



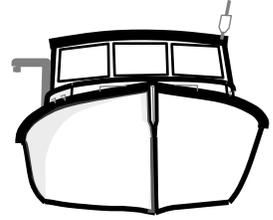
Waterfront Workgroup

10th Meeting Agenda

April 25, 2019

Room 209, City Hall

3:00pm to 5:00pm



1. Welcome and Introductions:
2. Review Meeting Notes from Meeting 9, 4-11-19.
Meeting Notes attached
3. Continued Working Group discussion on Parking Issues.
4. Status review of Zoning Issues, Reflecting on Planning Board Workshop.
5. Status on Potential Portland Harbor dredge funding
MDOT letter from Commissioner Van Note attached
6. Communication regarding Fisherman's Wharf Project
7. Working Group discussion on Schedule moving forward.

City of Portland
Waterfront Working Group

Meeting #9
Thursday, April 11, 2019
3:00 - 5:00 p.m.

Attendance:

PWWG: Mike Alfiero, Bill Coopersmith, Steve DiMillo, Cyrus Hagge, Keith Lane, Charlie Poole, Willis Spear, Becky Rand, Dory Waxman (Togue Brawn absent)

Staff: Jon Jennings, Bill Needelman, Greg Mitchell, Matthew Grooms, Christine Grimaldo, John Peverada (Parking Division Director)

Welcome and intros, review of minutes.

Meeting Summary:

Most of this meeting concerned parking issues and most specifically options for marine users who do not have enough parking on the waterfront and piers for their workday and businesses (including employees). It was acknowledged that there is not, and never will be, enough waterfront/pier parking for marine use and that creative solutions will need to be implemented. The solutions discussed included 3 categories: private off-street options; public off-street options; and, public on-street options. Mr. Needelman stressed that these are 3 very separate and different categories, each with its own set of options and difficulties.

John Peverada, City of Portland Parking Division Manager, attended this meeting to offer expertise and advice.

Private, Off-Street Parking:

Mr. Needelman clarified that, as this category is subject to zoning, options can include the creation of “water dependent parking” identified in zoning language. Although private parking is not under city control (pier owners enforce), it is subject to zoning. Parking can be either an accessory or stand alone use if it is a commercial lot. (Most lots are currently legal non-conforming).

The definition of “legal non-conforming” was questioned and it was determined that it is an issue that needs clarification in language.

Mr. Needelman clarified that language for “exclusivity” for water dependent use of pier edge parking in WCZ performance standards means that restaurants/other uses will no longer have use of parking during off-times as exclusivity would be maintained at all times.

So, do we keep it (exclusivity)? The general consensus is yes, particularly from the fishermen contingent of group, but also supported by group as a whole. No one suggested eliminating exclusivity.

If exclusivity is maintained, it will need better marking and signage and a mechanism to enforce it needs to be implemented. Mr. Needelman stated that the best enforcement mechanism would be through lease agreements. Many berthing tenants are at-will and/or month-to-month. Exclusivity is in zoning language now, but it hasn't worked well; how to make it work?

John Jennings is committed to better code enforcement of private parking, including putting markers in pavement, better signage and stricter enforcement from code officers. Other improved enforcement mechanisms include documenting legal non-conforming parking, termination of illegal spaces and a reporting method for illegal use. Charlie Poole prefers to keep enforcement between owners and tenants.

The option of dedicated parking was discussed; it was "vetoed" (by consensus) as "no space can be left empty, ever."

Options to identify off-waterfront parking were discussed including car-pooling/ride sharing and shuttles operated by businesses (example: WEX).

These options are included in the Summary of Parking Options Table distributed at this meeting and available at the PWWG website.

Public, Off-Street Parking:

Angelo's Acre is currently offering parking for \$5.00 per day; it is primarily used by islanders, mariners and low-wage earners. It has approx. 100 spaces now and is discussion is "on the table" for a future structured parking garage there. There are 160 spaces at Fish Pier, where there is currently no waiting list and mariners are given a half price discount. Structured parking at Fish Pier is not desirable as it is waterside. Options near Ocean Gateway were discussed, including a structured garage. The cost per space for building structured parking is about \$35,000 per space. There is also discussion of a "park and ferry" option -- this would be a shared program with South Portland (park in South Portland, ferry to Portland).

