standards

Projects within the B-1 zone are subject to design review, as are all multi-family buildings. In response to comments on the preliminary plans, the applicant has revised the design to accentuate the building entrances; employ materials to distinguish the lower floor (which would be occupied by office uses) from the upper floor residential; align windows to provide more rhythm on the street-facing facades; and accentuate the Ocean Avenue/Hersey Street corner through a change in roofline and material (*Attachment K*). Caitlin Cameron, the city's urban designer, has provided final comments from the B-1 design review, finding that the final design meets the design standards (*Attachment 5*).



Figures 6 and 7: Final architecture from the corner of Hersey Street and Ocean Avenue (top) and Ocean Avenue looking south



Figure 8: Hersey Street building entrance

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed mixed-use development at 23 Ocean Avenue.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 25, 2016 for application 2016-120 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer’s review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow a 21 foot wide aisle in the parking area.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on October 25, 2016 for application 2016-120 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and

2. The applicant shall submit:
 - a. A license agreement for foundation footings and cornice proposed to encroach on the city's right-of-way and
 - b. A public pedestrian access easement for areas of sidewalk proposed to encroach on private property for review and approval by the Department of Public Works and Corporation Counsel.
3. The applicant shall submit a final sewer capacity letter for review by the Planning Authority;

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on October 25, 2016 for application 2016-120 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final construction management plan, including provisions for pedestrian access, contractor parking, truck deliveries, and phasing, for review and approval by the Department of Public Works and the Planning Authority;
2. The applicant shall submit final details for the reconstruction of the ramp on the south side of Hersey Street to meet ADA requirements for review and approval by the Department of Public Works;
3. Prior to certificate of occupancy, the applicant shall provide evidence of a lease for use of off-site parking spaces under *Section 14-334* for review and approval by the Planning Authority and Corporation Counsel;
4. Prior to certificate of occupancy, the applicant shall submit final details for the reconstruction of the missing sidewalk link on the north side of Vannah Street between the proposed off-site parking and the site and construct this sidewalk segment for review and approval by the Department of Public Works;
5. Within six months of certificate of occupancy, and on an annual basis thereafter for a period of five years, the applicant shall provide an analysis of parking demand, the efficacy of the parking management plan, and neighborhood impacts for review and approval by the Department of Public Works and the Planning Authority. Should the analysis indicate that parking demand is not adequately met with the approved shared parking and off-site parking arrangement, the applicant shall submit and implement a revised parking plan to address deficiencies for review and approval by the Department of Public Works and the Planning Authority; and
6. The applicant shall provide revised plans to address the conflict between the proposed cherry tree and stormwater treatment unit at the corner of Ocean Avenue and Hersey Street for review and approval by the City Arborist and the Planning Authority.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. City Surveyor review (memo from Bill Clark, 10/13/16)
2. Traffic Engineer review (memo from Thomas Errico, 10/21/16)
3. Civil Engineer review (memo from Lauren Swett, 10/21/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 7/11/16)
5. Design review (memo from Caitlin Cameron, 9/28/16)

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Application
- C. Project Data
- D. Application Narrative
- E. Right, Title, and Interest
- F. Construction Management Plan
- G. Fire Department Checklist
- H. Evidence of Financial Capacity
- I. Evidence of Utility Capacity
- J. Stormwater Management Narrative
- K. Response to Staff Comments
- L. Trip Generation and Safety Analysis
- M. Parking Analysis
- N. Site Lighting Cut Sheets
- O. Siding Examples

PLANS

- Plan 1. Subdivision Plat
- Plan 2. Existing Conditions
- Plan 3. Site Preparation
- Plan 4. Site Plan
- Plan 5. Materials and Layout Plan
- Plan 6. Grading Plan
- Plan 7. Landscape Plan
- Plan 8. Landscape Details
- Plan 9. Stormwater/Utility Plan
- Plan 10. Details
- Plan 11. Details
- Plan 12. Stormwater Pre-Development Plan
- Plan 13. Stormwater Post-Development Plan
- Plan 14. Hersey Ocean View Rendering
- Plan 15. Ocean Courtyard View Rendering
- Plan 16. Ocean Hersey Gateway
- Plan 17. Streetscape Elevations
- Plan 18. Elevations and Sections
- Plan 19. Floor Plans
- Plan 20. Photometric Plan
- Plan 21. Turning Movement Plan

PUBLIC COMMENT

- PC-1. Levine letter (7/21/16)
- PC-2. Levine letter (7/25/16)
- PC-3. Haskell letter (7/25/16)
- PC-4. Dombek letter (8/1/16)
- PC-5. Levine letter (10/20/16)

PLANNING BOARD REPORT PORTLAND, MAINE



502 Deering Center
502 Stevens Avenue
Level III Site Plan and Subdivision Plan
2016-290
Denis Lachman, Applicant

Submitted to Portland Planning Board Public Hearing Date: March 28, 2017	Prepared by: Matthew Grooms Date: March 24, 2017
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I. INTRODUCTION

Developer Denis Lachman has requested a preliminary Level III site plan and subdivision review of a mixed-use six-unit commercial and residential infill development at 502 Stevens Avenue immediately east of Lincoln Middle School at the intersection of Stevens Avenue and Hartley Street. The proposed 7,767 SF development includes a three-story mixed-use building, associated ‘pocket park’ and 10 surface parking spaces located to the rear of the property. The site will be accessed from Stevens Avenue via a newly proposed shared driveway straddling the northerly property line. This lot is currently occupied by a 2,107 SF single family home. The demolition for this structure is currently under review. The site is within the B-1b zone.

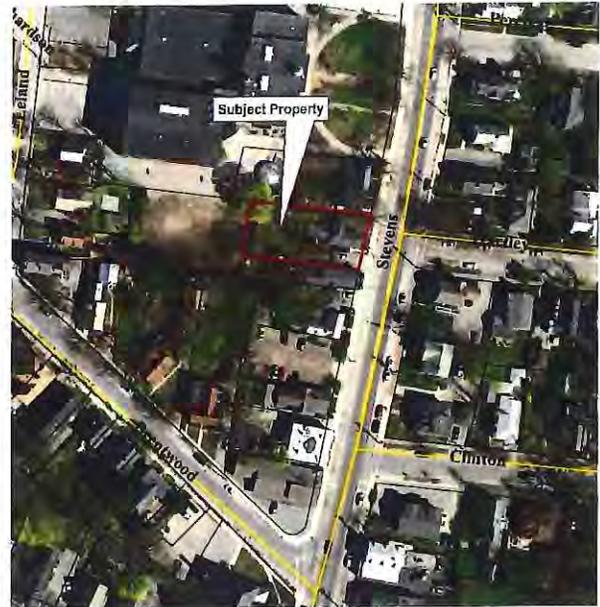


Figure 1: Aerial of 502 Stevens Avenue

The Planning Board will review the application for compliance with the site plan and subdivision standards.

A total of 168 notices were sent to property owners within 500 feet of the site and a legal ad ran on February 6th and 7th, 2017 prior to the workshop which was held on February 14th 2017. The legal ad was again run on March 20th and 21st, prior to the public hearing. There were nine public comments that have been received by the Planning Office, see Attachment 7.

Applicant: Denis Lachman

Consultants: Pat Carroll, Carroll Associates, Tom Greer, Pinkham and Greer Civil Engineers, Don Dostie, Four Points Associates, Nelson Toner, Bernstein Shur.

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Drive Aisle width – To allow a 21’ foot aisle in the parking area. <u>Staff Comments:</u> The review staff recommends waiving this standard.	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
Driveway width – To allow a 18’ foot driveway <u>Staff Comments:</u> The review staff recommends waiving this standard.	Technical Manual, <i>Section 1.7.2.3 (multi-family residential with 10 or more parking spaces)</i> , requiring that two-way driveway widths be a minimum of 20 feet, with a preferred with of 24 feet. aisle width for right-angle parking be 20 feet per Figure I-27

Infiltration system – To allow infiltration system separation from property line less than 25 feet. Staff Comments: The review staff recommends waiving this standard given the constraints of the lot.	Maine Stormwater Best Management Practices Manual, as referenced by Maine DEP Chapter 500, as referenced by Section 5 of the Technical Manual, requires that a 25-foot separation be provided between a subsurface stormwater infiltration system and an adjacent property boundary. The project is located on a small lot, and the proposed infiltration system is not anticipated to have a negative impact on the adjacent property. A waiver of this requirement is granted to the Applicant.
Review	Applicable Standards
Site Plan	Section 14-526
Subdivision	Section 14-497

III. PROJECT DATA

Existing Zoning	Neighborhood Business B-1b
Existing Use	Residential
Proposed Use	Mixed-Use Residential and Commercial
Proposed Development Program	6 Residential Units and 1,906 SF of Commercial Space
- Bedroom Mix	4 three-bedroom units
Parcel Size	9,562 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,295 SF	2,557 SF	1,262 SF
Building Floor Area	2,107 SF	7,767 SF	5,660 SF
Impervious Surface Area	2,828 SF	7,970 SF	5,142 SF
Parking Spaces (on site)	2	10	8
Parking Spaces (off-site)	0	2	2
Bicycle Parking Spaces	0	10	10
Estimated Cost of Project	\$1,046,000.00		

IV. BACKGROUND & EXISTING CONDITIONS

The proposed project site is located on Stevens Avenue in proximity to Lincoln Middle School at the intersection of Stevens Avenue and Hartley Street. At present, the site is occupied by a single-family structure under review for demolition. This property is located within a transitional neighborhood, with a mixture of retail and service uses located to the south of the subject site along Stevens Avenue, Lincoln Middle School is located immediately to the west of this site, and the surrounding area away from Stevens Avenue is predominantly single family residential. The project site is located at the northern edge of the Deering Center commercial district.



Figure 2: 502 Stevens Avenue Site

V. PROPOSED DEVELOPMENT

The development is proposed as a mixed-use commercial and residential project with frontage on Stevens Avenue. The project will consist of a three-story building with a commercial suite on the first floor, and two three-bedroom and four one-bedroom units located on the second and third floors. This development will be oriented towards

Stevens Avenue with a new shared driveway and associated curb cut being proposed to provide access to this property and the property immediately to the north along Stevens Avenue. A new access easement has been provided as the proposed point of access will straddle both property lines. The existing curb cut, currently serving as the driveway for the existing single family structure, will be removed.

