



Section 3
Project Narratives



3. NARRATIVE PROJECT DESCRIPTION AND COMPATIBILITY ANALYSIS

3.1 INTRODUCTION

The redevelopment of Fisherman's Wharf, a precedent setting project, in keeping with the intent of the Non-Marine Use Overlay Zone envisions a vibrant development that maintains and enhances the property's connection to the waterfront. As shown on the attached site plans and renderings, the project concept consists of a multi-phase, mixed-use development with office, retail, parking, restaurant, hotel and marine related uses.

The following items are being requested by approval of a Conditional Rezoning:

- Approval for a 93-room hotel as part of the project;
- Approval for a 5th floor that would allow for a proposed rooftop bar area associated with the hotel/restaurant;
- Reduction of the required 25-foot setback from the average high-tide line to 16 feet for the side of the hotel/restaurant facing the waterfront;
- Negotiation of the terms and conditions of the Marine Infrastructure Investment.

The proposed mixed-use development, further described below, involves a number of different, yet complimentary uses. The most important of these uses, from a revenue generating standpoint, is the hotel use. Without it, the project would not be commercially viable at this location. The hotel use, while significant from a revenue perspective, also serves a key role as a primary attraction to the site. A hotel on the south side of Commercial Street is unique in Portland and will give guests a chance to experience the Portland Waterfront in a way no other hotel can. The unique opportunity is expected to benefit the existing businesses in the area by bringing visitors that might otherwise stay elsewhere. In particular, those existing uses that provide water-taxi service and tours of Casco Bay will benefit by being highly visible to the hotel guests via the proposed Casco Bay Dispatch Center and proposed public gathering space. The Dispatch Center, as described later in this document, will provide a centralized location for water-dependent transportation businesses to establish their ticket counters. In addition, their patrons will be able to take advantage of the waiting and bathroom facilities within the Dispatch Center that are currently not available in this area.

3.2 PROJECT DESCRIPTION AND BACKGROUND

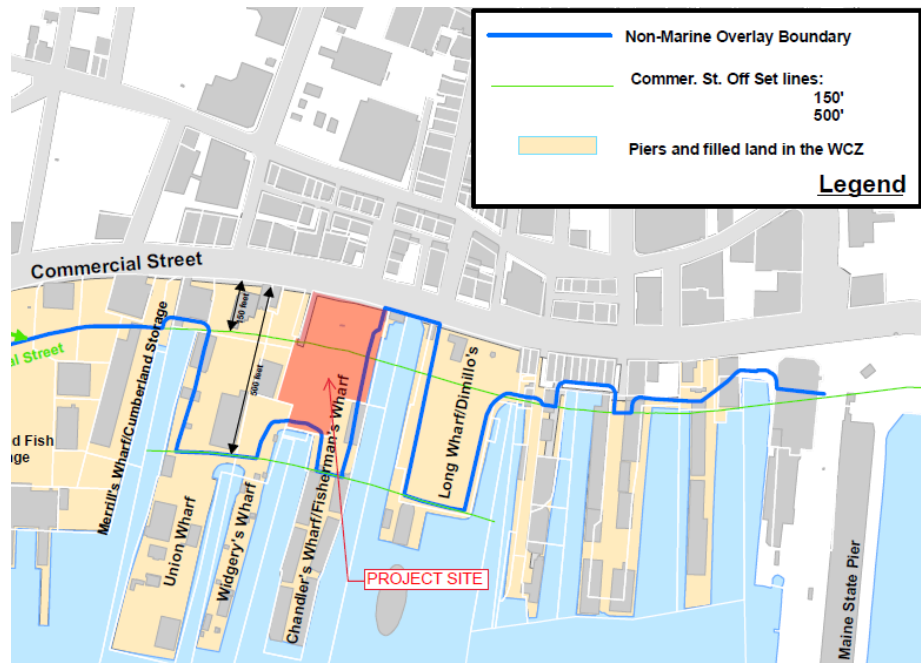
Existing Conditions

The proposed rezoning area includes two parcels identified as Lots 30 and 31 on Map 31 of the City of Portland Tax Maps. The parcels are owned by GEF, LLC (the "Owner") and are subject to a lease agreement with Fisherman's Wharf Portland, LLC (the "Applicant"). The lease agreement between the Owner and Applicant is attached to this application. The property is subject to a 35' wide Right-of-Way for the benefit of the Chandler's Wharf Condominium and Marina, which will need to be modified and recorded as part of this project.