Public, On-Street Parking:

The most conclusive option discussed involves issuing a specific number of hang-tags (waterfront user permits) to boat captains and/or marine-use business owners, who may distribute the tags as deemed appropriate and necessary to themselves or employees. The number of hang-tags per captain/business owner was debated; the consensus reached was that 2 tags per year, per captain/business owner would be a good place to start, at least on a trial basis. There are about 100 captains using the waterfront now.

The location(s) where the tags would be valid were discussed, with John Peverada (Parking Division Manager) offering input and expertise on what might work best or not at all.

The likely spaces for this use are on Commercial Street; currently there about 100 unrestricted spaces that could be converted to permit parking.

Mr. Peverada made clear that, in the category of public on-street parking, residents with residential parking permits can park in 1 & 2 hour spaces all day without moving, which would be in conflict with other permits, so he suggested converting some unregulated spaces to waterfront permit only parking. Mr. Peverada does not think any permits should be allowed at meters.

Zoning:

Matthew Grooms discussed the summary of proposed text amendments to zoning ordinances and stated that they will present their recommendations to the Planning Board on April 23. There will be a 1st hearing of these amendments in May.

Summary of proposed text amendments:

Permitted uses -- new category will be created
Uses in Commercial Street Overlay Zone -- name change from nmouz
Commercial kitchen will be added -- eliminate laundry/dry cleaning

NOTE: THERE WILL BE NO MEDICAL OFFICES PERMITTED, MATTHEW WILL MAKE CERTAIN THIS IS ADDED TO THE ORDINANCE LANGUAGE.

Bill Needelman suggests the retention of ONE zone (instead of 2) to alleviate confusion and to ensure that there were consistent performance standards.

Abbreviated Dialog -- Private, Off-Street Parking:

BN: Shared use has caused conflict, it's a thorny issue.

WS: Look back a bit, in 2010 when we compromised with wharf owners so they could have 45 % on 1st floors; fishermen felt they needed something to protect -- so we pushed for access and parking. We're not adverse to sharing, but it's not working the way it is. It's worked on some wharfs, but not on others. Could we have signage with hours, etc.?

MA: How does enforcement work? I think signage is a good idea.

JJ: It's not just new development, we the City need to engage with pier owners now as opposed to waiting for new construction. Pier owners are reasonable -- we, as the City need to engage on that basis.

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Meeting 9 notes, 4-11-19

CP: In the 2010 conversation we said that we need to protect access and parking. I say it stays exclusive and the more the City can do to keep it that way the better.

BN: It's in the language now. I'm going to suggest that enforcement language be added.

DW: For owners who are here, what are your senses of what pier owners think?

SD: How are you going to get some owners to accept exclusivity? Signage will help, but enforcement needs to be stricter.

BN: Tenant and landlord agreements will be the best place to negotiate terms.

SD: Regarding other pier owners, if there was a different arrangement -- say you pay more and it's dedicated parking.

KL: It's too busy, you can't leave a space open, ever.

DW: It really comes down to enforcement.

BN: It comes down to enforcement from the City and enforcement of landlord/tenant agreements.

BC: All that parking is grandfathered -- or can we go back and fix that?

BN: We have to look back at history, go pier by pier.

SD: Maybe language needs to be about more than just pier edge.

BN: The pier edge is that specific resource that is critical, but parking in general is important -- with improved enforcement of existing codes.

Improved Enforcement of existing or amended WCZ parking restrictions -- see meeting handout (parking table).

- a. Document legal non-conforming parking on all piers
- b. Terminate use of illegal non-conforming spaces by: voluntary pier owner action, zoning enforcement action
- c. Create mechanism for reporting illegal use

CP: I want to be able to say to my tenants, we'll work this out, I don't want the City to enforce.

CH: What is an an example of legal non-conforming space?

BN: If it remained consistently used as parking since prior to 90s era of zoning, then it is grandfathered -- if it does not conform to current zoning.

Note: This issue needs clarification in language

CP: There is a finite amount of marine dependent use; we need to accommodate them.

BN: Merrill's wharf example -- Pierce Atwood doesn't fit on Merrill's Wharf. But the marine use parking spaces are well marked.

CH: RE: Terminate use of illegal non-conforming spaces -- these are not grandfathered?

BN: Yes, there are likely spaces created after 1987 that are illegal.

SD: What will happen to private metered spaces?

BN: We'll have to document when they were created to determine if they are legal or illegal. It will be a thorny issue. But we need to figure out where it's legal or illegal -- we don't know which ones are which except the ones that are evident.

Identify off-waterfront parking options for marine use

BN: What we're learning from Transportation Management we need to apply. There will never be enough waterfront parking for anyone or any group -- there just isn't enough space period.