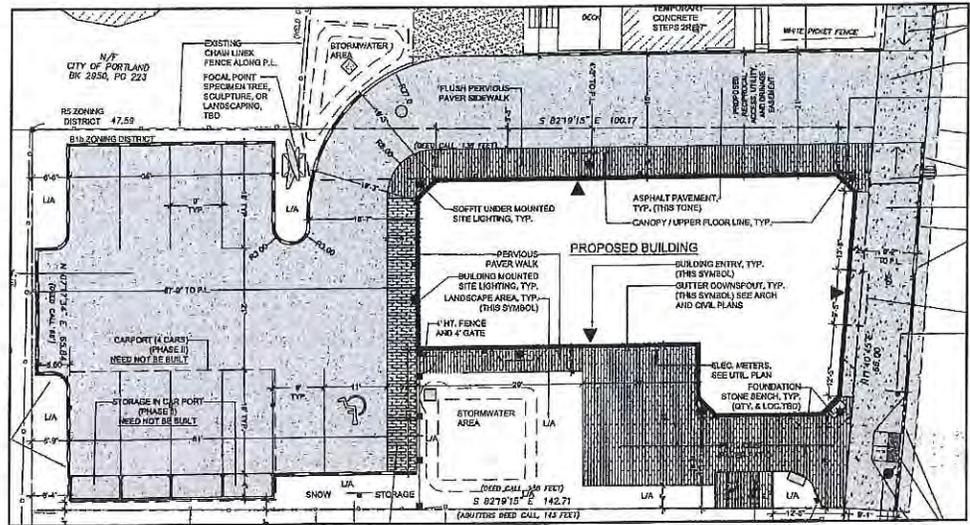
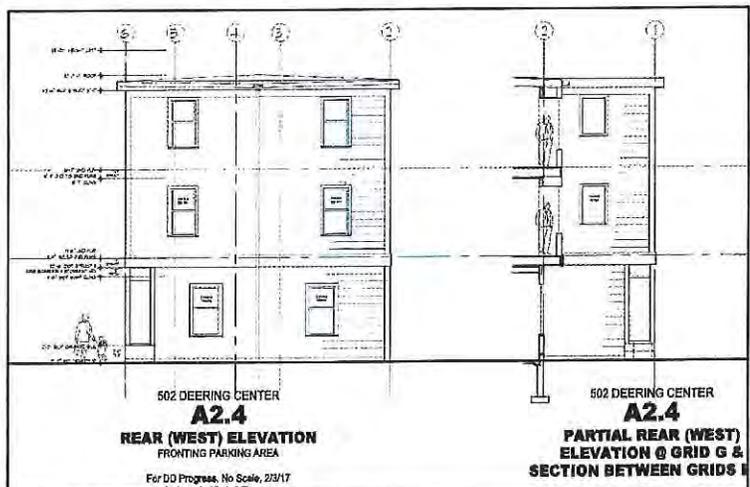
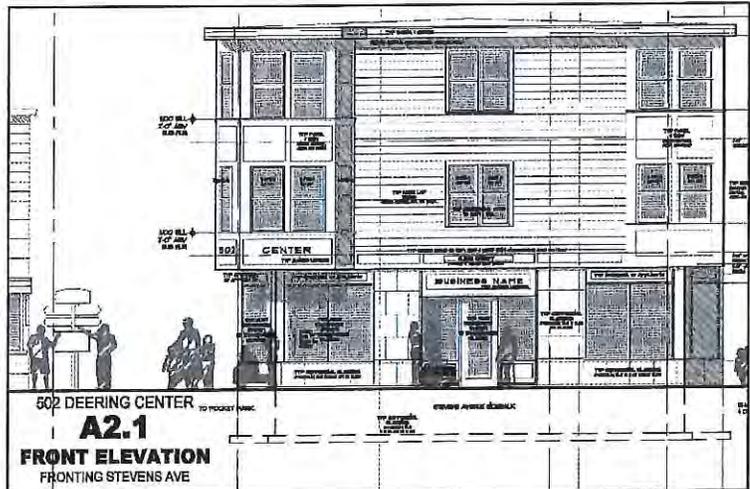


Figure 3: 502 Stevens Avenue Street Site Plan

Parking for ten (10) vehicles is proposed on-site, including a space intended for a car-share vehicle, with a single two-way driveway measuring a minimum of 18' feet in width is being proposed along Stevens Avenue. Two (2) additional off-site parking spaces located at 229 Pleasant Street are presently leased. The applicant is seeking a waiver for driveway width, having asked that 18' feet be allowed whereas under the Technical Manual, 1.7.2.3., 20' feet is the minimum allowable for a multi-family residential development and 24' feet is preferred.

Pedestrian access to the site will be provided off Stevens Avenue with an internal walkway being provided around the exterior of the building. Residents will have access to the building via two entrances, one being located along the north elevation and the second being located along the south elevation. The commercial component will have a traditional storefront with primary access being located along Stevens Avenue on the east elevation with secondary access to the other two entrances. This building has no front setback and provides a typical storefront appearance in line with other buildings with a commercial component, notably Roy's Shoe Shop located immediately to the south. New concrete sidewalks are proposed along the development's frontage on Stevens Avenue and as well on the east side of Stevens Avenue on both corners of the intersection between Stevens Avenue and Hartley Street. The existing crosswalk across Stevens Avenue at this location is being removed and relocated from the north side of Hartley Street to the south side so as not to interfere with the newly proposed driveway.



VI. WORKSHOP (2/14/2017)

On February 14, 2017, this proposed development was heard before the Planning Board as a workshop item. At this meeting, two members of the public spoke, both of whom were supportive of the project, stating that the proposed development was appropriately sized, thoughtfully designed and a desirable addition for the Deering Center neighborhood. Members of the Board voiced concerns regarding the balance of the building, particularly of the front façade. The Planning Board directed staff to work with the applicant to clarify outstanding design review comments. Since the Planning Board workshop, the applicant has worked with city staff to address review comments and has since resubmitted revised plans and documents on March 13, 2017.

VII. PUBLIC COMMENT

As of the writing of this report, nine abutters have submitted written comments. These comments have been largely in favor of the proposed project with consensus being that the scope and scale of the project is fitting for this neighborhood, that mixed-use developments are desirable for Deering Center and that this development could invigorate future development within the neighborhood. One public comment was received opposed to this proposal. This comment cited potential traffic impacts within a school zone.

A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held on Wednesday, February 1, 2017, attended by 30 people, see Attachment T.

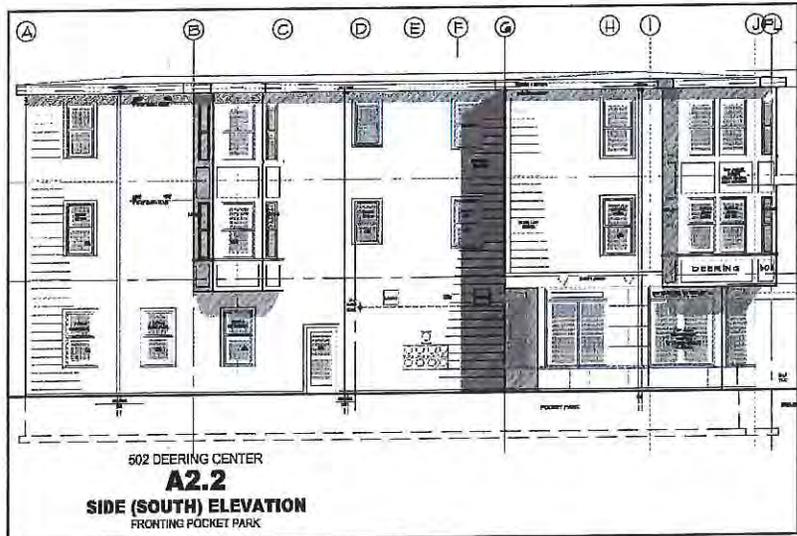
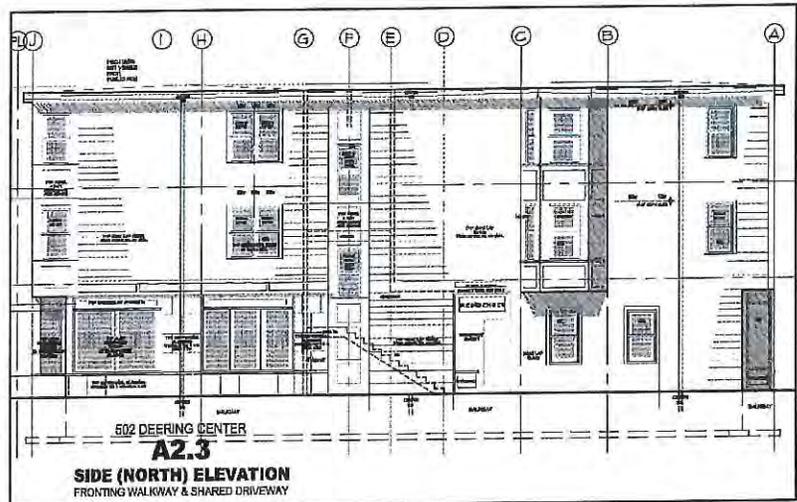
VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

a. The owner of the property is Denis Lachman and Karen J Smith. The applicant has provided a City of Portland Assessor Record, Evidence of Right, Title and Interest, for CBL 135 E009001, showing proof of ownership as of April 2016.

b. The estimated cost of the development is \$1.046 Million. The applicant has submitted a letter from Androscoggin Bank, dated December 12, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

VIII. ZONING ANALYSIS

The proposed mixed-use commercial and residential building is a permitted use in the Neighborhood Business B-1b which allows multifamily dwellings. Under the B-1b zone all of the dimensional requirements are being met.



IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plans and details, and inspection and maintenance requirements. She finds them to be in accordance with the Basic Standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by a new 2-inch domestic service and 4-inch fire service drawn from the existing water main in Stevens Avenue. The Portland Water District has approved the applicant's application and will provide service to this site.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The applicant is proposing access to the site from a new curb cut on Stevens Avenue for a total of one vehicular access point. Tom Errico, P.E. Ty Lin reviewed this detail and also reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1) and states:

- *I reviewed the trip generation and safety analysis prepared by Maine Traffic Resources and I find the methods used to be acceptable. The project is not expected to generate a significant amount of traffic and there are no documented safety deficiencies in the vicinity of the project. The project does not require a Traffic Movement Permit. In my professional opinion, the project will not have a significant impact on transportation conditions in the project.*

1. Circulation on Site

As mentioned before, ten surface parking spaces will be provided to the rear of the proposed building. The circulation for the proposed surface lot will consist of vehicles pulling in out onto Stevens Avenue via a two-way driveway. The city's consulting transportation engineer has no objections to site circulation as proposed. Tom Errico, P.E. Ty Lin reviewed this detail and also reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1) and states:

- *The applicant is requesting a waiver from the City's Technical Standards for parking aisle width. The project is proposing 21 feet (the City standard is 24 feet). Given low trip generating characteristics and the general layout of the site (backing maneuvers onto Stevens Avenue are very unlikely), I support a waiver.*
- *The applicant is requesting a waiver from the City's Technical Standards for driveway width. The project is proposing 18.24 feet (the City standard for minimum width is 20 feet). Given low trip generating characteristics, I support a waiver.*

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The applicant proposed to tie into the existing gravity sewer line located in Stevens Avenue and has submitted a wastewater capacity application to the Department of Public Works. Approval of this request has been suggested as condition of approval.

The residential units will make use of municipal waste services and the commercial tenant will be responsible for relocating solid waste and recyclable material off site. There will be minimal burden on the municipal solid waste.

5. Comprehensive Plan (Section 14-497 (a) 9)

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

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

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

This project provides higher density than what was previously found at this location in a form compatible with the existing Deering Center Neighborhood.

