

BAXTER BUILDING

Portland, Maine



**AFFORDABLE AND CONTEMPORARY
OFFICE/RETAIL SPACE**

562 CORPORATION

P.O. Box 4211 Station A, Portland, Maine 04101 • 207-879-0949

Once the home of ABB Environmental Services and McDonald Page Accounting, the Baxter Building is now available for tenants looking for very affordable, contemporary space.

The Baxter Building is a six story, professional use office building which is completely handicapped accessible and, serviced by four elevators including a freight elevator. Centrally located in the heart of Downtown Portland, this building places you conveniently in the center of Maine's largest economic trading center on the local and regional bus line with easy access from Interstate 295 and the Maine Turnpike.

For your consideration we can offer between 3,000 and 72,000 square feet of space depending on a particular tenants need. The Baxter Building offers large plate, 18,000 square feet floors that are ideal for any size tenant. Additionally, ground floor retail space is available in four separate units ranging in size from 1,900 to 5,000 square feet with private basement storage and a loading zone.

Located within the thriving Arts District of Portland, The Baxter Building's neighbors include the Portland Museum of Art, the Children's Museum of Maine, as well as the campuses of the Maine College of Art and the University of Southern Maine. Portland's historic Old Port Exchange District is located only three blocks away and there are several shops and restaurants in this area.

The building is fully maintained by our own maintenance, engineering and janitorial staff for the common areas and building exterior. We are a second generation, family run business dedicated to our tenants and the long term development of our properties in the Downtown area.

We can offer space in the Baxter Building at extremely competitive rates. We are willing to subdivide and modify space for our tenants and are always willing to work with our tenants to ensure customer satisfaction.

For your convenience, I have enclosed some additional information with regard to the Baxter Building. Thank you for your interest and consideration of the Baxter Building.

Sincerely,



Randy Seaver,
General Manager/Director of Marketing

BAXTER BUILDING INFORMATION

Contact: Randy Seaver (207)879-0949

Address: 562 Congress Street
Portland, Maine

Location: Located in the Congress Square Area of
Downtown Portland, accessible via
I-295.

Zoning: B-3

Description: 18,633 +/- square foot site with a
six-story commercial, retail/office
building consisting of 96,000+/- square
feet.

Size: 96,000 +/-square feet--five floors with
18,000 square feet--sixth floor 6,000+/-
square feet.

Elevator: The building is serviced by four elevators

Parking: Control of 200 space surface lot; two
parking garages and one surface lot within
one block radius; number of spaces
negotiable

Tenants: Casco Bank, and ABB
Environmental Services.

Construction: Brick and Concrete Building

Lighting: Recessed Fluroscnt throughout office area

Heat: Forced Hot Water with oil furnace

Air Conditioning: Central HVAC system

Electricity: 3600 Amps 3-phase

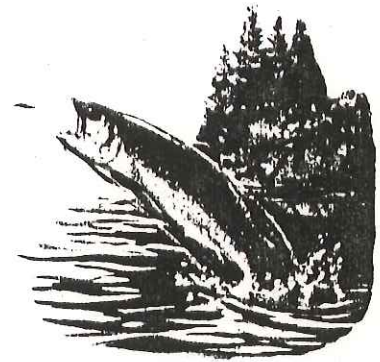
Insulation: Wall and roof are insulated

Sprinklered: Wet System

Utilities: Public Water and Sewer



L.L.Bean INC
FREEPORT, MAINE 04033
Outdoor Sporting Specialties



TEL. (207) 865-4761

March 24, 1992

Ms. Lola Kampf
Mr. Nicholas Kampf
P. O. Box 4211
Station A
Portland, ME 04101

Dear Mr. and Ms. Kampf:

Thank you for your information regarding available retail/office space in Portland. We sincerely appreciate your interest in our company.

L. L. Bean is a privately owned company pursuing excellence in mail order. We have one full service, first quality, retail store located here in Freeport and we also have factory stores in Freeport and Ellsworth, Maine and North Conway, New Hampshire. The factory stores are strictly for liquidation and are currently meeting our needs.

Although we appreciate your consideration of us, L. L. Bean is not considering any acquisition, expansion, wholesaling, or franchising possibilities at this time. We would like to thank you, however, for thinking of us. It's always nice to know that our presence is wanted in other areas.

Sincerely,
L. L. Bean, Inc.

Randy D. Reynolds
Manager of Facilities

paa

Originals sent in

562
letterhead

COPY

June 5, 1992

Mr. Arnold Zetcher, President
Talbots Kids
175 Beal St.
Hingham, Ma. 02043

Dear Mr. Zetcher:

We are writing you to invite discussion concerning the possible expansion of a Talbot Kids retail store to the Baxter Building in Portland, Maine.

We are the owners of several office and retail buildings in the heart of Downtown Portland, Maine. Recently we purchased the Baxter Building which is located diagonally across the street from the upcoming new home of the Children's Museum of Maine.

A major capital fund drive involving millions of dollars was undertaken to bring the Children's Museum out of the Suburbs into the Art Corridor of Portland. This non-profit institution has meta-morphisized into a well respected state, regional and community wide organization. One hundred and twenty five thousand adults and children will be coming to the Museum yearly. Child-related businesses are already being planned and confirmed in the immediate area. This is a windfall for the business community in Congress Square.