The property is located in the Waterfront Central Zone. A preliminary boundary survey is attached. As shown on the survey, and the excerpt below from the Waterfront Central Zone Map prepared by the Portland Planning Division, dated November 2010, the property appears to lie within the Non-Marine Use Overlay Zone.

The approximately 1.9-acre property is used primarily for parking and is commonly referred to as the “Fisherman’s Wharf Parking Facility”. The existing surface parking lot contains approximately 261 spaces, all of which are paid parking, typically on a monthly or hourly basis. The property also contains the Portland Lobster Company Restaurant and a number of marine users including



Portland Harbor Fleet and Portland Discovery Land and Sea Tours. The site is bounded by Commercial Street, Long Wharf (Dimillo’s) and Widgey Wharf. The portion of the property adjacent to the water (east side) contains a permanent wooden deck that projects over an existing sea-wall. This is used for outdoor seating for the Portland Lobster Company and storage for the marine users. In front of the sea wall is a floating wharf which is utilized by existing marine uses. The floating wharf is proposed for improvement as part of this project.

Proposed Mixed-Use Development

The proposed redevelopment features a vibrant mixed-use development that maintains and enhances the property’s connection to the waterfront. In its current state as a parking lot, the property is underutilized, and out of character especially when considered relative to its prominent location on Commercial Street. As shown on the attached site plans and renderings, multiple uses are envisioned for the two-phase redevelopment plan of Fisherman’s Wharf. The proposed first phase of development currently envisions the following uses:

- Retail/Office (fronting on Commercial Street)
 - Level 1: 4,250 s.f. of retail
 - Levels 2-4: 14,805 s.f. of office
- Parking Garage (behind Retail/Office Building):
 - Level 1: 3,375 s.f. of retail
 - Levels 1-4: 501 space parking structure
- Hotel Building
 - Level 1: 3,300 s.f. Casco Bay Dispatch Center



- Level 1: 4,370 s.f. of restaurant
- Level 1: 4,250 s.f. hotel lobby
- Levels 2-4: 93-room hotel

The second phase of the project will consist of the following:

- Restaurant/Office (south side the Parking Garage)
 - Level 1: 5,200s.f. of restaurant
 - Levels 2-4: 15,600 s.f. of office

As part of the project, the Applicant proposes to construct a public open space where the Portland Lobster Company is currently located. This public area will extend to the edge of the permanent wooden deck that runs in front of the hotel/restaurant. This deck will be reconstructed and rebuilt within the same footprint. The existing floating wharf in front of the renovated deck will be improved to enhance the functionality. These improvements will make significant improvements to the public’s view and access to the waterfront and to the access and operation of the existing water-dependent uses.



Parking

As noted above, the property is currently used mainly as a surface parking lot, with approximately 261 spaces which are mostly leased on a monthly basis. The parking lot also provides short term parking on an hourly basis. The mix of long/short term parking varies but based on information from the operators is skewed more to monthly parking use. The proposed parking garage will provide metered and hourly parking to replace the existing 261 spaces will also provide an adequate amount of parking spaces to support the existing marine uses and proposed mixed-use development.

PARKING SUMMARY – PHASE I & 2			
USE	AREA / INTENSITY	RATE USED	# OF SPACES
Existing Parking (Including Marine-related)	n/a	n/a	261
Prop. Retail	7,625 s.f.	1/200 (after 2000 s.f.)	28
Prop. Restaurant	9,570 s.f.	1 / 150 s.f.	64
Prop. Office	30,405 s.f.	1 / 400 s.f.	38
Prop. Hotel	93 rooms	1 / room	93
Prop. Dispatch Center	3,300 s.f.	1 / 200 sf	17
		TOTAL REQUIRED	501
		TOTAL PROVIDED	501

In the Parking Summary above, the 261 spaces that currently exist as surface parking at the site will be replaced within the proposed parking garage. By utilizing reasonable, experience based rates for the



proposed uses, the 501 parking spaces on site will provide an adequate amount to serve the development as well.

3.3 COMPLIANCE WITH THE COMPREHENSIVE PLAN (2002 VERSION, UPDATED 2005)

The current Comprehensive Plan (and Code Section 14-305) states that:

“The waterfront central zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose.”

As noted previously, the property has an underlying zoning of Waterfront Central (WCZ) and is within the Non-Marine Use Overlay Zone (NMUOZ). The NMUOZ is defined by the City of Portland Code as follows:

“The non-marine use overlay zone (NMUOZ) is a portion of the waterfront central zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).”