We need to use lessons from WEX, hospital (park and rides, etc.)

JJ: We're looking at other locations (including Angelo's acre to build a structured parking garage).

MA: We're looking for a place where our employees can park and then take a shuttle.

BN: The more cooperative we are, the more we have the opportunity to share resources. Jeff Levine is an authority on this issue.

Abbreviated Dialog: Public, Off Street Parking

JJ: Angelo's Acre is now open for \$5.00 all day parking.

BC: Could Angelo's lot be prioritized for waterfront users?

JJ: Enforcement would be difficult, I think.

What is the maximum number of spaces at Angelos Acre?

Peveada: Approx. 100

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Meeting 9 notes, 4-11-19

BN: Fish Pier currently prioritizes marine use. It is an example of what we're talking about, there is no waiting list right now to get into Fish Pier. It's about a 160 car lot. Marine is prioritized, both in the waiting list, and harvesters get half price.

MA: How long is the parking lease?

Peeverada: Month to month.

MA: How is it enforced?

Peeverada: We issue hang tags. No hang tag it gets a ticket. Angelo's primarily serves 3 groups: islanders, low wage workers, waterfront workers.

MA: A parking garage at Angelo's is not even part of the discussion?

BN: It's on the table.

JJ: Before that discussion, we are looking at size and scope.

MA: Can Fish Pier have structured parking? It's water side.

JJ: We prefer not, it's the water side.

SD: What about the city's eastern waterfront holdings -- will any of that be available for parking?

JJ: That's to be decided by the Council -- the Council will begin that discussion in the near future.

JP: In front of Angelo's Acre we used to have on street parking.

JJ: We're trying to figure out structured parking at Gateway.

BR: I've heard rumors about moving train station to the end of Congress St.

JJ: That's not the case -- there is some discussion to move it near Mercy hospital.

CH: What does it cost?

JJ: About \$35,000 a space right now (to build a parking garage).

CH: Let's draw the population up the hill, find a discreet place for structured parking outside of the nmouz.

JJ: We have other things on the table right now -- maybe a passenger ferry from South Portland -- parking would be in South Portland -- nothing concrete, however.

BN: Encourage people to walk, bicycle, ride-share.

DW: This is a regional issue, right? It's a regional conversation, right? Most people who work here don't live here.

JJ: A good example of alternative parking is WEX. They have purchased 2 shuttles. They will shuttle employees from a remote parking area.

Abbreviated Dialog: Public On Street Parking - Unrestricted:

What is the supply of unrestricted on-street parking?

Peverada: 50% of this supply is going away to the metered parking at Hobson's Landing, just a stretch from Fish Pier.

West Commercial Street in front of JB Brown and PYS is unrestricted parking, but not used much.

KL: I'd like to keep as much of it as possible.

BN: We are looking at the creation of a marine parking hang tag system.

JJ: The working waterfront is so unique and so dependent on such a small area, there should be some way the City can assist vessels/harvesters.

Issue 2 hang tags per boat -- to the captain, who is responsible/liable for the tags. The tags could be renewed every year and cannot be replaced if lost.

MA: How many vessels?

JJ: 100

BN: Supply parking, but separate from building or boat. You can buy the berth or lease the space with or without the parking.

JJ: The difference is that businesses have options/ mariners do not.

SD: I want to support hang tag system for marine users/water dependent, but on the basis that they have to show need.

BC: John has a great idea, it's more positive than negative.

BN: How many captains don't have a parking space with their berths?

WS: It changes day to day. I would not give a worker one to hold onto....but would hand it out day to day.

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BN: What's the right number? Two?

WS: Captains don't need one.

DW: It's worth a trial.

BN: Not many hourly regulated spaces on Commercial St.?

Peeverada.: No, mostly metered.

BC: Could a hang tag could be used in metered space with no charge?

WS: We might not need more than 80 tags.

JJ: It can't be open ended, there will be a defined number.

BC: Can it be sunsetted? Try it for a year or 2?

BN: What would be the geographic extent? Where will these tags be good?

Peeverada: 100 or so spaces on Commercial St.

BN: Can we take a portion of unregulated spaces and add them to the metered spaces?

Note: Mr. Peeverada made clear that, in public on-street parking residents with residential parking permits can park in 1 & 2 hour spaces all day without moving, which would be in conflict with other permits, so he suggested converting some unregulated spaces to waterfront permit only parking. Mr. Peeverada does not think any permits should be allowed at meters.