We would like you to consider opening a retail store in a 5,000 - 6,000 square foot area of our building, which is located directly across the street from the museum. It is an ideal spot for a children's clothing store, which is sorely missing in Maine and New Hampshire. The only competition is a Kids Gap store in Freeport, Maine, some 19 miles north of the city and one Kids R Us store located in the Maine Mall Area. Talbots Kids would be an exclusive provider of a much-needed service in the heart of Maine's largest city.

Even if you have no plans for expansion, we are so convinced of your success in this location that we are willing to offer you free rent for six months. We are including information on Portland that you may find interesting.

We are dedicated to maintaining and constantly improving all of our properties. We would be delighted to hear from either you, or one of your representatives concerning this offer and would be pleased to give a tour of this building and Portland, Maine as well. Thank you for taking the time to review this proposal and please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Nicholas Kampf,
President

Randy Seaver,
Director of Marketing

NK/rs

enclosures:

Aug 10,

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Cole and Members of the Planning Board
FROM: Sarah Hopkins, Senior Planner
DATE: July 27, 1993
SUBJECT: Conditional Use at 562 Congress Street

The 562 Corporation is requesting approval from the Planning Board for a proposed conditional use of 562 Congress Street, known as the Baxter Building.

The Baxter Building is located in the Pedestrian Activities District of the B-3 Business Zone, and as such, must meet the requirements regarding ground floor uses.

The applicant has recently negotiated a lease with Catholic Charities of Maine for the ground floor and second floor of the building for its programs, services, and administrative offices. The ground floor will house the Refugee Resettlement Program on Congress Street, and a Braille Resource Library for the blind and visually impaired on the Free Street side of the building.

The floor plans (see attached packet) indicate office space/casework on the entire Congress Street frontage and reception/teachers area for the Free Street frontage of the building.

Office uses are conditional uses in the PAD overlay zone and therefore must meet the conditions and standards outlined in Section 14-218 and 14-474:

14-218

- (1) Ground floor uses in the mandated pedestrian-oriented use area of the PAD overlay zone: Any use permitted in the B-3 and B-3b zone, provided that such uses shall meet the following conditions and standards:
 - a. The applicant can prove that it has been unable to market the space for a permitted use in accordance with section 14-217(b)(1) by providing:
 - i. For existing structures, evidence that the space has been actively marketed for permitted uses for a period of six (6) months and, in the case of new construction, evidence that the space has been actively marketed and available for use for a period of six (6) months; and
 - ii. Evidence of market, advertising, or real estate brokerage efforts to attract permitted uses.

- b. The approval of any conditional use under this section shall be for the specific tenant proposed for the conditional use approval and shall not run with the space to subsequent tenants. A conditional use approval shall expire at the end of each tenant's use, and a new approval shall be required for new tenants. If the term of a lease is five (5) years or less, the tenant may sublet the area either for the approved conditional use or for any use permitted by section 14-217(b)(1)a.
- c. The Planning Board may impose reasonable conditions concerning the design, appearance, use and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
- d. Notwithstanding the above, the Planning Board may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

14-474

(2) Standards. Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The applicant has submitted a packet of materials outlining its efforts regarding the active marketing of the site, evidence of the brokerage efforts associated with the building, and floor plans and background information on the building.

Currently, the tenant is developing elevation sketches for the Congress Street and Free Street frontages of the building.

Attachments:

- 1. Letter from the Applicant
- 2. PAD permitted uses, standards
- 3. Applicants Submittal

562 Corporation

P.O. Box 4211
Station A
Portland, Maine 04101
(207) 775-1737

July 13, 1993

Planning Board
c/o Zoning Office
City of Portland
389 Congress Street Room #315
Portland, Maine 04101

RE: Application for Conditional Use under City of Portland
Code of Ordinances, Sec. 14-218, for a portion of the
Baxter Building at 562 Congress Street, for
Catholic Charities of Maine Use

Dear Planning Board Members:

This letter is submitted to you in support of an application for a conditional use of the above property.

562 Corporation purchased the Baxter Building, at 562 Congress Street, in the fall of 1991. Since that time the retail space on the ground floor has remained completely vacant despite aggressive marketing efforts aimed at retail and other permitted uses.

In June of this year, we finally reached an agreement for a lease deal with Catholic Charities of Maine, for space in the Baxter Building. Catholic Charities of Maine requires nearly 24,000 square feet of space to house eight of its service/support programs in a single location. A significant need of this particular tenant is to secure ground floor space to give it a presence within the community, better visibility for its clients and greater access to the population.

Catholic Charities of Maine will use the ground floor space, which consists of the space formerly occupied by Rix Pharmacy, in the following manner:

The Congress Street frontage of the leased area, containing approximately 3,000 square feet, will house the Refugee Resettlement Program. The Refugee Resettlement Program works to assure the orderly transition of refugees who arrive in Portland into the Maine community. Guiding the individual in the location of housing, food, furniture, clothing, medical care and other goods and services, the staff maintains an ongoing relationship with clients in order to assure their orientation and mainstreaming into our culture and community. On the Free Street

side, Blind and Visually Impaired Services will house a Braille Resource Library for members of the community needing this service. These two services of Catholic Charities of Maine will be joined by a common reception area with handicapped accessible lavatories. Please see the enclosed floor plans as designed by Buell Heminway and Associates. The balance of Catholic Charities of Maine's activities will be conducted on the second floor of the building, and are not involved in this conditional use application.