With the exception of the hotel use, all of the proposed uses are allowed under Section 14-307(b)-Permitted Uses. Based on Section 14-311(c) the hotel use, construction of a fifth floor (rooftop bar area), reduction of the 25' setback from the average high tide line (per 14-306), and negotiation of the Marine Infrastructure Investment are conditions particular to the development that will need to be considered under the City's Conditional Rezoning requirements.

The requirements for Conditional Rezoning have been shown below in *ITALICS* followed by a response in **BOLD** indicating how the project proposes to comply with the particular section.

“Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:

1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.

Response: Project is not located outside the NMUOZ.

2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b)(3) (Investment in marine infrastructure).



Response: Section 14-311(b)(3) is addressed separately below.

3. *Residential dwellings are prohibited.*

Response: No residential dwellings are proposed.

4. *The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water-dependent use.*

Response: The existing Comprehensive Plan does not specifically speak to the NMUOZ as it was adopted in 2011. However, the section of the Comprehensive Plan that discusses the WCZ does speak to the non-marine uses as beneficial to the waterfront economy. While it is clear that the WCZ is intended to place a priority on marine and/or water dependent uses, it is also clear that the NMUOZ was adopted to address the need for non-marine uses on properties such as this. As such, the Applicant is of the opinion that a mixed-use project is in keeping with the intent of the NMUOZ by providing additional revenue streams that will assist in the maintenance and improvement of the pier infrastructure. Further, the restaurant, retail space, and hotel are compatible, complimentary and supportive of the existing water-dependent businesses on the site and the proposed Casco Bay Dispatch Center. While a hotel use south of Commercial Street is unique, it should not be considered incompatible with the surroundings, a further discussion of compatibility is provided below. The marine uses located between Chandler's and Long Wharf (DiMillo's) are more tourism related and the proposed restaurant/retail/hotel uses would be in harmony with those businesses.

5. *Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.*

Response: No physical or legal impediments are currently known or proposed that would impede access to the water's edge. Access to the waterfront will be maintained and improved for existing and future marine uses as part of this project.

6. *The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.*

Response: As a whole, the mixed-use project will provide revenues to the property owner that can be used for development and maintenance of the marine infrastructure. The removal of the existing Portland Lobster Company Buildings will allow creation of a public space and pedestrian walkway that will provide more opportunity for water views. Visual and physical access for the public is expected to be positively enhanced by the project. In addition, the new hotel, restaurant and rooftop uses will provide for



enhanced public views of the working waterfront. The proposed Casco Bay Dispatch Center will help to provide more orderly and convenient ticketing and waiting areas for customers of the Dispatch businesses.

A direct public benefit of the Dispatch Center and expanded public area will be mitigation of the current lack of waiting and bathroom facilities for the marine businesses. Currently, passengers who are waiting for tour boats congregate on the surrounding sidewalks along Commercial Street. At peak times, the sidewalks can become clogged and unusable to other pedestrians forcing them into Commercial Street. This project is anticipated to alleviate that; the Dispatch Center will have an indoor waiting area and the removal of the Portland Lobster Company will increase public space in the vicinity. In addition, this area has no public bathrooms nearby, which has necessitated the use of portable toilets during peak times. The Dispatch Center will have bathroom facilities for the use of customers, removing the need for portable toilets.

The Dispatch Center, in the Applicant's opinion, helps to provide enhanced opportunity to explore Casco Bay and the islands. Specifically, the Dispatch Center will serve as an additional point of access for the public and will help to provide options for transport to and front the island communities. The amenities available in the Dispatch Center will provide a convenient and comfortable location for the public seeking different opportunities on the water.

The investment in redevelopment of the property will also provide increased tax revenues in the form of local property taxes along with state income and sales tax. The new and expanded uses proposed will spur job creation and also provide the opportunity for new business creation in the Dispatch Center, retail and office spaces. The convenient location of the property and desirability of the Old Port are key factors to the redevelopment of this property.

7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with section 14-305 (purpose).

Response: Section 14-305 is specific to the WCZ, not necessarily the NMUOZ. However, it should be noted that the development plans (see Site Plan and Renderings) have attempted to preserve and enhance access to the water for the existing and future marine related uses. A more detailed description of the proposed marine infrastructure improvements and Casco Bay Dispatch Center are outlined in other sections of this document.

8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the nonmarine portion of the proposed development shall be subject to review under section 14-311(d)(8).

