



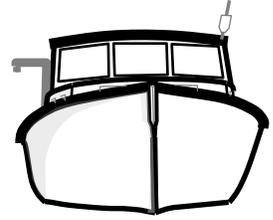
## Waterfront Workgroup

### 9th Meeting Agenda

April 11, 2019

Room 24, City Hall

3:00pm to 5:00pm



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1. Welcome and Introductions: *Jon Jennings, City Manager, Chair*
2. Review Meeting Notes from Meeting 8, 4-4-19.
3. Working Group discussion on **Parking Issues**.
  - Private Off-Street Options
  - Public Off-Street Options
  - Public On-Street Options
4. Status review of Zoning Issues, in preparation for Planning Board submission.
5. Working Group discussion on Schedule moving forward.

City of Portland  
Waterfront Working Group

Meeting #8  
Thursday, April 4, 2019  
3:00 - 5:00 p.m.

Attendance:

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

Staff: Jon Jennings, Bill Needleman, Matthew Grooms, Greg Mitchell, Jeff Levine

Welcome and intros, review of minutes.

Correction in minutes: Cyrus Haage was not here last week, but counted as present.

Meeting Summary:

**Permitted/Restricted Use**  
**Lot Coverage and Building Size**  
**Performance Standards**

The primary focus of this week's meeting was a continued discussion of zoning issues and concerns/issues that were left unresolved last week. Mr. Needleman stressed the need to "turn things green" (referencing the Summary Table of Zoning Issues, Approaches and Status sheet), as the moratorium is due to expire soon and the Planning Board needs to put forth recommendations to the City Council. Staff plans to draft zoning language to give to Planning Board by April 23, which means producing materials next week for submission. The memo received from the PWWG regarding zoning amendments was acknowledged and distributed.

Much discussion focused on permitted and restricted uses in the nmouz. A complete list of permitted/restricted use is available at the PWWG website; this meeting focused on uses/restrictions that are of paramount interest to fisherman and pier owners, specifically restaurants and retail, service businesses, professional offices, galleries/museums and the intricacies of accessory use (and what/how can be defined as an accessory and where accessories fit into marine/non-marine use percentage splits). Food trucks are undefined and Mr. Needleman noted that they would have to be addressed (whether to permit/restrict) in a future meeting.

1 Accessory Uses -

- a) incidental and subordinate to the location, function and operation of permitted uses.
- b) interior meeting or classroom space

2. Street vendors

3. Wind energy systems

Access (for fishermen) and parking remains a significant issue, with some clarity needed for pier owners and fishermen to know/enforce parking use percentage splits. Mr. Jennings offered the idea of a Commercial Street parking pass for fishermen; this issue will be addressed in future meetings.

**Note: Staff will consider adding new use category:**

**Marine Use parking -- would allow marine users to rent parking spaces on any pier in the WCZ -- legally. If supported, staff will draft definition for planning board.**

Performance standards --It was agreed to take the 3 Operations and Access Management standards and combine them into one streamlined standard without losing intended impact, but eliminating redundant language.

Discussion continued on lot coverage and building size with one significant change unanimously agreed: **change setback from pier edge from 5 feet to 10 feet on the first floor, keeping a 15 foot clear.**

Summary of Status of Zoning Issues:

Contract/Conditional rezoning -- still not resolved. There is not agreement, but there doesn't seem to be anything left to talk about.

Non marine use overlay zone -- Staff will recommend yellow line, but there are folks at the table who prefer the purple line (existing line). Yellow line goes out to 300 ft at Long Wharf.

55% First Floor -- extended marketing time, percentages will remain 55/45..

Parking -- Turn that to green based on the conversation we just had -- outside parking to be discussed next week.

Permitted uses -- keep it blue for now but look at accessory use provision.

Performance standards -- take 3 standards and combine them into a streamline standard without losing language, but eliminating redundant language streamlined.

**Abbreviated Dialog:**

Marine Use/Restrictions:

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**Meeting 8 Notes**  
**4-4-19**

BN: No changes proposed for marine uses, marine use list is extensive -- complete list is posted at PWWG website.

BN: Staff recommendation to get rid of 'chicken farm' residential use for marine business owner provision.

BN: For the record the non-marine use list that is currently within the zone includes professional, retail, restaurants, banking, dry cleaning, carpentry, art studios, intermodal transportation, cold storage facilities, museums and art galleries and outside accessory activities.