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

Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within distance of most residents.
- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood. Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.
- Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

This project provides a mixture of uses at a scale determined to be line with surrounding developments. Design of this building has been carefully considered and based upon surrounding structures and a now destroyed nearby landmark, with a mixture of housing units to serve diverse needs. This development is easily accessed via public transit and is proximate to other neighborhood services, including Lincoln Middle School.

6. Financial Capability (Section 14-497 (a) 10)

The estimated cost of the development is \$1.046 Million. The applicant has submitted a letter from Androscoggin, dated December 12, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph IX (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. All the construction is proposed within the limits of the property lines. Tom Errico has reviewed the plan and requests the following:

- *The applicant has submitted a Construction Management document. Given the presence of school children, I do not support the temporary closure of the sidewalk with a detour to the opposite side of the street. The applicant shall maintain a fully ADA compliant sidewalk facility along the project frontage. Additionally, the applicant shall maintain or provide a reasonable alternative to the existing Stevens Avenue Crossing.*
- **Updated Status (3/24/17):** *The construction management plan is not acceptable. A sidewalk detour to the opposite side of the street is not acceptable and the plan shall be revised to include a temporary sidewalk in Stevens Avenue (Attachment 5).*

The applicant has since responded to this comment and submitted a revised document currently under review. See Attachment 1.

c. Sidewalks

The applicant is proposing to install new concrete sidewalks along their frontage as well as at the northeast and southeast corners of the Stevens Avenue and Hartley Street intersection, with an additional internal pervious paver walkway around the perimeter of the proposed building. Mr. Errico has reviewed the plans and recommends the following:

- *The proposed project is relocating the existing crosswalk across Stevens Avenue from the north side of Hartley Street to the south side. Please note the following:*
 - *The applicant will be responsible for the removal of existing pavement markings that meet City requirements.*
 - *Changes to signage (parking, warning, etc.) will be the responsibility of the applicant. It is suggested new pedestrian crossing warning signs be installed. Recommendations for no-street parking regulations should be provided.*
 - *A design detail for the proposed sidewalk ramp at the southeast corner of Hartley Street shall be provided. Specific details on slopes, width dimensions, and curb details shall be provided.*
 - *A detectable warning panel shall be installed at the northeast corner of Hartley Street. Details shall be provided for review.*
 - **Updated Status (3/24/17):** *The plans have been revised and I generally find conditions to be acceptable. The sidewalk ramp design detail at the southeast corner of Hartley Street is not acceptable given some slopes that appear to be non-compliant (exceed 2 percent maximum). I would suggest a condition of approval that requires the applicant to submit a revised detail for review and approval by the Planning Authority (Attachment 5).*

d. Public Transit Access

The public transit requirements do not apply to this project.

e. Parking

Section 14-332.1 (a) – For new residential developments, the parking requirement is two (2) spaces per dwelling unit. The applicant is proposing four one-bedroom and two three-bedroom units.

Section 14-332.1 (h) – For retail stores, one (1) parking space is required for each two-hundred (200) square feet of first floor area in excess of two-thousand (2,000) square feet. The applicant is proposing two thousand (1,906) square feet of retail.

The applicant is proposing a total of ten (10) on-site parking spaces, including one (1) space allocated for a car-share vehicle, and two (2) leased off-site parking spaces at 229 Pleasant Street in conformity with Section 14-331.1.

As noted above in the subdivision analysis, the circulation for the proposed two surface parking spaces on York Street will consist of vehicles pulling in out onto Stevens Avenue. The parking within the surface lot will have a twenty-one foot (21') aisle width that does not meet standard of twenty-four feet (24'), therefore, the applicant has requested a waiver. Mr. Errico supports this waiver given the minimal trip generation.

f. Bicycle Parking

The proposals include twelve bicycle parking spaces outside of the building, which does meet the ordinance standard of two bicycle parking spaces for every five dwelling units.

2. *Environmental Quality Standards*

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application. The plan shows no street trees and very minimal landscaping along the development's frontage, in line with existing conditions along Stevens Avenue. The applicant is proposing 15 periwinkles and a sargent cherry within the proposed pocket park, set back roughly 4 feet from the property line at the southern property boundary.

In the original submittal, the applicant proposed landscaping along the periphery of the proposed pocket park, with ornamental grasses being proposed along the rear property line adjacent to Lincoln Middle School and within the parking area. This was done to preserve these locations for snow storage. These elements have since been revised to address initial comments made by Jeff Tarling, the City Arborist, seeking additional landscaping and buffering to meet city standards.

Jeff Tarling, the City Arborist, has reviewed the revised landscaping plan and has requested no further revisions.

c. Water Quality, Storm Water Management and Erosion Control

Prior to the demolition of the existing single family structure, just under 30% of the property is covered by impervious surfaces including a bituminous driveway. Currently the site has very little slope, with all grades being 119' feet, plus or minus one foot. The rest of the site was mature tree growth, vegetation, and exposed soil. The project will result in a net increase of impervious area above 1,000 sf, with proposed impervious surface being 7,970 sf, as such, this project is required to include stormwater management features for stormwater quality & quantity control.

The site will have two subsurface stormwater systems. The first will utilize crushed stone bed for stormwater storage and infiltration into the underlying soils for treatment. The second system will

treat the plaza area with pervious pavers.

The parking lot run off will be pretreated in a small grass bowl located between the proposed pocket park and parking lot. Overflows from the bowl will go to a catch basin with a 3' sump and then to the infiltration area. Overflow from this system is conveyed to the street storm drain system.

The second system is under the previous paver plaza area. The system treats the roof water from the building next door and the plaza area. It stores the stormwater in the stone bedding and infiltrates it. Overflow for the system goes to the street system.

Under Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Lauren Swett, P.E. with Woodard and Curran Engineering offers the following review comments (Attachment 4):

- *General Standard: The project will result in an increase in impervious surface, and stormwater treatment in conformance with the General Standard is required. The Applicant is proposing to utilize an underdrained infiltration system and pervious pavers to provide treatment. This method of treatment will be acceptable. We have reviewed the proposed design as well as the Maine DEP standards for infiltration systems and have the following comments:*
 - *Maine DEP typically requires 25 feet of separation of infiltration systems from property boundaries. Due to site constraints a waiver of this standard would be supported for the project.*
- *The stormwater system for the site is shown connecting to the combined sewer via an existing catch basin. This is not in conformance with the City of Portland standard, and approval from the City will be required. Public Works has indicated that this type of connection would now be allowed. The Applicant will need to address the connection requirements with the Water Resources Division of Public Works.*
- *It is noted that the stormwater system proposed on the site crosses property boundaries, and includes components on both properties utilizing the shared driveway. The responsibility for maintenance of this system should be clearly defined. The Applicant has acknowledged this, noting that there will be an easement for the access driveway and joint facilities of the two properties. Details of this easement, and information on maintenance agreements should be provided.*

3. *Public Infrastructure and Community Safety Standards*

a. Public Safety and Fire Prevention

Keith Gautreau, Assistant Fire Chief, has requested that the applicant provide an address for the property consistent with 911, tax assessor, Inspections Division and future mailing address. The applicant is working to comply (Attachment 1).

b. Availability and Adequate Capacity of Public Utilities

The project will be served by the Portland Water District, City Department of Public Works, and underground/power/cable/communications. The Applicant will need to contact the City Department of Public Works, and the other utilities and secure appropriate confirmation letters.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant has provided a detailed response for how snow and ice loading will be managed and have similarly indicated on-site snow storage areas on submitted plans.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is not in any historic district.

d. Exterior Lighting

The applicant has submitted a lighting and photometric plan. All exterior site lighting including lighting of building entrances will be full cutoff with no light emitted above the horizontal plane. There shall be minimal light trespass of 0.1 foot-candles across the northerly property line along the shared driveway and the easterly property line where the development fronts Stevens Avenue. Staff has no objections. Illumination levels will be adequate but not excessive for the safety, comfort and convenience of occupants and user of the site and will conform to all applicable standards of Section 12 of the Technical Manual.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a mixed-use commercial and residential development at 502 Stevens Avenue. The review was performed by Caitlin Cameron, Urban Designer, Deb Andrews, Historic Preservation Program Manager, and myself. The project was reviewed against the *B-1b Commercial Business Zones Standards (Section (d) of the Design Manual)*.

Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design now passes all of the criteria. On February 23, 2017, city staff including Ms. Cameron met with the applicant and discussed outstanding comments, particularly the material being used for the ground floor façade and the balance of the east (front) façade. Ms. Cameron's recommendations have since been incorporated into the applicant resubmittal, dated March 13, 2017, with no further revisions being requested by the Urban Designer (Attachment 7).

XII. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the planning board report for the public hearing on March 28, 2017 for application 2016-290 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per Figure I-27. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 1.14*) to allow a 21 foot-wide aisle within the proposed surface parking lot;
2. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (*Section 1.7.2.3*) which requires that a two-way driveway width be a minimum of 20 feet per Figure I-27. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 1.7.2.3*) to allow an 18 foot-wide two-way driveway.
3. The Planning Board [**finds/does not find**], based upon the consulting stormwater engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Maine Stormwater Best Management Practices Manual, as referenced by Maine DEP Chapter 500, as referenced by Section 5 of the Technical, which requires that a 25-foot separation be provided between a subsurface stormwater infiltration system and an adjacent property boundary. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 5*) to allow a reduction of the minimum separation requirement for a stormwater infiltration system.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on March 28, 2017 for application 2016-290 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan [is/is not] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. Requiring that the revised recording plat be submitted for review and approval by the Planning Authority, Department of Public Works and Associate Corporation Counsel.
2. The applicant shall provide finalized easements for shared site access for review and approval by Planning Authority, Department of Public Works and Associate Corporation Counsel.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on March 28, 2017 for application 2016-290 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan [is/is not] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a revised construction management plan, including the details regarding safe pedestrian access along the west side of Stevens Avenue adjacent to the proposed development as requested by the city's consulting traffic engineer;
2. The applicant shall provide either a monetary contribution to the City's Tree fund in an amount determined by the City Arborist or shall be responsible for the planting of required trees at a nearby location in order to meet the City's Street Tree standards.
3. The applicant shall provide a maintenance agreement for the stormwater drainage system, shall be submitted, signed and recorded prior to the issuance of a building permit with a copy to the Department of Public Works.
4. The sidewalk ramp design detail at the southeast corner of Hartley Street shall be revised to be in compliance with City Standards (less than 2 percent slope). The revised detail shall be submitted for review and approval by the Planning Authority.
5. The applicant shall provide a revised stormwater plan to address the stormwater engineer's Comment 2 from the review memo dated March 23, 2017 (Attachment 3). This plan shall be reviewed and approved by the Planning Authority and the Department of Public Works prior to the issuance of a building permit.
6. The applicant shall provide an approval letter from the Department of Public Works in regards to their wastewater capacity application prior to the issuance of a building permit.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Development Review Comments (1.31.2017)
2. Design Review Memo (2.10.2017)
3. Development Review Comments (3.6.2017)
4. Woodard and Curran Review Memo (3.23.2017)
5. Ty Lin Email (3.24.2017)
6. Design Review Memo (3.24.2017)
7. Public Comments
 - PC1 Nancy Polito
 - PC 2 Margot Fine
 - PC 3 Eve Sawyer
 - PC 4 Barbara Hager
 - PC 5 Bobbi Cope and John Thibodeau
 - PC 6 Jennifer Frick
 - PC 7 Ethan Croce
 - PC 8 Brian Daly
 - PC 9 Jennifer Frick