Response: Assuming the hotel use is approved, the Applicant would then pursue Site Plan approval from the City for the overall development. During that process, the conceptual plan would be refined to address operational needs of the existing marine



uses. A concept plan is provided with this application that depicts the proposed site layout.

9. *The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.*

Response: By proposing the Casco Bay Dispatch Center, the Applicant is providing a new facility for the existing water-dependent businesses in the area. The existing businesses consist mainly of tour boat operators who currently have only small kiosk buildings or ticket booths. The Dispatch Center is intended to consolidate these users (and attract new users) into a common location while providing a waiting area and bathroom facilities for customers. In addition, the pier infrastructure will be improved for the users by providing new permanent decking to improve the existing floating wharf and other related improvements.

Section 14-311(b)(3) provides the following Marine Investment performance standards to be met for the Conditional Rezoning:

3. *Investment in marine infrastructure: All applicants for site plan review or a change of use permit for non-marine development in the NMUOZ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the NMUOZ.*

Required investment may occur by one or both the following methods:

a. *Direct investment in marine infrastructure located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.*

Response: Given the scope and scale of the project the Applicant desires to negotiate the interpretation of what constitutes a direct marine investment. The proposed project includes a number of improvements to the existing marine infrastructure. Detailed plans for these improvements, as required by this section, will be submitted with the application for site plan review. At this time, the improvements are generally expected to consist of the following: demolition of the existing waterfront buildings, as-needed repair of the existing sea-wall, removal of the existing wooden decking, installation of



new wooden decking, improvement of the existing floating wharf and gangway, construction and installation of site amenities and furniture within the public viewing area and construction of the marine-use parking and storage areas within the proposed parking garage. The expected cost of these improvements is not known, but will be further detailed at the time of application for site plan review. These investments in the pier infrastructure are in keeping with the goals of the NMUOZ.

b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

Response: As noted above, the Applicant is proposing significant investment in marine infrastructure which will provide direct benefits to the existing and future water-dependent businesses. Given the scope and scale of the project, the Applicant desires to negotiate the interpretation of what constitutes a direct marine investment.

Section 14-311(d) provides the following performance standards to be met for the Conditional Rezoning:

14-311(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16 and 17 shall be reviewed by the Planning Authority.

8. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply. The planning authority shall review applications for non-marine use parking against the following standards:

a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.

Response: A site plan is included with this submittal showing the proposed parking and circulation layout.

b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").

Response: Not applicable, property is within the NMUOZ.

c. Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.

Response: As noted earlier in this document, the existing volume of surface parking, which includes marine-use parking has been replaced within the proposed parking garage.

d. Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.



Response: As depicted on the attached site plan, the Applicant intends to designate a portion of the ground floor parking garage to marine users.

10. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

Response: At this time, a lighting and photometrics plan for the project has not been prepared. During site plan review, the Applicant will work with the City to create a lighting plan that complies with code requirements and does not unreasonably interfere with vessels transiting the harbor, or adversely impact adjacent residential zones.

13. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

Response: The proposed buildings will be designed to conform to the urban design guidelines.

14. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

Response: No expansion to the existing pier or wharf is proposed, however the existing decking on the pier is proposed to be replaced. If required, the Applicant will seek approval for the replacement from the appropriate agencies having jurisdiction.

15. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.

Response: The proposed development is intended to improve access to the waterfront for both marine uses, as well as the public. The proposed marine infrastructure improvements, and Dispatch Center will provide opportunity for the existing businesses to provide an increased level of service and comfort. The public will gain improved passive and active use of the water from the hotel and restaurant uses, and increased accessibility to boat tours and water taxis. In addition, the public view of the waterfront will be improved by the addition of a public area where the existing buildings currently stand.



Part of this request for Conditional Rezoning is the request for a rooftop bar above the 4th floor of the proposed hotel. The rooftop bar would constitute a 5th floor which is currently not permitted under the NMUOZ standards. The rooftop bar is a new and unique offering to the Old Port and given the location and elevation will provide views to the public not available elsewhere.

16. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:

- a. *Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.*

Response: As described elsewhere in this document and on the plans included with this application, the Applicant is proposing to reconstruct and maintain significant portions of the marine infrastructure. Part of the reconstruction includes removal of the existing buildings and storage structures located along the waterfront of the property. The wooden decking will be replaced along with the proposed improvements to the existing floating wharf. The intent is to provide a more direct and less obstructed route from the land to the waterfront. Currently, access to the wharf is obstructed with buildings, fences, etc. and is generally difficult to access. The proposed plan will provide for more efficient ingress/egress for the marine users by removing obstructions and providing passengers new waiting locations.