The Baxter Building lies within the City's P.A.D. overlay district, which as you know restricts certain ground floor uses. We believe that the ground floor uses proposed by Catholic Charities of Maine fall within the definition of personal services and a library, respectively, as permitted under the PAD ordinance, and that they may also qualify as other permitted uses under the PAD ordinance. However, we have been advised by city officials that they do not consider the Refugee Resettlement Program to constitute a personal service use within the meaning of the ordinance. At the suggestion of the City of Portland we are therefore filing for a conditional use permit, while reserving our right to appeal from the decision of the Zoning Administrator. We are requesting this conditional use approval based on the following facts, which we believe meet the requirements outlined under Section 14-218(1)(a) of the City Code of Ordinances:

We have been actively marketing this space for almost two years, without success, to users whose activities are permitted in the PAD overlay zone, using several various brokers, including The Boulos Company. We have also:

- created an internal marketing division for this property;
- distributed over 100 brochures to potentially interested organizations;
- personally solicited over three dozen potential tenants; and
- placed advertising in local and regional publications continuously since January of 1992, to attract "permitted" retail users.

Despite all of these efforts, the entire 456 feet of retail frontage of the building remains completely vacant.

Please see the attached materials for samples of our brochure and advertising, and for further information on our marketing efforts.

Board of Appeals
Page 3
July 13, 1993

We are continuing to market retail space on the ground floor to uses which will meet the standards for the PAD overlay zone.

Our efforts to date include over 18 months of active marketing, of which the proposal by Catholic Charities of Maine has so far been the only real result. These efforts far exceed the six months' effort required under Section 14-218(1)(a)(i) of the ordinance. This ground floor use is a specific request from a particular tenant and is crucially important in bringing this tenant into the building and to this part of the City.

We firmly believe that Catholic Charities of Maine will enhance the area and our community with the services it provides and its commitment to the community, that it will add to the diversity of the Congress Square area, and that it will attract a significant pedestrian element, with approximately 75 full-time employees and numerous expected client visits on a daily basis.

The standards of Section 14-474(c)(2) are also met by this request, since:

- (i) The uses proposed by Catholic Charities of Maine do not have any associated unique or distinctive characteristics; and
- (ii) The proposed uses will not have any adverse impact upon the health, safety or welfare of the public or the surrounding area (quite the contrary, the activities of Catholic Charities of Maine should have a strongly positive effect on the health, safety and welfare of the public); and
- (iii) There is no impact of these uses that is substantially different from the normal impact of such uses in this zone.

If you have any questions whatsoever, please feel free to contact me at (207)879-0949. Many thanks for your time and consideration.

Sincerely,



G. Randall Seaver
General Manager

Enclosures
cc: Timothy S. Keiter, Esq.

LAND USE

§ 14-216

DIVISION 12. B-3 AND B-3b DOWNTOWN BUSINESS ZONES*

Sec. 14-216. Purpose.

The purposes of the B-3 and B-3b downtown business zones are to:

- (1) Maintain and enhance the role of the downtown as the business and commercial center of the region;
- (2) Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;
- (3) Encourage increased housing opportunity downtown for a diverse residential population;
- (4) Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;
- (5) Encourage excellence in urban design;
- (6) Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
- (7) Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown;
- (8) Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups;
- (9) Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;
- (10) In the pedestrian activities district (PAD) overlay zone, create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets which,

***Editor's note**—Ord. No. 241-91, adopted Mar. 11, 1991, repealed former Div. 12 of this article, §§ 14-216—14-221, relative to B-3 and B-3b Business Zones, and enacted new provisions in lieu thereof as Div. 12, §§ 14-216—14-221.1. Formerly, Div. 12 derived from §§ 602.10.A—602.10.F of the city's 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date
452-72	2	7-17-72	364-88		5- 4-88
499-74	5	8-19-74	294-88		5-23-88
344-76	6	7- 7-76	34-89		6-28-89
429-83	1	4-25-83	153-89	2-7	11-20-89
173-87	1	3- 4-87	235-91	16	2- 4-91

Cross references—Public arts program, § 14-851 et seq.; relocation of displaced tenants, § 14-861 et seq.

over time, will establish and maintain a strong retail and pedestrian-oriented use pattern; and

- (11) Provide for the relocation of residents who are displaced by development.
(Ord. No. 241-91, 3-11-91)

Sec. 14-217. Permitted uses.

- (a) The following uses are permitted in the B-3 and B-3b zones:

(1) *Residential:*

- a. Attached single-family, two-family and multifamily dwellings;
- b. Handicapped family units;
- c. Lodging houses;
- d. Combined living/working spaces including, but not limited to, artist residences with studio space.

(2) *Business:*

- a. General and business offices;
- b. Professional offices;
- c. Personal services;
- d. Offices of building tradesmen;
- e. Retail establishments, excluding gasoline sales, wholesale and bulk purchase lumber and construction supply sales;
- f. Restaurants, excluding drive-through or drive-in restaurants;
- g. Drinking establishments;
- h. Billiard parlors;
- i. Miscellaneous repair services, excluding motor vehicle repair services;
- j. Communication studios or broadcast and receiving facilities;
- k. Health clubs and gymnasiums;
- l. Theaters and performance and exhibition halls;
- m. Convention and meeting facilities;
- n. Hotels;
- o. Business services;
- p. Parking garages and surface parking lots;
- q. Galleries.