1 Accessory Uses -

- a) incidental and subordinate to the location, function and operation of permitted uses.
- b) interior meeting or classroom space

2. Street vendors

3. Wind energy systems

DW: What about artists?

BN: There are limits on how to regulate street artists because of 1st amendment protections.

BN: Restrictions will exist on Parking independent of the user. Example: Harbor Fish cannot rent parking space off custom House Wharf. unless it's in a legal non-conforming lot.

BN: Question to group: Is this (Marine Use Parking) a concept worth incorporating into the zoning language?

MA: Let me make sure I'm getting this. Can my employees rent parking on other piers/properties?

BN: No, unless it's in a legal non conforming lot.

BN: There are illegal parking lots that are difficult to enforce.

BN: Should it go in as a marine use or conform to 55/45 as a non-marine use?

WS: I'm confused about inside/outside.

JJ: What's the downside? What about a restaurant on a wharf?

BN: Restaurants are not marine use. None of this is easy to enforce.

MA: As an example, Scales has no parking; staff has to park offsite. It depends on the situation, is my point.

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TB: One potential downside -- if it's used toward 45/55 -- if somebody opens up all the outside spaces, then everything else on the pier could be non marine.

BN: We do need to draft language next week -- we would put something in front of the board in the 1st package.

BC: We need space left along the wharves for fishing vessels -- 40 ft? Then go to the buildings 55/45.

BN: This group is too large to wordsmith language, but we can come to some consensus by promoting the issue.

SD: What is the pyramid of hierarchy?

BN: 1 Water dependent, 2- marine related

BN: For the purpose of drafting language, if we were to state water dependent (parking, as a new permitted marine use) and qualify it would that help?

Group: Yes

**Next Issue:**

BN: Retail, restaurants, banking, dry cleaning -- these are the pedestrian oriented/higher traffic businesses causing the most concern for area outside of the overlay.

JJ: I have issues with environmental impacts of dry cleaning businesses.

BN: Some of these will be allowed in 55/45 now, but should they be permitted outside of the overlay? We need to draft language on this.

KL: I'm concerned about non marine uses creeping down the wharf.

SD: This addresses a lot of the lobstermen's concerns about increased traffic.

BN: Is anybody supportive of having additional retail/restaurant uses?

MA: Yes.

TB: Why not have them?

KL: Increased parking and non marine use. Period. Non-marine use. Non-marine use.

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CH: If you allow retail use to creep beyond nmouz, you can't park there. You have to park somewhere else. That will quickly tackle parking issue. Do we really want more restaurants?

SD: We're trying to protect working waterfront.

BC: If you bring in a restaurant at the end of the pier on the working waterfront you bring in atmosphere -- it will be high cost restaurant -- what will happen is that high end restaurant owners will complain to the City about parking and the working waterfront will suffer.

TB: Do we have a list of standards -- we want to preserve the working waterfront -- do we have a list of things that don't fit?

BN: Performance standards are there to provide that screen, to keep non marine uses compatible with a working waterfront.

TB: A simple list with 3 things? It seems there should be an easier way without having to go through all the performance standards.

BN: Not really an easy key.

CP: The tenants on our pier want to work in harmony -- when you insert something that is a conflict then there is a problem. If you were to insert non marine use it just doesn't work.

BC: We don't want a slippery slope, it needs to be etched in stone. I want the line crystal clear.

BN: In summary, restaurants/retail use will be restricted to Commercial Street side but there is a bit of flexibility in accessory usage

MA: Takes issue with accessory component being taken out.

CH: Accessory use language is a flexible tool.

MA: This is definitely a conversation. If there is a test kitchen does that go toward the 2000 feet?

BN: Everything is case by case.

BC: How can we avoid what is happening with Sea Bags?

KL: It (Sea Bags) has crept into another use.

BN: They would be allowed to do 1000 feet of ancillary sales, but that would count in the 45% non marine use.

JJ: 2nd floor?

BN: 2nd floors are not subject to percentage requirements.

CH: New 2nd floor tenants will need parking -- we need to be specific that new 2nd floor tenant parking will need to be somewhere else.

BN: This parking is subject to 55/45.

JJ: We'll work on recommendations that we will bring back next week, what's in what's out.