This Conditional Rezoning seeks approval for the proposed restaurant/dispatch/hotel building to be located approximately 16 feet from the average high-tide line, which is less than the code required 25 feet. Currently the width of the deck available to the marine users varies from approximately 12 to 18 feet. As noted on the plans, the existing and proposed deck extends past the seawall (which constitutes the average high tide line) by approximately 14 feet. The overhang of 14 feet, plus 16 feet of decking from the hotel to sea wall provides an effective setback of 30 feet which exceeds the intent code. This represents an improvement over the existing 12-18 feet in that area.

Within the proposed parking garage, an area on the first floor will be designated for marine-use storage within a fenced area accessible by a loading/unloading area.

- b. *Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and*



circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.

Response: The proposed buildings are not within ten feet of a pier edge. As noted in the response above, access and circulation at the edge of the pier will be improved due to an increase in available space.

- c. *With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.*

Response: No non-commercial berthing is proposed.

- d. *Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.*

Response: Designated parking spaces within the proposed garage have been provided for marine uses. The spaces will be located on the ground floor and in close proximity to the entry/exit and storage areas to allow for easy access and proximity to the waterfront.

17. *Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement. The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.*

Response: A public view analysis will be submitted with the application for site plan approval.

3.4 COMPLIANCE WITH THE FUTURE COMPREHENSIVE PLAN (DRAFT VERSION OF PORTLAND PLAN 2030 DATED 2/10/2017)

Although not yet adopted, it is appropriate to examine some sections of the draft Comprehensive Plan update entitled, "Portland's Plan 2030" as they relate to the proposed project. Specifically, the "Waterfront" portion of the Comprehensive Plan and its related Appendices are referenced below as they relate to the project.



According to the proposed 2017 Comprehensive Plan Appendices (page 159), the goal for the Waterfront Central Zone is to,

“... achieve a balance where non-marine economic development benefits the piers, Commercial Street, the waterfront, and the City by sustaining marine infrastructure, protecting opportunity for commercial marine activity and promoting appropriate access by the public to views and activities in Portland Harbor. The Waterfront Central Zone (WCZ) was created to protect and nurture water-dependent and marine-related support uses. The policy framework is designed first to protect and nurture existing and potential water-dependent uses, and secondly to encourage other marine-related uses. Compatible non-marine uses are encouraged in the zone, and considered beneficial to the overall waterfront economy, provided they do not interfere with water-dependent and marine-related uses.”

The Comprehensive Plan goes on to describe how the NMUOZ was created in 2010 as an amendment to the WCZ zoning code as requested by 12 property owners who asked that the City consider relaxing some of the current zoning protections to allow more diverse uses and thus increase economic activity and revenue. The amendments were intended to allow pier owners to generate more revenue, which supports repair and improvements to pier infrastructure.

It should be noted that the NMUOZ is specific to a relatively small area within the WCZ, and its intent is to encourage non-marine development on these properties. As can be seen on the NMUOZ Map on page 2 of this narrative, the boundary is clearly delineated to include areas that are currently occupied by surface parking. Although parking is valuable in the Old Port and Waterfront area, surface parking is clearly not the highest and best use of the property. This fact is noted by the City in the text of the 2010 NMUOZ Amendment:

“Larger parking lots occupy over 400,000 square feet of space with over 1300 parking spaces— many of which serve non-marine use in other zones. These vast spaces do not represent the highest or best use of this land.”

And from the WCZ Policy Statement:

“Surface parking occupies large areas of un-built space in the zone and has a significant negative visual impact on Commercial Street; these areas provide redevelopment opportunities with no displacement of water-dependent commercial activity”

As it currently exists, the property functions primarily as a parking lot and affords no scenic views to the public from street level. Nor does the current use provide significant support for the marine related industry and businesses that rely on the waterfront. Additionally, the property as it currently exists provides little economic benefit to the City. The use as a parking lot provides minimal opportunity for employment and compared to the proposed project, provides significantly less tax revenue. The City itself, in discussing the history of adaptive reuse in the 2010 NMUOZ amendment stated:

“Without question, and unfortunately for all, the largest redevelopment strategy taken by the majority of piers under past zoning has been to remove buildings and build surface parking.”