Peeverada: Converting to hourly creates a conflict with residents.

John P: We could convert some unrestricted spaces to permit parking only.

JJ: Permit parking designated for marine use only.

Peeverada: There is plenty of room under the bridges. (Editor's note: needs confirmation.)

BN: If new use is created (water dependent parking use) then Fish Pier would have the ability to expand parking supply.

There is parking for tenants of Fish Pier at the Fish Pier. The grandfathered commercial Front Lot is full. Lot 12 is for Brown Trading, lot 1 is for potentially going to be developed..

MA: I have 45 employees, they park at Holyoke Wharf.

Peeverada: We sell 207 monthly permits for 187 spaces at the Fish Pier front lot.

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JJ: We need to take a look at IMT space under the bridge.

BN: We should bring back good map of parking supply in order to continue this discussion.

Peverada: There are 191 metered spaces on Commercial Street.

SD: Regarding the permit system, need to flush out how permits are going to be distributed in order to prevent abuse. The target market? What is the difference between a stern man and someone who works on a tour boat?

MA: What's fair is fair.

BC: I do have space on Union -- I pay for it -- it's under the assumption that I'll use the tags they way they're intended. Tags are not perfect answer but it's a start.

BN: We'll absorb the notes, do the math, look at the numbers.

DW: Hang tags (permits) are a good start, but employees can't abuse it.

Abbreviated Dialog: Zoning Issues:

Matthew Grooms: We feel we've gone as far as we can go . On April 23 we will go to the Planning Board. The 1st hearing is in May. It's a tight timeline, but we've made a lot of progress.

Summary of proposed text amendments:

Permitted uses -- new category will be created

Uses in Commercial Street Overlay Zone -- name change from nmouz

Commercial kitchen will be added -- eliminate laundry/dry cleaning

KL: What is a commercial kitchen?

BN: A commercial kitchen would be non-marine subject to 55/45 or it would go upstairs.

What about medical offices?

CH: All it would do is cause trouble.

MGrooms: **TAKE OUT MEDICAL OFFICES**

CH: Prohibit drive through?

BN: Currently prohibited, with exception for uses for bait, etc., Dispensary is not permitted.

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See amendment sheets for more.

Prohibit non-marine parking within pier setback.

See summary table for marketing and targeted marketing.

Removing inventory requirement from zoning would not remove the requirement, but put it back to City Council Order.

MA: For an existing building that is being totally renovated...

CG: An existing building does not have to change structure.

BC: What about restaurant restrictions

New restaurants are restricted within zone, they are permitted in overlay. BN encourages one zone to prevent confusion.



**CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager**

April 3, 2019

Bruce Van Note, Commissioner
Maine Department of Transportation
24 Child Street
Augusta, ME 04330

Re: Support for Dredging Portland Harbor

Dear Commissioner Van Note:

As you may be aware, for five years our community has been struggling with the challenging problem of dredging the piers and wharves of Portland Harbor to support the marine economy. MDOT has been an invaluable partner in our process, providing critical funding to allow a thorough and technically defensible analysis of dredge disposal options. The City of Portland is deeply grateful for the support of the Department in these efforts.

The MDOT funded Confined Aquatic Disposal (CAD) cell process, combined with the Portland Harbor Commission's EPA Brownfields funded pier dredge assessment has to date been remarkably successful. We now understand the volume of material to be dredged, the location of potentially dredged areas, the chemical challenges posed by the sediments, the location of a CAD disposal site, and the geophysical feasibility of constructing the CAD cell. In addition, we have achieved the above technical accomplishments while fostering a network of support from lobstermen, pier owners, environmental advocacy groups, permitting agencies, and our communities at large. In the five years that the City has been working to address the pier dredge issue, we have never been better positioned to address the problem.

We also now understand the potential costs. Nobody ever thought that this process would be inexpensive. However, the potential \$30,000,000 price tag (to construct the CAD cell and dredge Portland Harbor piers and wharves) has taken all of us aback.

With costs estimated at the above magnitude, we face a perilous choice: Abandon Portland Harbor to a fate of ever decreasing value and increasing dredge costs; or, work together to leverage local, state and federal funds to complete the process.

Short-term, the CAD process needs approximately \$200,000 to finish the CAD cell assessment, permitting, and preliminary design. The City is committed to invest \$100,000 toward this effort and will leverage other outside funding to finish the CAD cell process. In continued collaboration, the Harbor Commission has secured additional EPA Brownfields funds to complete the permitting for pier dredging. It is our sincere goal to achieve both permits (CAD and pier dredge) without further MDOT funding.