APPLICANT'S SUBMITTALS

- A. Preliminary Site Plan Application
- B. Application Fees
- C. Written Description
- D. Evidence of Right, Title, and Interest
- E. Zoning Analysis
- F. Easements
- G. Requested Waivers
- H. Financial and Technical Capacity
- I. Construction Management Plan
- J. Comprehensive Plan Compatibility
- K. Utility Capacity Letter
- L. Solid Waste Description

- M. City of Portland Wastewater Application
- N. Water District Capacity Letter
- O. Fire Department Technical Standards
- P. Design Review Analysis
- Q. HVAC Information Sheet
- R. Erosion Control Analysis
- S. Traffic Analysis
- T. Neighborhood Meeting Certification and Minutes
- U. Geotechnical Report
- V. Applicant Response to Staff Comments (2.7.2017)
- W. Applicant Response to Staff Comments (2.7.2017)
- X. Applicant Response to Staff Comments (2.7.2017)
- Y. Applicant Response to Staff Comments (3.14.2017)

PLANS

- Plan 1. Cover Sheet
- Plan 2. Lower Level Plan with Site Plan
- Plan 3. 1st Floor Plan with Site Plan
- Plan 4. 2nd and 3rd Floor Plan with Site Plan
- Plan 5. Building Elevation Front (east) with Building Sections
- Plan 6. Building Elevation Front (east)
- Plan 7. Building Elevation Side (south)
- Plan 8. Building Elevation Side (north)
- Plan 9. Building Elevation Rear (west)
- Plan 10. Carport and Bicycle Shelter Details
- Plan 11. Keyed Notes, Features and Descriptions
- Plan 12. Site Survey
- Plan 13. Site Demolition and Site Preparation Plan
- Plan 14. Site Plan
- Plan 15. Subdivision Plan
- Plan 16. Grading and Stormwater Plan
- Plan 17. Utilities Plan
- Plan 18. Civil Details 1
- Plan 19. Civil Details 2
- Plan 20. Site Details 1
- Plan 21. Site Details 2
- Plan 22. Erosion Control Plan
- Plan 23. Drainage Analysis Plan 1
- Plan 24. Drainage Analysis Plan 2
- Plan 25. Landscape and Lighting Plan
- Plan 26. Landscape Details
- Plan 27. Photometric Plan



PLANNING BOARD REPORT PORTLAND, MAINE

502 Deering Center
502 Stevens Avenue
Level III Site Plan and Subdivision Plan
2016-290
Denis Lachman, Applicant

Submitted to Portland Planning Board Public Hearing Date: March 28, 2017	Prepared by: Matthew Grooms Date: March 24, 2017
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I. INTRODUCTION

Developer Denis Lachman has requested a preliminary Level III site plan and subdivision review of a mixed-use six-unit commercial and residential infill development at 502 Stevens Avenue immediately east of Lincoln Middle School at the intersection of Stevens Avenue and Hartley Street. The proposed 7,767 SF development includes a three-story mixed-use building, associated ‘pocket park’ and 10 surface parking spaces located to the rear of the property. The site will be accessed from Stevens Avenue via a newly proposed shared driveway straddling the northerly property line. This lot is currently occupied by a 2,107 SF single family home. The demolition for this structure is currently under review. The site is within the B-1b zone.

The Planning Board will review the application for compliance with the site plan and subdivision standards.

A total of 168 notices were sent to property owners within 500 feet of the site and a legal ad ran on February 6th and 7th, 2017 prior to the workshop which was held on February 14th 2017. The legal ad was again run on March 20th and 21st, prior to the public hearing. There were nine public comments that have been received by the Planning Office, see [Attachment 7](#).

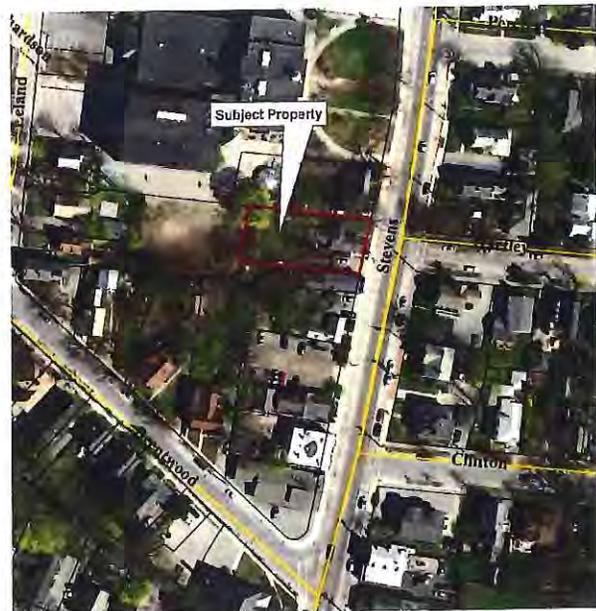


Figure 1: Aerial of 502 Stevens Avenue

Applicant: Denis Lachman

Consultants: Pat Carroll, Carroll Associates, Tom Greer, Pinkham and Greer Civil Engineers, Don Dostie, Four Points Associates, Nelson Toner, Bernstein Shur.

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Drive Aisle width – To allow a 21’ foot aisle in the parking area. <u>Staff Comments:</u> The review staff recommends waiving this standard.	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
Driveway width – To allow a 18’ foot driveway <u>Staff Comments:</u> The review staff recommends waiving this standard.	Technical Manual, <i>Section 1.7.2.3 (multi-family residential with 10 or more parking spaces)</i> , requiring that two-way driveway widths be a minimum of 20 feet, with a preferred with of 24 feet. aisle width for right-angle parking be 20 feet per Figure I-27

Infiltration system – To allow infiltration system separation from property line less than 25 feet. Staff Comments: The review staff recommends waiving this standard given the constraints of the lot.	Maine Stormwater Best Management Practices Manual, as referenced by Maine DEP Chapter 500, as referenced by Section 5 of the Technical Manual, requires that a 25-foot separation be provided between a subsurface stormwater infiltration system and an adjacent property boundary. The project is located on a small lot, and the proposed infiltration system is not anticipated to have a negative impact on the adjacent property. A waiver of this requirement is granted to the Applicant.
Review	Applicable Standards
Site Plan	Section 14-526
Subdivision	Section 14-497

III. PROJECT DATA

Existing Zoning	Neighborhood Business B-1b
Existing Use	Residential
Proposed Use	Mixed-Use Residential and Commercial
Proposed Development Program	6 Residential Units and 1,906 SF of Commercial Space
- Bedroom Mix	4 three-bedroom units
Parcel Size	9,562 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,295 SF	2,557 SF	1,262 SF
Building Floor Area	2,107 SF	7,767 SF	5,660 SF
Impervious Surface Area	2,828 SF	7,970 SF	5,142 SF
Parking Spaces (on site)	2	10	8
Parking Spaces (off-site)	0	2	2
Bicycle Parking Spaces	0	10	10
Estimated Cost of Project	\$1,046,000.00		

IV. BACKGROUND & EXISTING CONDITIONS

The proposed project site is located on Stevens Avenue in proximity to Lincoln Middle School at the intersection of Stevens Avenue and Hartley Street. At present, the site is occupied by a single-family structure under review for demolition. This property is located within a transitional neighborhood, with a mixture of retail and service uses located to the south of the subject site along Stevens Avenue, Lincoln Middle School is located immediately to the west of this site, and the surrounding area away from Stevens Avenue is predominantly single family residential. The project site is located at the northern edge of the Deering Center commercial district.



Figure 2: 502 Stevens Avenue Site

V. PROPOSED DEVELOPMENT

The development is proposed as a mixed-use commercial and residential project with frontage on Stevens Avenue. The project will consist of a three-story building with a commercial suite on the first floor, and two three-bedroom and four one-bedroom units located on the second and third floors. This development will be oriented towards

Stevens Avenue with a new shared driveway and associated curb cut being proposed to provide access to this property and the property immediately to the north along Stevens Avenue. A new access easement has been provided as the proposed point of access will straddle both property lines. The existing curb cut, currently serving as the driveway for the existing single family structure, will be removed.

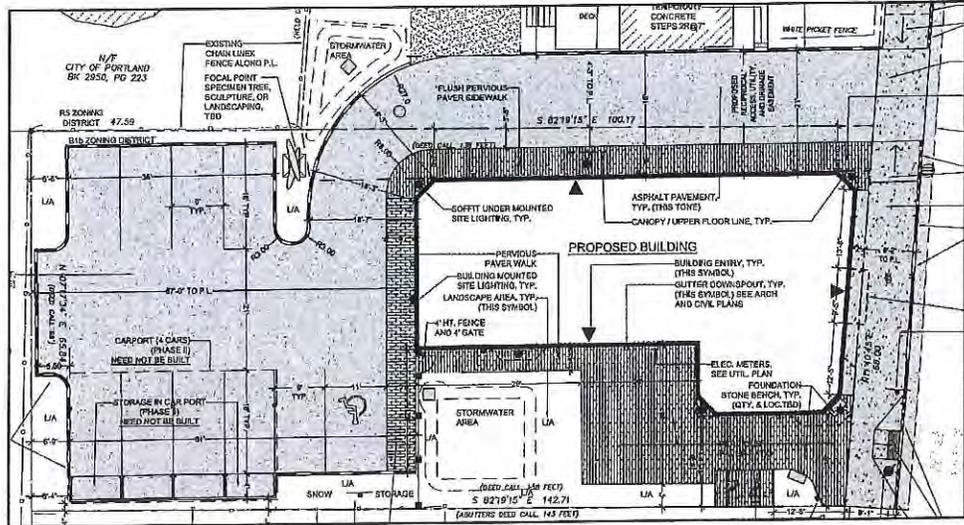
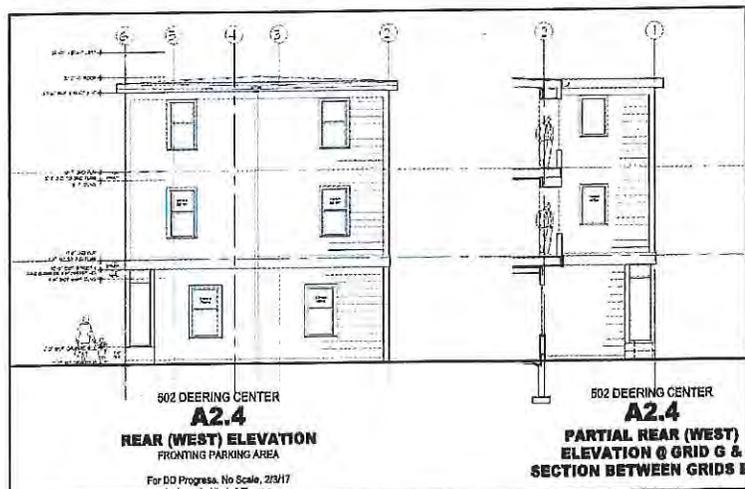
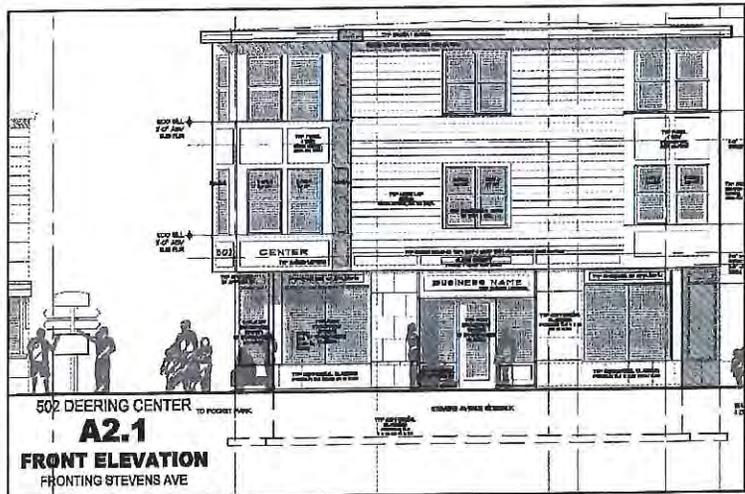