(3) *Institutions*

- a. Museums;
- b. Public or private schools of any type;
- c. Clinics;
- d. Church or other place of worship;
- e. Private club or fraternal organization;
- f. College, university, trade school;

- g. Nursery schools, kindergartens, and day care facilities or home babysitting services.

(4) *Other:*

- a. County and municipal uses;
- b. Studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silkscreeners;
- c. Printing, publishing and related manufacture of cardboard or paper boxes, provided that these activities are conducted wholly within a building.

(b) The following additional restrictions shall apply in the PAD overlay zone, which shall be located on the streets listed below and as further delineated on the PAD overlay zone map, a copy of which is on file in the office of planning and urban development:

Commercial Street, north side, from Union Street to Pearl Street.

Commercial Street, south side, from Carroll Block to Thomas Block, inclusive.

Congress Street, from Longfellow Square to Monument Square.

Dana Street.

Exchange Street, from Federal Street to Fore Street.

Fore Street, north side, from one hundred ten (110) feet west of Center Street to two hundred seventy-five (275) feet west of Pearl Street.

Fore Street, south side, from Center Street to Pearl Street.

Free Street, north side, from Congress Square to Temple Street.

Free Street, south side, from Congress Square to four hundred twenty-three (423) feet east of Oak Street and from Center Street to Temple Street.

Middle Street, north side, from Monument Square to sixty (60) feet east of Garden Lane.

Middle Street, south side, from Monument Square to two hundred fifty (250) feet east of Pearl Street.

Milk Street, from Exchange Street to Pearl Street.

Moulton Street.

Pearl Street, from Middle Street to Fore Street.

Wharf Street.

Frontages of the following areas: Longfellow, Congress, and Monument Squares; Tommy's and Post Office Parks.

(1) *Ground floor uses:*

- a. At least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone, including street level area within forty (40) feet of such frontage, shall be limited to the following uses:
 - i. Retail establishments as permitted in 14-217(a)(2)e;
 - ii. Personal services;
 - iii. Hotels;
 - iv. Copying centers;
 - v. *Restaurants*;
 - vi. Drinking establishments;
 - vii. Theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area;
 - viii. Travel agencies;
 - ix. Real estate sales;
 - x. Visitor information services;
 - xi. Museums;
 - xii. Libraries;
 - xiii. Banks, financial and other business services, provided that only tellers and customer services shall be located in this area;
 - xiv. Municipal or county uses;
 - xv. Galleries and studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silkscreeners;
 - xvi. Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity.

For those buildings which have frontage on more than one (1) street located within the PAD overlay zone, the street level area of each such frontage shall meet the above requirements.

- b. For those buildings which have forty (40) feet or less of frontage on a street within the PAD overlay zone, the above restrictions shall be reduced to fifty (50) percent of the frontage where required to accommodate a service entrance. For buildings which have frontage on more than one (1) street located within a PAD overlay zone, only one (1) such frontage shall be permitted to reduce the required retail area to fifty (50) percent of the frontage.
- c. In no event shall any required retail frontage area be used for any of the following:
 - i. Storage;
 - ii. Service entrances, including loading docks, dumpsters and compactors, except as provided in subsection b; or

- iii. Food preparation areas, unless such preparation areas are visually oriented toward pedestrians on streets located within a PAD overlay zone.

(Ord. No. 241-91, 3-11-91)

Sec. 14-218. Conditional uses.

The following uses are permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

- (1) Ground floor uses in the mandated pedestrian-oriented use area of the PAD overlay zone: Any use permitted in the B-3 and B-3b zone, provided that such uses shall meet the following conditions and standards:
 - a. The applicant can prove that it has been unable to market the space for a permitted use in accordance with section 14-217(b)(1) by providing:
 - i. For existing structures, evidence that the space has been actively marketed for permitted uses for a period of six (6) months and, in the case of new construction, evidence that the space has been actively marketed and available for use for a period of six (6) months; and
 - ii. Evidence of market, advertising, or real estate brokerage efforts to attract permitted uses.
 - b. The approval of any conditional use under this section shall be for the specific tenant proposed for the conditional use approval and shall not run with the space to subsequent tenants. A conditional use approval shall expire at the end of each tenant's use, and a new approval shall be required for new tenants. If the term of a lease is five (5) years or less, the tenant may sublet the area either for the approved conditional use or for any use permitted by section 14-217(b)(1)a.
 - c. The planning board may impose reasonable conditions concerning the design, appearance, use and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
 - d. Notwithstanding the above, the planning board may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.
- (2) Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably located, screened and landscaped so as to ensure compatibility with the surrounding neighborhood.
- (3) Drive-up banking services, provided that drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to

use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets. Such uses shall also be in compliance with the applicable standards contained in the Downtown Urban Design Guidelines, a copy of which is on file in the department of planning and urban development. No other type of drive-up use shall be permitted.