The proposed mixed-use project is in keeping with the goals envisioned for the NMUOZ and the Waterfront in general by encouraging non-marine uses that will be beneficial to the overall waterfront



economy. While this application is being submitted to address the hotel use and other code items, the project itself represents a significant improvement to the property. The mixed-use project is in keeping with the spirit of the NMUOZ which seeks to allow more diverse uses while providing owners with additional streams of revenue which support pier infrastructure maintenance and improvement.

The project directly addresses the goal to repair and make improvements to pier infrastructure. Specifically, the existing permanent wooden deck will be rebuilt and expanded as part of this project, a cost that will be borne by the Applicant. As noted in other sections of this narrative, the existing floating wharves will remain and direct access to them will be improved by removal of existing barriers (namely the Portland Lobster Company building).

This mixed-use redevelopment project when considered as a whole, is in basic harmony with the draft Comprehensive Plan and the intent of the NMUOZ, by combining marine and non-marine uses. The majority of this project complies with the intent of the NMUOZ.

3.5 COMPATIBILITY WITH SURROUNDING NEIGHBORHOOD

As noted above, the development of the NMUOZ was initiated by property owners within the general area who were subject to the WCZ zoning. These property owners were of the opinion that the WCZ zoning was too restrictive and sought relaxation from the standards to allow, among other things more non-marine uses. The planning process administered by the City resulted in the current NMUOZ and its standards which allow for a wider range of non-marine uses than the underlying WCZ zoning.

Recognizing that this is a precedent setting project, the Applicant has proactively sought input from a number of the adjacent property owners and the Waterfront Alliance in order to identify the needs and challenges of the area. The Applicant has developed a plan that, in their opinion, has attempted to address the ideas raised at these meetings.

The surrounding area contains a wide variety of both marine and non-marine uses. While there are not currently any hotel uses south of Commercial Street, this application seeks to show that such a use is not incompatible at this particular location given the nature of the surrounding marine uses. The marine / water-dependent uses that currently occupy the waterfront between Chandler's Wharf and Long Wharf (DiMillo's) would not be considered "heavy" marine uses. Instead, the majority of marine uses in this area consist of businesses similar to Portland Harbor Fleet, Portland Discovery Land and Sea Tours, DiMillo's Marina, and the private docking for Chandler's Wharf. The majority of the marine businesses in this area are not those that produce the noise, dust, odor and unpredictable hours of operation more associated with heavy marine uses such as fishing and lobstering, processing, freight, etc.

In comparison, the marine uses in this area are less intensive than the existing commercial fishing uses at the southern end of Widgery Wharf. These uses co-exist with the residents of Chandler's Wharf located within 120 feet. While the Applicant is not necessarily stating that the residential / commercial proximity is always a harmonious relationship, it is a notable precedent in the area that has existed for many years. As noted previously in this document, a hotel use is unique south of Commercial Street and will be a significant attraction. In addition, approval of the hotel use under this conditional rezoning is key to the project moving forward. The hotel use is required to make the project financially viable and, in turn, provide the investment in pier infrastructure the NMUOZ is intended to promote.

The proposed hotel use has been located so that it fronts on the water between Chandler's and Long Wharf, providing opportunity for hotel guests to have a view that is currently not available anywhere



else in Portland. In addition, the proposed roof-top bar would be another first of its kind on the Portland waterfront. The Applicant is aware of the marine uses in this area and believes that a mixed-use project such as this is not only compatible with, but will enhance the marine uses currently located in the vicinity.

An example of enhanced marine use is the proposed 3,300 sf Casco Bay Dispatch Center located on the first floor of the restaurant/hotel building. The Dispatch Center is intended to consolidate dispatch operations for a number of marine users such as water taxis, tour boat operators and other similar uses. Currently these uses have only small kiosk type ticket offices scattered around the area, and no waiting or bathroom facilities. The result is that crowds of people gather on the sidewalk and surrounding area around departure and arrival times. In addition, the operators have portable toilets brought in because there are no public bathroom facilities nearby. The Dispatch Center will help to alleviate these conditions by providing space for ticket booths, a waiting area for passengers and offering bathrooms for patrons. The Dispatch Center and associated public area will tie in with the existing boardwalk along the Long Wharf, near DiMillo's.

In addition to the above benefits the Applicant envisions the new public area as a convenient gathering location. The location of this public area is located in close proximity a very densely occupied area of shops, restaurants and bars along Commercial Street. The space is centrally located between Bell Buoy Park to the east, and the public space at the Gulf of Maine Research Institute to the west. The location will help to fill a need in that area for a convenient and attractive public space, and is expected to be a benefit to the surrounding businesses.