Figure 3: 502 Stevens Avenue Street Site Plan

Parking for ten (10) vehicles is proposed on-site, including a space intended for a car-share vehicle, with a single two-way driveway measuring a minimum of 18' feet in width is being proposed along Stevens Avenue. Two (2) additional off-site parking spaces located at 229 Pleasant Street are presently leased. The applicant is seeking a waiver for driveway width, having asked that 18' feet be allowed whereas under the Technical Manual, 1.7.2.3., 20' feet is the minimum allowable for a multi-family residential development and 24' feet is preferred.

Pedestrian access to the site will be provided off Stevens Avenue with an internal walkway being provided around the exterior of the building. Residents will have access to the building via two entrances, one being located along the north elevation and the second being located along the south elevation. The commercial component will have a traditional storefront with primary access being located along Stevens Avenue on the east elevation with secondary access to the other two entrances. This building has no front setback and provides a typical storefront appearance in line with other buildings with a commercial component, notably Roy's Shoe Shop located immediately to the south. New concrete sidewalks are proposed along the development's frontage on Stevens Avenue and as well on the east side of Stevens Avenue on both corners of the intersection between Stevens Avenue and Hartley Street. The existing crosswalk across Stevens Avenue at this location is being removed and relocated from the north side of Hartley Street to the south side so as not to interfere with the newly proposed driveway.



VI. WORKSHOP (2/14/2017)

On February 14, 2017, this proposed development was heard before the Planning Board as a workshop item. At this meeting, two members of the public spoke, both of whom were supportive of the project, stating that the proposed development was appropriately sized, thoughtfully designed and a desirable addition for the Deering Center neighborhood. Members of the Board voiced concerns regarding the balance of the building, particularly of the front façade. The Planning Board directed staff to work with the applicant to clarify outstanding design review comments. Since the Planning Board workshop, the applicant has worked with city staff to address review comments and has since resubmitted revised plans and documents on March 13, 2017.

VII. PUBLIC COMMENT

As of the writing of this report, nine abutters have submitted written comments. These comments have been largely in favor of the proposed project with consensus being that the scope and scale of the project is fitting for this neighborhood, that mixed-use developments are desirable for Deering Center and that this development could invigorate future development within the neighborhood. One public comment was received opposed to this proposal. This comment cited potential traffic impacts within a school zone.

A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held on Wednesday, February 1, 2017, attended by 30 people, see Attachment T.

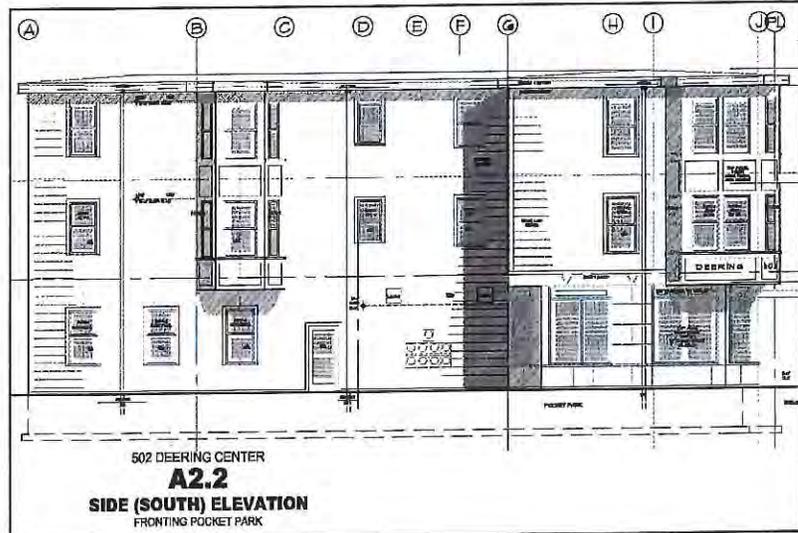
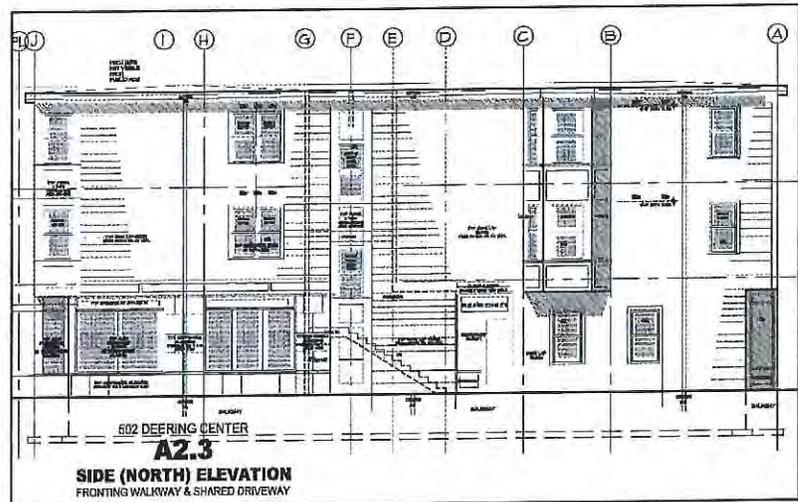
VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

a. The owner of the property is Denis Lachman and Karen J Smith. The applicant has provided a City of Portland Assessor Record, Evidence of Right, Title and Interest, for CBL 135 E009001, showing proof of ownership as of April 2016.

b. The estimated cost of the development is \$1.046 Million. The applicant has submitted a letter from Androscoggin Bank, dated December 12, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

VIII. ZONING ANALYSIS

The proposed mixed-use commercial and residential building is a permitted use in the Neighborhood Business B-1b which allows multifamily dwellings. Under the B-1b zone all of the dimensional requirements are being met.



IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plans and details, and inspection and maintenance requirements. She finds them to be in accordance with the Basic Standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by a new 2-inch domestic service and 4-inch fire service drawn from the existing water main in Stevens Avenue. The Portland Water District has approved the applicant's application and will provide service to this site.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The applicant is proposing access to the site from a new curb cut on Stevens Avenue for a total of one vehicular access point. Tom Errico, P.E. Ty Lin reviewed this detail and also reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1) and states:

- *I reviewed the trip generation and safety analysis prepared by Maine Traffic Resources and I find the methods used to be acceptable. The project is not expected to generate a significant amount of traffic and there are no documented safety deficiencies in the vicinity of the project. The project does not require a Traffic Movement Permit. In my professional opinion, the project will not have a significant impact on transportation conditions in the project.*

1. Circulation on Site

As mentioned before, ten surface parking spaces will be provided to the rear of the proposed building. The circulation for the proposed surface lot will consist of vehicles pulling in out onto Stevens Avenue via a two-way driveway. The city's consulting transportation engineer has no objections to site circulation as proposed. Tom Errico, P.E. Ty Lin reviewed this detail and also reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1) and states:

- *The applicant is requesting a waiver from the City's Technical Standards for parking aisle width. The project is proposing 21 feet (the City standard is 24 feet). Given low trip generating characteristics and the general layout of the site (backing maneuvers onto Stevens Avenue are very unlikely), I support a waiver.*
- *The applicant is requesting a waiver from the City's Technical Standards for driveway width. The project is proposing 18.24 feet (the City standard for minimum width is 20 feet). Given low trip generating characteristics, I support a waiver.*

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The applicant proposed to tie into the existing gravity sewer line located in Stevens Avenue and has submitted a wastewater capacity application to the Department of Public Works. Approval of this request has been suggested as condition of approval.

The residential units will make use of municipal waste services and the commercial tenant will be responsible for relocating solid waste and recyclable material off site. There will be minimal burden on the municipal solid waste.

5. *Comprehensive Plan (Section 14-497 (a) 9)*

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

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

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

This project provides higher density than what was previously found at this location in a form compatible with the existing Deering Center Neighborhood.

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

Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within distance of most residents.
- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood. Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.
- Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

This project provides a mixture of uses at a scale determined to be in line with surrounding developments. Design of this building has been carefully considered and based upon surrounding structures and a now destroyed nearby landmark, with a mixture of housing units to serve diverse needs. This development is easily accessed via public transit and is proximate to other neighborhood services, including Lincoln Middle School.

6. *Financial Capability (Section 14-497 (a) 10)*

The estimated cost of the development is \$1.046 Million. The applicant has submitted a letter from Androscoggin, dated December 12, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph IX (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. All the construction is proposed within the limits of the property lines. Tom Errico has reviewed the plan and requests the following:

- *The applicant has submitted a Construction Management document. Given the presence of school children, I do not support the temporary closure of the sidewalk with a detour to the opposite side of the street. The applicant shall maintain a fully ADA compliant sidewalk facility along the project frontage. Additionally, the applicant shall maintain or provide a reasonable alternative to the existing Stevens Avenue Crossing.*
- **Updated Status (3/24/17):** *The construction management plan is not acceptable. A sidewalk detour to the opposite side of the street is not acceptable and the plan shall be revised to include a temporary sidewalk in Stevens Avenue (Attachment 5).*

The applicant has since responded to this comment and submitted a revised document currently under review. See Attachment 1.

c. Sidewalks

The applicant is proposing to install new concrete sidewalks along their frontage as well as at the northeast and southeast corners of the Stevens Avenue and Hartley Street intersection, with an additional internal pervious paver walkway around the perimeter of the proposed building. Mr. Errico has reviewed the plans and recommends the following:

- *The proposed project is relocating the existing crosswalk across Stevens Avenue from the north side of Hartley Street to the south side. Please note the following:*
 - *The applicant will be responsible for the removal of existing pavement markings that meet City requirements.*
 - *Changes to signage (parking, warning, etc.) will be the responsibility of the applicant. It is suggested new pedestrian crossing warning signs be installed. Recommendations for no-street parking regulations should be provided.*
 - *A design detail for the proposed sidewalk ramp at the southeast corner of Hartley Street shall be provided. Specific details on slopes, width dimensions, and curb details shall be provided.*
 - *A detectable warning panel shall be installed at the northeast corner of Hartley Street. Details shall be provided for review.*
 - **Updated Status (3/24/17):** *The plans have been revised and I generally find conditions to be acceptable. The sidewalk ramp design detail at the southeast corner of Hartley Street is not acceptable given some slopes that appear to be non-compliant (exceed 2 percent maximum). I would suggest a condition of approval that requires the applicant to submit a revised detail for review and approval by the Planning Authority (Attachment 5).*

d. Public Transit Access

The public transit requirements do not apply to this project.

e. Parking

Section 14-332.1 (a) – For new residential developments, the parking requirement is two (2) spaces per dwelling unit. The applicant is proposing four one-bedroom and two three-bedroom units.