- (4) Light industrial uses, subject to the following requirements, except that the limitations specified under subsections c, f, and g of this subsection shall not apply to the use of any building existing as of March 11, 1991; not designed or constructed for any use listed in section 14-217(a) subsections 1, 2, or 3 and which was not in actual use for any such use on March 11, 1991, provided that all truck parking and loading shall be accommodated off-street, and the associated vehicular loading, unloading, parking, circulation and traffic volumes on the site and on adjacent public streets will not have a more intensive impact than any use on the site within the last five (5) years:
 - a. The use shall not include any use prohibited in the I-1 zone;
 - b. Glare, radiation, fumes or smoke shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries;
 - c. No tractor-trailer trucks or longer vehicles shall be associated with the proposal;
 - d. The floor area devoted to industrial use shall not exceed ten thousand (10,000) square feet;
 - e. The use shall be operated within a completely enclosed structure;
 - f. The proposal shall exclude warehousing and storage as a principal use;
 - g. The use shall not generate more than six (6) delivery or service trips per day between 7:00 a.m. and 7:00 p.m.;
 - h. No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust or constitute a fire hazard if stored out-of-doors shall be stored only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.
- (5) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474:
 - a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.
 - b. The facility shall be registered with the City of Portland Department of Health and Human Services.

(Ord. No. 241-91, 3-11-91)

Sec. 14-219. Prohibited uses.

Uses not enumerated in sections 14-217 and 14-218 as either permitted uses or conditional uses are prohibited.

(Ord. No. 241-91, 3-11-91)

562 Corporation

RECEIVED

JUL 26 1993

PORTLAND PLANNING OFFICE

P.O. Box 4211
Station A
Portland, Maine 04101
(207) 775-1737

July 26, 1993

Joseph E. Gray, Jr.
Director of Planning and Urban Development
Portland City Hall Room 211
389 Congress Street
Portland, Maine 04101

Dear Mr. Gray:

The overall purpose of this letter is to inform you of the support we have found throughout our neighborhood for the proposed use of Catholic Charities Maine in the Baxter Building as it may relate to the PAD Overlay zone.

As you know this part of the city has undergone some dramatic changes over the last few years. We are seeing a tremendous revival of this area as an Arts District with the recent opening of the Children's Museum of Maine and other fine establishments such as the Maine College of Art, Portland Museum of Art, the Performing Arts Center and hopefully the State Theater. Several interesting stores have opened in the area and more are happening daily. With the support of Uptown and Company and the Downtown Improvement District, this area is poised for tremendous success and appeal to a variety of people; tourists, students, shoppers, business people and residents alike.

In keeping with the tremendous community spirit that surrounds our neighborhood, we are encouraged about the arrival of Catholic Charities Maine into the Baxter Building. During the metamorphosis that has reshaped our neighborhood, many of businesses were hit hard by the harsh economic reality connected to the departure of Blue Cross and Blue Shield employees and McDonald Page Accounting. Now we are seeing a new economic horizon that will benefit everyone in the area with increased foot traffic and more shopping dollars.

Catholic Charities Maine feels strongly about having a presence in our neighborhood. One of the most important factors in their site selection process was to be accessible to the clients they serve. One portion of their clientele is the Refugee Resettlement Program. This program plans to have work space in conjunction with the reception area for all the other programs in the building on the first floor.

In conjunction with an architect hired by Catholic Charities Maine, we have developed a plan that would utilize 24" deep display windows in an effort to provide a vehicle for colorful and interesting displays for pedestrians.

Nearly 200 refugees a year are choosing to make this community their home. The Refugee Resettlement Program is designed to assist these individuals with employment, housing and generally all aspects of becoming acclimated into our city so that they can further enhance our cultural diversity.

Please find enclosed a statement of support from many of our neighbors in the Arts District. We fully recognize the need for proper planning and development and applaud your commitment to the continuing growth of our city. Please feel free to call on me if you have any questions. Thank you for your continued consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Randy Seaver". The signature is fluid and connected, with a long horizontal stroke at the end.

RANDY SEAVER
General Manager

RS: amt

enclosure:

Inspection Services
Samuel P. Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

July 29, 1993

RE: 558-562 Congress St.

Timothy S. Keiter
178 Middle St.
P.O. Box 7332
Portland, ME 04112

Dear Mr. Keiter:

This letter is in response to your most recent inquiry regarding Catholic Charities proposed use of 562 Congress Street. I previously wrote a letter to you regarding this matter on June 29, 1993. After that date we had more thorough discussions about the use which led to your letter last week. This will confirm that in my opinion all uses on the first floor other than the library area are not permitted under section 14-217(1) and must receive conditional use review and approval as per section 14-218(1) of the Land Use Code. Any appeal from this decision must be applied for within 30 days of today's date as outlined in section 14-472(1).

Sincerely,

William D. Giroux
Zoning Administrator

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Sarah Greene, Senior Planner

CATHOLIC CHARITIES' REUSE OF THE BAXTER BUILDING

CONDITIONAL USE REVIEW

P.A.D. OVERLAY ZONE

562 CORPORATION, APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

August 10, 1993

I. Introduction

The 562 Corporation is requesting approval from the Planning Board for a proposed conditional use of 562 Congress Street, known as the Baxter Building.

The Baxter Building is located in the Pedestrian Activities District of the B-3 Business Zone, and as such, must meet the requirements regarding ground floor uses.