The combined CAD cell and pier dredging construction costs, however, remain daunting leaving the Federal BUILD program as the only feasible funding source capable of covering the magnitude of need. Local (State, municipal, private) funds would be needed to match federal funds, totaling approximately \$6,000,000, or 20% of the total costs. City tax increment financing (TIF) district funds, public and private user *tipping* fees, and State transportation bond funds are the anticipated sources for local match for BUILD monies. The City of Portland will work with the State of Maine, the City of South Portland, and private pier owners to determine an equitable distribution of costs to cover the local match.

As you well know, a BUILD grant needs State support. Conversations with the federal delegation in Washington confirms MDOT's pivotal role. With strong MDOT support, we believe that a Portland Harbor Dredge application for a 2020 BUILD grant will have an excellent chance of success. In the absence of MDOT support, this effort is likely futile.

Dredging is not our only challenge related to the working waterfront. Last December, to avoid a community referendum the Portland City Council approved a six month development moratorium to allow me time to establish a *Waterfront Working Group* of diverse interests to maintain a working waterfront marine economy. This Group has met a total of seven times. The top two investment priorities recommended from this Group are dredging piers and wharfs along with public investment to mitigate Commercial Street traffic congestion.

Our efforts to dredge the berthing resources of Portland Harbor cannot be divorced from the highly volatile discussion of preservation of working waterfronts. Commercial access to the State's waters are shrinking state-wide. The front page land use controversies in Portland, Boothbay, and elsewhere hinge on access to the water. Dredging our existing berthing is tied to the current working waterfront conversation. Dredging not only addresses a legacy pollution issue, we expand the supply of commercial berthing without the need to construct additional infrastructure. Now is the time to re-commit the City of Portland and the State of Maine to preservation of commercial marine access.

Finding a solution for contaminated sediments in Portland Harbor is a daunting yet necessary task. If we do not dredge the piers, the harbor will continue to degrade and loss of marine jobs and economic activity is inevitable. The City of Portland is extremely grateful for the past and ongoing support from MaineDOT for the CAD cell process. Without State of Maine support, what is daunting would become impossible. We look forward to continued shared efforts on this and all of our many collaborations working for the people of Maine.

If you would like to discuss or if you need additional information, please let me know.

Sincerely,

E-Copy

Jon P. Jennings
City Manager

CC: Matthew B. Burns, Director of Ports and Marine Transportation, MaineDOT
Tom Dobbins, Portland Harbor Commission Chair
Greg Mitchell, Economic Development Director

Agenda 5
Dredge Funding

Scott Morelli, City Manager, South Portland, Maine
Joshua J. Reny, Assistant City Manager, South Portland, Maine
Bill Needelman, Waterfront Coordinator



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

April 18, 2019

Mr. Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Jennings:

Thank you for your letter dated April 3, 2019 related to the dredging project of the piers and wharves in Portland Harbor. The project summary on the several years of work to date, challenges and the City's plan on how best to move forward were very helpful in getting up to date on the project. MaineDOT agrees that dredging to keep Portland Harbor a viable working waterfront is important to the City and the State.

MaineDOT would support a well-thought-out BUILD grant application in 2020 for a shovel ready dredging project, providing the advance work of the CAD cell assessment, permitting, preliminary design and cost estimates are complete as laid out in your letter. We believe a competitive BUILD application would also need to include a solid local match commitment with all local matching funding sources identified and committed. Past practice of successful BUILD applications is to provide local match in the range of at least 40-50% of total project cost. We believe this is a crucial factor in our successful BUILD funding applications and projects. As has been discussed in the past, we understand that some State funding would likely be needed as part of the local match. We would commit to continuing those discussions between now and 2020 as details of the project become clearer.

Like the City, MaineDOT recognizes the importance of preserving the working waterfront in Portland and commercial marine access in Portland Harbor. We look forward to working with the City and other interested parties over the coming months to finalize the work and commitments needed to put forward a successful BUILD application and dredge project to the benefit of all parties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce A. Van Note'.

Bruce A. Van Note
Commissioner

CC: Tom Dobbins, Portland Harbor Commission Chair
Greg Mitchell, Portland Economic Development Director
Scott Morelli, City Manager, South Portland
Joshua J. Reny, Assistant City Manager, South Portland
Bill Needleman, Waterfront Coordinator
Matthew Burns, Office of Freight and Business Services, MaineDOT