Next Issue: Dimension Requirements -- see slide at website

Minimum lot size: none

Frontage along commercial st = 75 feet

Minimum lot width within the nmouz = 50 feet

KL: Where do you see those businesses parking their cars?

TB: What about blocking the view of the water? How is this addressed?

CH: Street specific?

BC: I don't think there is enough setback, 5 feet is not enough.

WS and KL: Both have fallen off the wharf with a lobster trap.

CP: 5 feet is too little, 12 is too much. 10 might be a good compromise.

BN: 1st floor setback from pier edge?

BC: 10 feet is fine, with a 15 foot clear.

**Change setback from pier edge from 5 feet to 10 feet, but on first floor only.**

Summary of Status of Zoning Issues:

BN: Contract/Conditional rezoning -- still not resolved, and we likely won't have agreement, but I don't think there is anything left to talk about. Staff to recommend eliminating the tool.

Non marine use overlay zone -- staff will recommend yellow line, but there are folks at the table who prefer the purple line (existing line). Yellow line goes out to 300 ft at Long Wharf

**Agenda 2**  
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-- 55% First Floor -- see handout

SD: I think that with the increased marketing that the other side should leave it where it is, I don't think it's fair to property owners...

JJ: Bring back to the group some parameters as to what has to be advertised and how.

BN: Targeted media need a little more flesh on the bones -- marine trade publications/periodicals?

Parking -- Turn that to green based on the conversation we just had -- outside parking to be discussed next week.

Permitted uses -- keep it blue for now but look at accessory use provision.

Performance standards -- take 3 standards and combine them into a streamlined standard without losing impact, but eliminating redundant language ...streamlined.

Operations and Access Management plan submission requirement-- general agreement confirmed at the table today.

Other:

BC: We would like to attach some parking language to marine use on the wharfs.

BN: There is an exclusive use provision -- if parking is assigned to marine use it cannot be shared with non marine uses.

BN: We need to do some writing this week on the new unified performance standard (although there will be some heartburn associated with that)

BC: There has been a problem when fishing vessels go out overnight and trucks are left on the pier.

JJ: Commercial Street parking pass (future discussion) for fishermen it would have to be limited

WS: It will help, that's all we're asking for.

Other:

JJ: The City Council unanimously approved TIF money (for dredging and Commercial St.) \$200,000 left for Bill's CAD Cell

BC: Maybe we can pull some TIF money toward businesses shut down during dredging?

Capture good sea water in trailer?

## Waterfront Working Group – Summary of Parking Options for Consideration

Private, Off-Street	Public, Off-Street	Public On-Street
<p>Creation of <b>“water dependent parking”</b> use in Zoning</p>	<p>Prioritize use of existing <b>City parking lots</b>:</p> <ul style="list-style-type: none"> <li>• Angelo’s Acre</li> <li>• Portland Fish Pier (needs to be presented and vetted by Fish Pier Authority Board) Fish Pier currently prioritizes marine tenants in “Front Lot”</li> <li>• Off waterfront options (?)</li> </ul>	<p>Retention of existing <b>unregulated spaces</b> on Commercial Street</p>
<p>Clarifying <b>“Exclusivity”</b> for water dependent use of pier edge in WCZ performance standards</p>		<p>Creation of a <b>Marine Parking Hang Tag</b> system</p> <p><u>Questions:</u></p> <ul style="list-style-type: none"> <li>• <b>Who is the target market?</b> Harvesters only?</li> <li>• <b>For use at which street spaces?</b> Hourly regulated? Metered?</li> <li>• <b>Geographic extent?</b> Commercial Street only? Elsewhere?</li> </ul>
<p><b>Improved enforcement</b> of existing or amended WCZ parking restrictions</p> <ul style="list-style-type: none"> <li>• Document Legal Non-conforming parking on all piers</li> <li>• Terminate use of Illegal Non-conforming spaces by:  Voluntary pier owner action zoning enforcement action</li> <li>• Create mechanism for reporting illegal use.</li> </ul>	<p><b>Other Option?</b></p>	
<p>Identify <b>off-waterfront parking options</b> for marine use.</p> <ul style="list-style-type: none"> <li>• Lessons learned from ongoing “TMA” discussions and potential application to waterfront businesses and harvesters.</li> </ul>	<p><b>Other Option?</b></p>	<p><b>Other Option?</b></p>
<p><b>Other Option?</b></p>		