The applicant has recently negotiated a lease with Catholic Charities of Maine for the ground floor and second floor of the building for its programs, services, and administrative offices. The ground floor will house the Refugee Resettlement Program on Congress Street, and a Braille Resource Library for the blind and visually impaired on the Free Street side of the building.

The floor plans (see attached packet) indicate office space/casework on the entire Congress Street frontage and reception/teachers area for the Free Street frontage of the building.

II. Conditional Uses in the P.A.D. Overlay of the B-3 Zone

The Zoning Administrator has determined that the uses proposed by the applicant are office uses. Office uses are conditional uses in the PAD overlay zone and therefore must meet the conditions and standards outlined in Section 14-218 and 14-474:

14-218

(1) Ground floor uses in the mandated pedestrian-oriented use area of the PAD overlay zone: Any use permitted in the B-3 and B-3b zone, provided that such uses shall meet the following conditions and standards:

- a. The applicant can prove that it has been unable to market the space for a permitted use in accordance with section 14-217(b)(1) by providing:
 - i. For existing structures, evidence that the space has been actively marketed for permitted uses for a period of six (6) months and, in the case of new construction, evidence that the space has been actively marketed and available for use for a period of six (6) months; and
 - ii. Evidence of market, advertising, or real estate brokerage efforts to attract permitted uses.

The applicant has submitted a packet of materials attesting to the marketing and advertising of the Baxter Building over the past year. This information includes:

- a letter from the Boulos Company stating that the Baxter Building has been marketed since its purchase by the 562 Corporation on October 1, 1991.
- letters from the 562 Corporation to the following businesses, marketing the available retail space:

Utrecht Art Supply

L.L. Bean

Talbot Kids

Gap Kids

City of Portland Department of Economic Development

- b. The approval of any conditional use under this section shall be for the specific tenant proposed for the conditional use approval and shall not run with the space to subsequent tenants. A conditional use approval shall expire at the end of each tenant's use, and a new approval shall be required for new tenants. If the term of a lease is five (5) years or less, the tenant may sublet the area either for the approved conditional use or for any use permitted by section 14-217(b)(1)a.
- c. The Planning Board may impose reasonable conditions concerning the design, appearance, use and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
- d. Notwithstanding the above, the Planning Board may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

The architect for the tenant has submitted floor plans and building elevations for the storefronts on Congress and Free Streets.

At the last workshop with the Board, the applicant had discussed the possibility of installing display windows along the street frontage to provide an interesting view for pedestrians. Upon closer review of this proposal by staff, the applicant, and the tenant, it was agreed that the idea of display windows was problematic. There are several display windows within vacant storefronts along Congress Street which have become dusty and neglected over time. Without a maintenance and turnover schedule, there was concern that the Catholic Charities' windows would follow the same path.

There is also a difference between the need for display windows in a vacant storefront versus an occupied storefront. While not the same as a retail storefront, the activity of the Refugee Resettlement Program may be an improvement over a display window.

The architect has worked to balance the privacy needs of the office workers with the needs of a pedestrian on Congress Street. In attempting to balance these needs, the architect has proposed the following for the Congress Street building frontage. (Please refer to attached floor plans and building elevations.)

Awnings

The applicant proposes to install 3 awnings above the three storefront bays along Congress Street. The awnings will be triangular in profile and will have a green background with the Catholic Charities corporate logo applied to the horizontal band.

Signage

The applicant intends to place a 2'10" ft. high sign along the front of the building. The background will be off-white to match the stucco material of the upper floors. "Catholic Charities" lettering will be on the sign, as well as the Catholic Charities logo. Letters will be back-lit with neon tubing.

Free Street signage will consist of a wall mounted bracket holding a suspended Catholic Charities sign.

Windows

All windows on Congress Street will be partially covered with vertical blinds. It is anticipated that the two storefront bays at opposite ends will utilize the vertical blinds so as to provide privacy for the offices fronting on Congress Street. In the central storefront, the vertical blinds will be opened to allow views into the caseworker area. The tenant anticipates a seating area near these windows and views of clients and workers moving through the space.

The applicant will punch four windows through a blank wall on Free Street where windows used to exist. The applicant does not yet know the dimensions, treatment, or materials of these windows and staff would therefore suggest the following condition of approval:

- that prior to issuance of a certificate of occupancy, the applicant shall submit plans and details for the dimensions, materials, and treatment of the four windows to be placed along the Free Street frontage of the building.

(2) Standards. Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The applicant does not foresee any adverse impacts on the surrounding area with the leasing of this space to Catholic Charities.

The applicant anticipates the same amount of traffic through the building as would occur with an office or retail use.

Access to the Catholic Charities offices

There are two main means of access to the Catholic Charities services. Clients of the Refugee Resettlement Program will enter the building through the main Baxter Building lobby on Congress Street. Signage within the building will direct clients to the appropriate offices.

An entrance on Free Street will allow access to the Braille Library. A handicap lift is located at the Free Street entrance providing handicapped access to both the library, Refugee Resettlement Program and offices on other floors.

An emergency access door is also located on the Congress Street frontage of the building. This door will only be used in the case of an emergency.

III. Motions for the Board to Consider

On the basis of plans and materials submitted by the applicant, and on the basis of information contained in Planning Report #29-93, the Planning Board finds:

- That the proposed reuse of the ground floor of the Baxter Building meets the standards for Conditional Use in the Pedestrian Activities District of the B-3 Zone.