Section 14-332.1 (h) – For retail stores, one (1) parking space is required for each two-hundred (200) square feet of first floor area in excess of two-thousand (2,000) square feet. The applicant is proposing two thousand (1,906) square feet of retail.

The applicant is proposing a total of ten (10) on-site parking spaces, including one (1) space allocated for a car-share vehicle, and two (2) leased off-site parking spaces at 229 Pleasant Street in conformity with Section 14-331.1.

As noted above in the subdivision analysis, the circulation for the proposed two surface parking spaces on York Street will consist of vehicles pulling in out onto Stevens Avenue. The parking within the surface lot will have a twenty-one foot (21') aisle width that does not meet standard of twenty-four feet (24'), therefore, the applicant has requested a waiver. Mr. Errico supports this waiver given the minimal trip generation.

f. Bicycle Parking

The proposals include twelve bicycle parking spaces outside of the building, which does meet the ordinance standard of two bicycle parking spaces for every five dwelling units.

2. *Environmental Quality Standards*

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application. The plan shows no street trees and very minimal landscaping along the development's frontage, in line with existing conditions along Stevens Avenue. The applicant is proposing 15 periwinkles and a sargent cherry within the proposed pocket park, set back roughly 4 feet from the property line at the southern property boundary.

In the original submittal, the applicant proposed landscaping along the periphery of the proposed pocket park, with ornamental grasses being proposed along the rear property line adjacent to Lincoln Middle School and within the parking area. This was done to preserve these locations for snow storage. These elements have since been revised to address initial comments made by Jeff Tarling, the City Arborist, seeking additional landscaping and buffering to meet city standards.

Jeff Tarling, the City Arborist, has reviewed the revised landscaping plan and has requested no further revisions.

c. Water Quality, Storm Water Management and Erosion Control

Prior to the demolition of the existing single family structure, just under 30% of the property is covered by impervious surfaces including a bituminous driveway. Currently the site has very little slope, with all grades being 119' feet, plus or minus one foot. The rest of the site was mature tree growth, vegetation, and exposed soil. The project will result in a net increase of impervious area above 1,000 sf, with proposed impervious surface being 7,970 sf, as such, this project is required to include stormwater management features for stormwater quality & quantity control.

The site will have two subsurface stormwater systems. The first will utilize crushed stone bed for stormwater storage and infiltration into the underlying soils for treatment. The second system will

treat the plaza area with pervious pavers.

The parking lot run off will be pretreated in a small grass bowl located between the proposed pocket park and parking lot. Overflows from the bowl will go to a catch basin with a 3' sump and then to the infiltration area. Overflow from this system is conveyed to the street storm drain system.

The second system is under the previous paver plaza area. The system treats the roof water from the building next door and the plaza area. It stores the stormwater in the stone bedding and infiltrates it. Overflow for the system goes to the street system.

Under Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Lauren Swett, P.E. with Woodard and Curran Engineering offers the following review comments (Attachment 4);

- *General Standard: The project will result in an increase in impervious surface, and stormwater treatment in conformance with the General Standard is required. The Applicant is proposing to utilize an underdrained infiltration system and pervious pavers to provide treatment. This method of treatment will be acceptable. We have reviewed the proposed design as well as the Maine DEP standards for infiltration systems and have the following comments:*
 - *Maine DEP typically requires 25 feet of separation of infiltration systems from property boundaries. Due to site constraints a waiver of this standard would be supported for the project.*
- *The stormwater system for the site is shown connecting to the combined sewer via an existing catch basin. This is not in conformance with the City of Portland standard, and approval from the City will be required. Public Works has indicated that this type of connection would now be allowed. The Applicant will need to address the connection requirements with the Water Resources Division of Public Works.*
- *It is noted that the stormwater system proposed on the site crosses property boundaries, and includes components on both properties utilizing the shared driveway. The responsibility for maintenance of this system should be clearly defined. The Applicant has acknowledged this, noting that there will be an easement for the access driveway and joint facilities of the two properties. Details of this easement, and information on maintenance agreements should be provided.*

3. *Public Infrastructure and Community Safety Standards*

a. Public Safety and Fire Prevention

Keith Gautreau, Assistant Fire Chief, has requested that the applicant provide an address for the property consistent with 911, tax assessor, Inspections Division and future mailing address. The applicant is working to comply (Attachment 1).

b. Availability and Adequate Capacity of Public Utilities

The project will be served by the Portland Water District, City Department of Public Works, and underground/power/cable/communications. The Applicant will need to contact the City Department of Public Works, and the other utilities and secure appropriate confirmation letters.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant has provided a detailed response for how snow and ice loading will be managed and have similarly indicated on-site snow storage areas on submitted plans.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is not in any historic district.

d. Exterior Lighting

The applicant has submitted a lighting and photometric plan. All exterior site lighting including lighting of building entrances will be full cutoff with no light emitted above the horizontal plane. There shall be minimal light trespass of 0.1 foot-candles across the northerly property line along the shared driveway and the easterly property line where the development fronts Stevens Avenue. Staff has no objections. Illumination levels will be adequate but not excessive for the safety, comfort and convenience of occupants and user of the site and will conform to all applicable standards of Section 12 of the Technical Manual.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a mixed-use commercial and residential development at 502 Stevens Avenue. The review was performed by Caitlin Cameron, Urban Designer, Deb Andrews, Historic Preservation Program Manager, and myself. The project was reviewed against the *B-1b Commercial Business Zones Standards (Section (d) of the Design Manual)*.

Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design now passes all of the criteria. On February 23, 2017, city staff including Ms. Cameron met with the applicant and discussed outstanding comments, particularly the material being used for the ground floor façade and the balance of the east (front) façade. Ms. Cameron's recommendations have since been incorporated into the applicant resubmittal, dated March 13, 2017, with no further revisions being requested by the Urban Designer (Attachment 7).

XII. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the planning board report for the public hearing on March 28, 2017 for application 2016-290 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per Figure I-27. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 1.14*) to allow a 21 foot-wide aisle within the proposed surface parking lot;
2. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (*Section 1.7.2.3*) which requires that a two-way driveway width be a minimum of 20 feet per Figure I-27. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 1.7.2.3*) to allow an 18 foot-wide two-way driveway.
3. The Planning Board [**finds/does not find**], based upon the consulting stormwater engineer's review (*Attachment I*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Maine Stormwater Best Management Practices Manual, as referenced by Maine DEP Chapter 500, as referenced by Section 5 of the Technical, which requires that a 25-foot separation be provided between a subsurface stormwater infiltration system and an adjacent property boundary. The Planning Board [**waives/does not waive**] the Technical Manual standard (*Section 5*) to allow a reduction of the minimum separation requirement for a stormwater infiltration system.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on March 28, 2017 for application 2016-290 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan [is/is not] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. Requiring that the revised recording plat be submitted for review and approval by the Planning Authority, Department of Public Works and Associate Corporation Counsel.
2. The applicant shall provide finalized easements for shared site access for review and approval by Planning Authority, Department of Public Works and Associate Corporation Counsel.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on March 28, 2017 for application 2016-290 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan [is/is not] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a revised construction management plan, including the details regarding safe pedestrian access along the west side of Stevens Avenue adjacent to the proposed development as requested by the city's consulting traffic engineer;
2. The applicant shall provide either a monetary contribution to the City's Tree fund in an amount determined by the City Arborist or shall be responsible for the planting of required trees at a nearby location in order to meet the City's Street Tree standards.
3. The applicant shall provide a maintenance agreement for the stormwater drainage system, shall be submitted, signed and recorded prior to the issuance of a building permit with a copy to the Department of Public Works.
4. The sidewalk ramp design detail at the southeast corner of Hartley Street shall be revised to be in compliance with City Standards (less than 2 percent slope). The revised detail shall be submitted for review and approval by the Planning Authority.
5. The applicant shall provide a revised stormwater plan to address the stormwater engineer's Comment 2 from the review memo dated March 23, 2017 (Attachment 3). This plan shall be reviewed and approved by the Planning Authority and the Department of Public Works prior to the issuance of a building permit.
6. The applicant shall provide an approval letter from the Department of Public Works in regards to their wastewater capacity application prior to the issuance of a building permit.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Development Review Comments (1.31.2017)
2. Design Review Memo (2.10.2017)
3. Development Review Comments (3.6.2017)
4. Woodard and Curran Review Memo (3.23.2017)
5. Ty Lin Email (3.24.2017)
6. Design Review Memo (3.24.2017)
7. Public Comments
 - PC1 Nancy Polito
 - PC 2 Margot Fine
 - PC 3 Eve Sawyer
 - PC 4 Barbara Hager
 - PC 5 Bobbi Cope and John Thibodeau
 - PC 6 Jennifer Frick
 - PC 7 Ethan Croce
 - PC 8 Brian Daly
 - PC 9 Jennifer Frick