Recommended Condition of Approval:

- that prior to issuance of a certificate of occupancy, the applicant shall submit plans and details for the dimensions, materials, and treatment of the three windows proposed to be placed along the Free Street frontage of the Baxter Building.

Attachments:

1. Applicant's Submittal (see table of contents)
2. Floor Plans
3. Building Elevations

562 Corporation

P.O. Box 4211
Station A
Portland, Maine 04101
(207) 775-1737

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A. FOLDER ONE

- 1.) Letter from the Boulos Company
RE: Marketing Efforts
- 2.) Direct solicitation for art supply retail store
- 3.) Letter to Boulos Company
RE: Catholic Charities Maine
- 4.) Copy of newspaper article
- 5.) Letter received from L.L. Bean & Co.
RE: Possible retail operations on
Congress Street
- 6.) Direct solicitation for clothing store to Talbot's
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- 9.) Letter to Portland's Economic Development Office
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spaces
- 11.) Response from Portland Economic Development
Office
- 12.) Copy of advertisement
- 13.) Photocopy of retail spaces available
- 14.) Tax assessors drawing of Baxter Building location
- 15.) Floor plan of proposed use

B.) FOLDER TWO

BAXTER BUILDING BROCHURE



June 25, 1993

Two City Center
Portland, Maine 04101
(207) 772-1333
Fax: (207) 871-1288

Mr. Randy Seaver
562 Corporation
PO Box 4211
Station A
Portland, ME 04101

Dear Randy:

As you may know, The Boulos Company brokered the sale of the Baxter Building to 562 Corporation on October 1, 1991. Since that time, we have maintained active files in our office describing the retail and office spaces that are available in the building. On numerous occasions, we have presented the building to potential tenants and on several other occasions have referred prospective users directly to you.

Randy, it is also my understanding that the Baxter Building is well known throughout Greater Portland's brokerage community. I would assume, that like The Boulos Company, other commercial brokerage firms have been presenting the building as a potential site for any office or retail user they have been working with as well. Should you have any specific questions regarding our marketing efforts, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "STEVEN D. RITZI".

STEVEN D. RITZI
General Manager

SDR/js



562 Corporation

P.O. Box 4211
Station A
Portland, Maine 04101
(207) 775-1737

September 25, 1992

Harold Gulameriam
Utrecht Manufacturing
33 35th Street
Brooklyn, N.Y. 11232

Dear Mr. Gulameriam:

We are writing you to invite discussion of the possibility of opening a retail operation of an Utrecht Art supply store in Portland, Maine.

Given the current economy, we can certainly understand your initial reluctance to expand your business at this time, however, we feel there is a tremendous opportunity ideally suited for you in one of our recently purchased properties; The Baxter Building.

The Baxter Building is situated approximately one block away from The Portland School of Art, a prestigious institution with an enrollment of over 300 students. In talking with many of these students, we have found that they are quite dissatisfied with the availability of products necessary for their studies. In addition to these students, the University of Southern Maine's Portland Hall dormitory is also located within a three block area from the building. This dormitory houses an additional 250 full time students in this area. The Baxter Building is situated on Congress Street, the main thoroughfare of the downtown area near the intersection of High St. which forms Congress Square. The Portland Museum of Art, and the Children's Museum of Maine are both located here, along with the Portland Performing Arts Center and the State Theater collectively forming Portland's unique "Arts District". Specialty retail sales have fared exceptionally well in this city, which includes 23,000 downtown residents and a large tourist trade. Portland is the center of commercial activity for the State and is committed to developing and maintaining a high quality of life for it's entire population which exceeds 61,000 people.

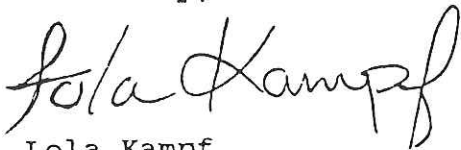
The Baxter Building is a six story, multiple office use building with over 9,000 square feet of ground floor retail space available. The building offers accessible storage, convenient rear delivery area, handicapped accessibility, and large window pane storefront space located on Portland's

busiest street.

We are a small second generation, family owned business that is committed to the long term development of this area. We also own a surface parking lot adjacent to the Baxter Building as well as some other commercial buildings in the area. We offer exceptional tenant services at practically unheard of prices. We understand the difficulties that face many business owners today, however depending upon your needs we can offer you space for \$5.00 per square foot triple net. We are entirely convinced that this would be an excellent opportunity for you to increase your customer base and revenues.

We would be pleased to give you a tour of our facilities and our city and look forward to hearing from you in the future. Thank you for taking the time to look over this proposal and please feel free to give us a call at (207)879-0949 collect if there are any further questions that you may have. For your convenience we have enclosed a brochure that describes the City of Portland and the advantages of doing business here.