APPLICANT'S SUBMITTALS

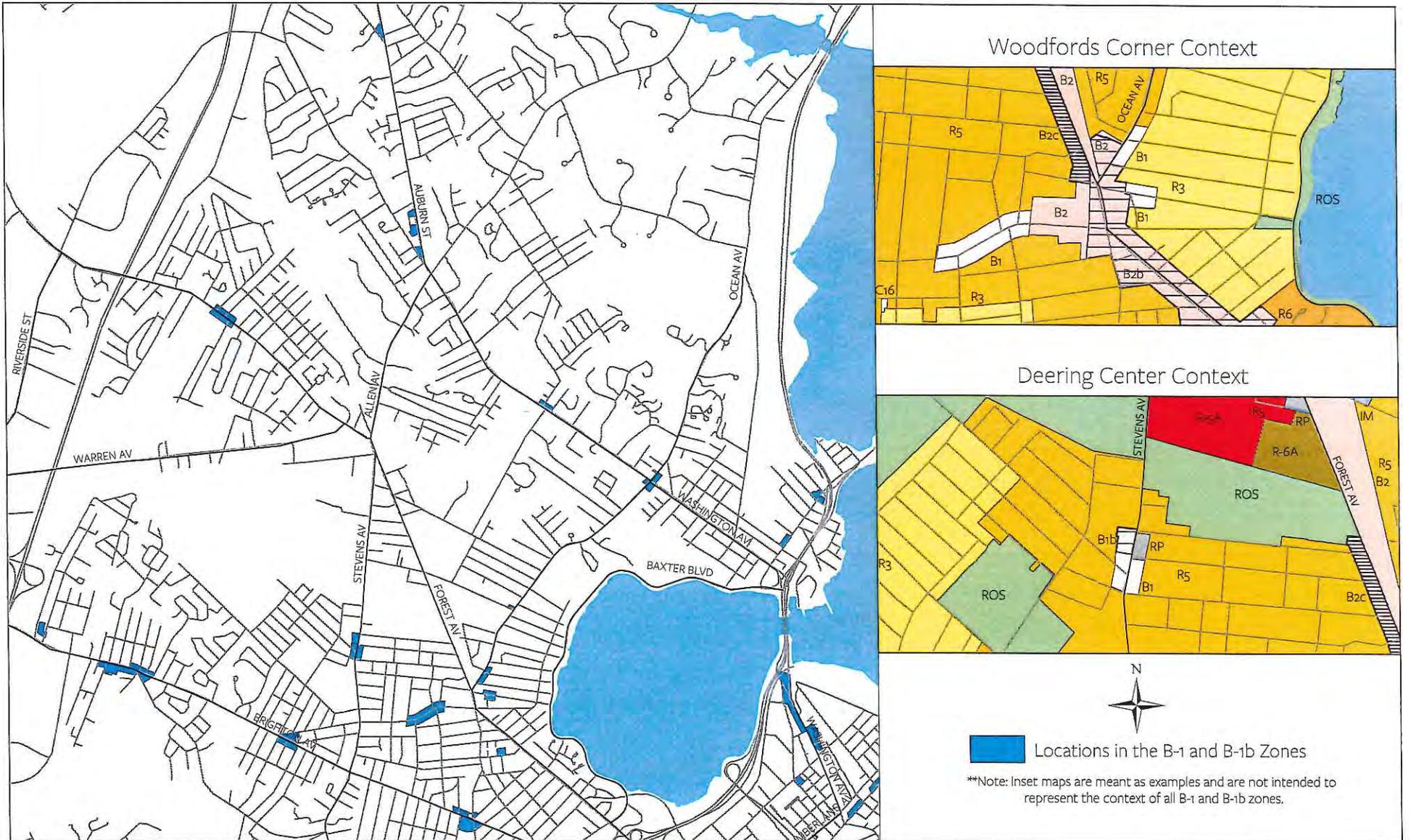
- A. Preliminary Site Plan Application
- B. Application Fees
- C. Written Description
- D. Evidence of Right, Title, and Interest
- E. Zoning Analysis
- F. Easements
- G. Requested Waivers
- H. Financial and Technical Capacity
- I. Construction Management Plan
- J. Comprehensive Plan Compatibility
- K. Utility Capacity Letter
- L. Solid Waste Description

- M. City of Portland Wastewater Application
- N. Water District Capacity Letter
- O. Fire Department Technical Standards
- P. Design Review Analysis
- Q. HVAC Information Sheet
- R. Erosion Control Analysis
- S. Traffic Analysis
- T. Neighborhood Meeting Certification and Minutes
- U. Geotechnical Report
- V. Applicant Response to Staff Comments (2.7.2017)
- W. Applicant Response to Staff Comments (2.7.2017)
- X. Applicant Response to Staff Comments (2.7.2017)
- Y. Applicant Response to Staff Comments (3.14.2017)

PLANS

- Plan 1. Cover Sheet
- Plan 2. Lower Level Plan with Site Plan
- Plan 3. 1st Floor Plan with Site Plan
- Plan 4. 2nd and 3rd Floor Plan with Site Plan
- Plan 5. Building Elevation Front (east) with Building Sections
- Plan 6. Building Elevation Front (east)
- Plan 7. Building Elevation Side (south)
- Plan 8. Building Elevation Side (north)
- Plan 9. Building Elevation Rear (west)
- Plan 10. Carport and Bicycle Shelter Details
- Plan 11. Keyed Notes, Features and Descriptions
- Plan 12. Site Survey
- Plan 13. Site Demolition and Site Preparation Plan
- Plan 14. Site Plan
- Plan 15. Subdivision Plan
- Plan 16. Grading and Stormwater Plaam
- Plan 17. Utilities Plan
- Plan 18. Civil Details 1
- Plan 19. Civil Details 2
- Plan 20. Site Details 1
- Plan 21. Site Details 2
- Plan 22. Erosion Control Plan
- Plan 23. Drainage Analysis Plan 1
- Plan 24. Drainage Analysis Plan 2
- Plan 25. Landscape and Lighting Plan
- Plan 26. Landscape Details
- Plan 27. Photometric Plan

Location of B-1 and B-1b Neighborhood Business Zones and Surrounding Context



Monday, February 12, 2018

To Members of the City of Portland Planning Board:

I have lived at 120 Pleasant Ave. (4 blocks from 502 Stevens Ave.) for over eleven years and am very fond of this village-like neighborhood. As I have watched Kiya and Denis' project emerge and develop, my appreciation for its great contribution to the neighborhood has steadily grown. I understand that the Planning Board has been working with Kiya and Denis to help this project over its last hurdle. I am also aware that the officials of the City of Portland want to see development in areas such as ours, given that the peninsula is "full up."

I am writing to urge you to pass the zoning text change so that we can all begin to enjoy using this lovely new addition to our neighborhood.

Sincerely,

Jennifer Frick
120 Pleasant Ave. #2
Portland, ME 04103

Google Groups

Property @ 502 Stevens Avenue

Muriel Allen <murielpfm@gmail.com>

Feb 12, 2018 10:52 AM

Posted in group: **Planning Board**

My husband grew up on Brentwood St. and we both attended Lincoln (then Jr. High School). We were thrilled to learn of Dennis and Kiya's plans for a well-designed apartment building nearby. We have been following the construction progress with great interest. We feel it will jumpstart a revitalization of that entire section of Stevens Avenue, one in tune with today's lifestyles. Please pass the text change so that 502 Stevens Avenue can be open for business and dwellings soon. I have known Kiya and Dennis for over 10 years and there is no doubt that they will be exemplary landlords. Thanks so much for your support in moving this project forward.

--

Muriel Allen
23 Penwood Drive
Portland, ME

Google Groups

502 Stevens Avenue - Text Amendments - Business Zone

Kathryn Dyer, Realtor <kathyweesedyer@gmail.com>

Feb 13, 2018 10:54 AM

Posted in group: **Planning Board**

To Whom it May Concern ~

I am writing in reference to:

Public Hearing – 7:00 p.m.

Proposed Amendments to Division 9, B-1 and B-1b Neighborhood Business Zones, City of Portland, Applicant (7:00 – 7:45 p.m. estimated time). The Portland Planning Board will hold a public hearing on proposed text amendments to Division 9, B-1 and B-1b Neighborhood Business Zones, intended to promote mixed-use developments in compliance with state and federal regulations for fair housing. The proposed amendments explicitly permit live/work units on the ground floor, allow residential units on the ground floor when set back a minimum of 25 feet from the principal street facing façade, and establish a new fixed density standard for mixed-use projects.

I am a REALTOR®/Broker at Portland's Choice Realty and a resident of Deering Center. I was planning on attending this evening's meeting however I have the flu. Please take the following into consideration when making your decision.

As a REALTOR® I have recently seen a shift in client's preferences. More and more walkability is at the top of their list. They'd prefer a home with a smaller yards but within walking distance to local amenities. As residents they provide retailers/businesses with customers which in turn provides amenities to neighbors.

Communities where residents live and walk to work reduces car usage which positively impacts the environment. By reducing the need for vehicle travel, mixed use development brings shared community space.

Mixed use communities provide more affordable housing allowing first time home buyers/renters and seniors to rent/purchase in an area they may not otherwise been able to afford.

For municipalities Mixed Use communities are less taxing than large lot subdivisions on infrastructure costs like road and sewers. There is a decreased need to design, construct infrastructure for transportation systems, water, waste water, electric, gas etc.

On a personal note, as a resident of Deering Center I am very excited about 502 Stevens Avenue and appreciate the Board for the support and guidance you have given thus far. Denis and Kiya have been extremely considerate of the integrity of the Deering Center community and have demonstrated that with their communication to the neighbors, the style/architecture of the building, the outdoor space they are creating, the commercial tenants they have chosen and the finishes/layout of the apartments.

Thank you again,

Kathryn Dyer, Realtor® - Broker
Portland's Choice Realty, LLC
207-653-4391

I am NEVER too busy for your referrals - thank you!

Kathy Weese-Dyer
REALTOR® - Broker
Portland's Choice Realty, LLC
1051 Washington Avenue
Portland, Maine 04103

207.653.4391
@WelcomeHomePortland
KathyWeeseDyer@gmail.com



2/13/2018

Support B1 & B-1B Zoning Amendments - Google Groups

Google Groups

Support B1 & B-1B Zoning Amendments

Feb 13, 2018 8:48 AM

Kevin Moquin <kmoquin.architect@gmail.com>

Posted in group: **Planning Board**

Dear Members of the Planing Board and Planning Staff,

I would like to voice my support for the proposed zoning amendments you will consider on February 13. These changes will make it easier to create small mixed use infill projects that add to the vitality of their neighborhoods. This change will also address a situation where City Zoning presents an additional challenge to the options available for compliance with the Fair Housing Act. Please vote in support of these proposed edits.

Regards,
Kevin Moquin

Kevin Moquin, AIA, LEED AP BD+C

Maine Licensed Architect

1 Union Street #203

Portland, ME 04101

(207)615-6421

www.km-a.me



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Division 9. B-1 and B-1b Neighborhood Business Zones Text Amendment
City of Portland, Applicant

Submitted to: Portland City Council from the Planning Board Public Hearing Date: March 5, 2018	Prepared by: Matthew Grooms, Planner Date: February 16, 2018
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I. INTRODUCTION

The B-1 and B-1b Neighborhood Business zones as currently written are intended to foster mixed-use development in its traditional form in off-peninsula locations, with residential uses located over ground-floor commercial spaces. Being the most restrictive of Portland's business zones, it is typically used as a transitional zone between commercial districts and residential neighborhoods and can be found within a few key neighborhood nodes across the city, notably along Stevens Avenue in Deering Center and at the intersection of Hawthorne Street and Veranda Street in East Deering. Given the transitional nature of this zone, dimensional standards and design guidelines for the B-1 and B-1b zones are derived from the adjacent or nearest residential zone to ensure greater contextuality. Similarly, permitted commercial uses are intended to have minimal impact on surrounding residential areas and feature limits on hours of operation and trip generation.

In December of 2017 it was brought to the attention of city staff that two previously approved and partially constructed projects, 502 Stevens Avenue and 23 Ocean Avenue, that are in compliance with ADA, however are in non-compliance with Federal and State Fair Housing regulations. These projects are small-scale mixed-use developments in line with the purpose statement of this district, that met all applicable local standards for development, including those of the B-1b zone. During discussions with both applicants, it was determined that site conditions and standards of the B-1b district, notably restrictions placed on ground-floor residential units, made it very difficult to complete a mixed-use project of the scale permitted within the B-1b zone that was in compliance with fair housing standards and financially feasible.

In response to this identified concern, the City is proposing a text amendment to the B-1 and B-1b zone which further clarifies the purpose of the district, establishes residential uses as a permitted ground-floor use under set circumstances where active commercial street frontages are maintained, and confirms permissible residential density for mixed-use projects. In its Public Hearing on February 13th, the Planning Board voted unanimously to recommend to City Council the adoption of the proposed changes to Division 9. B-1 and B-1b Neighborhood Business zones.

II. PLANNING BOARD RECOMMENDATION AND DISCUSSION

A. Recommendation

On February 13, 2018, the Planning Board voted unanimously (6-0, Morrissette abstained due to possible conflict of interest) to recommend the proposed Division 9 amendments to City Council for adoption as prepared by city staff.

B. Board Discussion

The Planning Board expressed support for the amendments as proposed, and in particular the provision of a live/work residential option and use of a form-based standard within a Euclidean format to address positioning of the residential and commercial spaces. The Board asked for additional clarification on the location of the B-1 and B-1b zones and surrounding context. In response, the staff have produced a map highlighting these locations, which is attached (*Attachment 4*). Six members of the public spoke at the public hearing, all in favor of the proposed amendments. During the public comment, the idea of eliminating the requirement 'lot area per dwelling unit' was raised, given other standards which already limit density, and concerns were raised regarding noticing of the hearing. In response, the staff directed members of the public to the city's comprehensive recode efforts, and suggested that broader comments regarding zoning be provided as a public comment in that process. In terms of noticing, the city noticed the Planning Board public hearing in accordance with the standards for a text amendment as listed under Section 14-32.

III. BACKGROUND

The projects listed below were approved under the standards of the B-1 and B-1b Neighborhood Business zones respectively, and were similarly reviewed for ADA compliance. Neither project was required to provide an elevator as under ADA standards, buildings with floorplates of 3,000 square feet or less are exempt from meeting ADA requirements. In looking at the overall site, both projects provide adequate ADA access between public sidewalks, parking areas and the proposed buildings.

In regards to Fair Housing requirements, all residential buildings constructed after 1991, with four or more residential units, are required to provide at least one accessible unit. In circumstances where an elevator is provided, then all units shall be accessible or able to be retrofitted so as to be accessible. Where no elevator is provided or required under ADA, then ground-floor residential units shall be made accessible.

23 Ocean Avenue – The Planning Board unanimously approved the Level III site plan application for the mixed-use project at 23 Ocean Avenue on October 25, 2016. The project consists of 2,400 square feet of basement and ground-floor office space, with four two-bedroom units on the second and third floors. The project is located in the B-1 zone and triggers fair housing requirements as a result of there being four or more residential units.

502 Stevens Avenue – The Planning Board unanimously approved the Level III site plan application for the mixed-use project at 502 Stevens Avenue on March 28, 2017. The project consists of 1,906 square feet of ground-floor commercial space, with six residential units, two three-bedroom and four one-bedroom units on the second and third floors. The project is located in the B-1b zone in Deering Center and triggers fair housing requirements as a result of there being four or more residential units.

Discussion of Approved Projects – City staff worked with each respective applicant to identify a fair solution to this requirement. The difficulty in both situations was that these projects were largely constructed before non-compliance with FHA standards was identified. As a result, redevelopment of the sites to be FHA compliant would be cost prohibitive. Several alternative options were explored, including installation of a chairlift, a reduction in

the number of residential units and retrofitting of one of the ground floor commercial spaces to be a residential unit or live-work unit. Based upon our discussions, it was determined that the first two options were not feasible due to building and fire codes and the applicant's proforma.

Regarding FHA compliance, the City reached out to Josh Safdie, AIA, with Kessler McGuinness & Associates, a consulting firm on retainer with the City of Portland, who manages accessibility and universal design-related consulting projects. Mr. Safdie has assessed ADA and FHA compliance for a variety of mixed-use and multi-family residential projects and specializes in residential and commercial renovations utilizing universal design and aging-in-place principles. In that discussion, it was confirmed that ADA exemptions do not apply to FHA requirements, and that a live-work unit qualifies as a dwelling unit under FHA. Based upon that conversation, it was determined that the least onerous solution for both projects would be to create a ground-floor residential unit.

The ground-floor unit option, while the most appealing and technically feasible, does not work under current zoning given the density requirement for ground-floor residential units, which are tied to the surrounding residential zones. For example, the project at 502 Stevens Avenue, requires a lot area per dwelling unit of 6,000 square feet (based upon the multi-family requirements of the R-5 zone) for the ground floor unit and 1,000 square feet for the units on the upper floors, for a combined total lot size requirement of 12,000 square feet for the seven units. The lot is in fact 9,562 square feet, typical of many infill project sites appropriate for development under the standards of the B-1 and B-1b zones. This standard was intended as an incentive for active first floor uses with higher density upper-floors, but it hinders in a mixed-use project on small lots from feasibly meeting fair housing requirements.

IV. PROPOSED TEXT AMENDMENTS

The B-1 and B-1b Neighborhood Business zoning ordinance is highly prescriptive, and clearly intended to facilitate a certain development pattern with ground floor commercial uses and upper floor multi-family residential uses. Residential developments were intended to be compatible with the adjoining residential zones. In the example provided above for 502 Stevens Avenue, one ground floor residential unit requires the same lot area as six units located on the upper floors, no matter the size of unit. Parcels located within the B-1 and B-1b zones are typically smaller lots located within minor commercial nodes poised for either infill development or redevelopment. A critical component of this district is its mixed-use character, where residential units are permitted at an increased density on upper floors when compared with surrounding residential zones in off-peninsula locations. This development pattern is further supported by the recently adopted comprehensive plan, which seeks to 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. With FHA requirements in place, the current zoning is inconsistent with the city's comprehensive plan, given that it penalizes appropriately scaled projects by either requiring the installation of an elevator, which is costly, or development of a ground-floor residential unit, which significantly impacts allowable unit density.

The proposed changes, as described below, represent a more thoughtful approach to this challenge. In a mixed-use project, it is recognized that the commercial component is crucial and that those uses represent a more visible interface with the streetscape. It would be detrimental to the character of those communities and neighborhood business districts to permit residential units to be located along an active commercial streetscape at ground level. Given that the city's zoning does not supersede state and federal fair housing requirements, the approach taken is to offer acceptable outlets for providing ground-floor units while still maintaining activated street frontages.

A. Section 14-161. Purpose

To ensure congruity between proposed substantive changes and the purpose statement of the B-1b zone, the

following amendments are being proposed which reinforce the mixed-use character of the district while explicitly supporting ground-floor residential uses under set circumstances. The proposed text amendments are found under Attachment 1.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses to serve a local market, while supporting mixed-use buildings with residential uses above ground floor commercial space and on the ground floor where the principal street frontage is maintained for active commercial uses. ~~Preserving residential uses and character above the ground floor of structures.~~ The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

B. Section 14-162(a). Permitted Uses

The proposed changes to the permitted use section offer two separate outlets for achieving FHA compliance by permitting ground-floor residential units located toward the rear of a project site and along principal street frontages where the unit is established as a combined living/working space. The proposed amendment reads as follows:

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

1. Residential

a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

b. In any structure with commercial use on the first floor, multifamily dwellings are permitted ~~above the first floor,~~

i. Above the first floor; and

ii. On the first floor where a minimum building depth of 25 feet along the principal street frontage is maintained for commercial uses.

c. Combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage.

C. Section 14-165. Dimensional Requirements

Aside from substantive changes to the permitted use section, the City is also proposing to reduce density requirements for ground-floor residential units and clarify descriptive language in the introductory paragraph that

either no longer applies, or does not encapsulate all applicable development scenarios. The proposed amendment reads as follows:

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14-162(a)(1)(a), shall meet the requirements of such abutting or nearest residential zone. ~~except minimum lot area per dwelling unit.~~ Residential uses in on-peninsula locations, as defined in Section 14-47, residential uses in mixed-use buildings in off-peninsula locations, as defined in Section 14-47 and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

Min. Lot Area per D.U.	<p><i>On-peninsula: 435 SF</i></p> <p><i>Off-peninsula: min. lot area of nearest residential zone, except 1,000 SF in a mixed-use building for multifamily dwellings above first floor.</i></p>
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V. COMPREHENSIVE PLAN

As currently written, the B-1 and B-1b zones encourage traditional mixed-use commercial and residential development within minor commercial nodes and corridors across the city. These areas are ideally situated for increased residential density, given their proximity to public transit, services and amenities, all of which are goals identified within the comprehensive plan. However, with FHA requirements taken into account, the current zoning proves to be largely incompatible with the comprehensive plan, as any development with four or more residential units is required to meet FHA standards, which requires either an accessible unit on the ground floor or an elevator with access to all upper-floor units. The current zoning strongly deters projects from including ground-floor residential units.

The proposed amendment explicitly permits ground-floor residential units and establishes a new density standard for mixed-use projects located off-peninsula. The amendment also includes new standards to maintain active commercial uses along principal street frontages and is supportive of and supported by many goals found in Portland’s Comprehensive Plan.

Development Goals:

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- 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 approach taken by the staff in revising the city’s land use code to address this identified concern is similarly supported under the strategies section of the Housing Chapter in Portland’s Comprehensive Plan. For example, under the strategy, “Removing Housing Barriers”, it encourages the evaluation of whether current zoning allows for new development that is consistent with historic patters of form, density and use. The current zoning in fact limits historic development patterns by significantly reducing the allowable density of residential units, a characteristic that is vital to maintaining vibrant neighborhood centers. Similarly, under the strategy, “Support Age-Friendly Housing Options”, it encourages that we create, promote and facilitate safe, affordable and practical

housing solutions that will meet the evolving need of Portland residents as they age. The B-1 and B-1b zones and the uses found therein are ideally situated within the heart of Portland's neighborhood centers, and are well-positioned to take advantage of the amenities and services located in the city. Projects such as those at 502 Stevens Avenue and 23 Ocean Avenue provide alternative housing options within their respective neighborhoods and are positioned to be age-friendly and well suited to serve individuals with mobility challenges. The proposed amendments encourage increased unit densities at these locations and make it easier to create ADA accessible units.

VI. PUBLIC COMMENT

City staff received four public comments on the proposed text amendments, all of which were supportive of the proposed text amendments. Specific points raised included the potential of these amendments to foster high quality mixed-use environments and reduce the burden of constructing a mixed-use building compliant with FHA standards.

VII. PLANNING BOARD RECOMMENDATION

On February 13, 2018, the Planning Board voted unanimously (6-0, Morrisette Abstained) to recommend the proposed Division 9 amendments to City Council for adoption.

VIII. ATTACHMENTS

1. Proposed Text Amendments to Portland Land Use Code, Div. 9. B-1 and B-1b Neighborhood Business Zones
2. Public Hearing Report – 23 Ocean Avenue
3. Public Hearing Report - 502 Stevens Avenue
4. B-1 and B-1b Context Map
5. Public Comment
 - a. PC1: Jennifer Frick (2.12.18)
 - b. PC2: Murial Allen (2.12.18)
 - c. PC3: Kathrun Dyer (2.13.18)
 - d. PC4: Kevin Moquin (2.13.18)