Sincerely,



Lola Kampf,
Owner



Randy Seaver,
General Manager

enclosures:

562 Corporation

P.O. Box 4211
Station A
Portland, Maine 04101
(207) 775-1737

June 9, 1993

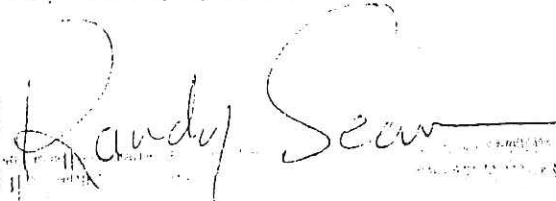
Tony McDonald
Theoulos Company
Two City Center
Portland, Maine 04101

Dear Tony:

After reviewing the revised plans submitted by Buell Heminway and Associates, we are prepared to lease space to Catholic Charities Maine for [REDACTED] gross rent per year at the Baxter Building located at 562 Congress Street in Portland. The space will occupy nearly 5,300 square feet of retail space located at 564 Congress Street and the entire second floor of the Baxter Building. Additional ancillary space will be provided for storage in the basement of the Baxter Building.

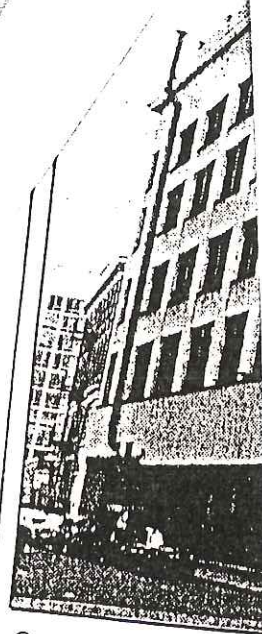
We look forward to negotiating a lease with Catholic Charities Maine. In the event that your client chooses to select our building we would require a meeting with all principal members of their organization to discuss and finalize the build-out process. As stated in my letter of May 19, 1993 to your office, we are prepared to follow the outline for specifications as submitted by Mr. Heminway in April 1993. Please call me as soon as possible and let me know what needs to be done at this point.

Very truly yours,



Randy Seaver

Nicholas Kampf



Congress Street receives move into the vacant B

New ten

• A human services organization rents out of a vacant building on Congress Square.

By DOUG FORD
Staff Writer

Catholic Charities Maine in September will move eight programs and 75 employees to the vacant Baxter Building at 562 Congress Street. Officials said the move will help revitalize the Congress Square area, which has been hard hit by the recession. Catholic Charities had been planning to centralize its refugee resettlement, child care, alcoholism and other programs downtown for the past year. The programs will occupy 24,680 square feet of the 100,000-square-foot building. The ground floor on Congress Street gives us broader exposure to the community," said Nancy Larsson, spokeswoman. The programs are housed at 107 Elm St., 175

Talbots

June 17, 1992

Mr. Randy Seaver
Director of Marketing
562 Corporation
P.O. Box 4211
Station A
Portland, ME 04101

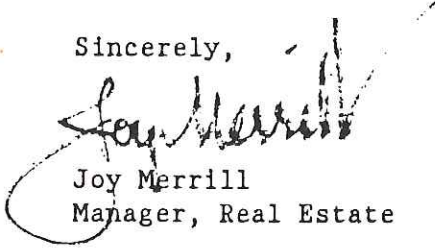
Dear Mr. Seaver:

I am writing in response to your letter of June 5 to our President and C.E.O., Arnold Zetcher.

As you may know, we have a Talbots missy store in South Portland at Cornerbrook. At this time, we have no further expansion plans for additional stores in Maine. Our KIDS concept is being done in conjunction with existing missy stores that are in malls.

Thank you for thinking of Talbots.

Sincerely,



Joy Merrill
Manager, Real Estate

JM/cah

COPY

June 5, 1992

Mr. Donald G. Fisher
Gap Kids
1 Harrison Street.
San Francisco, Ca. 94105

Dear Mr. Fisher:

We are writing you to invite discussion concerning the possible expansion of a Gap Kids retail store to the Baxter Building in Portland, Maine.

We are the owners of several office and retail buildings in the heart of Downtown Portland, Maine. Recently we purchased the Baxter Building which is located diagonally across the street from the upcoming new home of the Children's Museum of Maine.

A major capital fund drive involving millions of dollars was undertaken to bring the Children's Museum out of the Suburbs into the Art Corridor of Portland. This non-profit institution has meta-morphisized into a well respected state, regional and community wide organization. One hundred and twenty five thousand adults and children will be coming to the Museum yearly. Child-related businesses are already being planned and confirmed in the immediate area. This is a windfall for the business community in Congress Square.

We would like you to consider opening a retail store in a 5,000 - 6,000 square foot area of our building, which is located directly across the street from the museum. It is an ideal spot for a children's clothing store, which is sorely missing in Maine and New Hampshire. The only competition is a Kids R Us store located in the Maine Mall Area. Gap Kids would be an exclusive provider of a much-needed service in the heart of Maine's largest city.

Even if you have no plans for expansion, we are so convinced of your success in this location that we are willing to offer you free rent for six months. We are including information on Portland that you may find interesting.

We are dedicated to maintaining and constantly improving all of our properties. We would be delighted to hear from either you, or one of your representatives concerning this offer and would be pleased to give a tour of this building and Portland, Maine as well. Thank you for taking the time to review this proposal and please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Nicholas Kampf,
President

Randy Seaver,
Director of Marketing

NK/rs

enclosures:



51A Oak Street
Portland, Maine 04101
(207) 775-1737

June 10, 1992

Liz Darling
Office of Economic Development
City of Portland
389 Congress St. Room # 205
Portland, Maine 04101

Dear Ms. Darling:

Please find enclosed the list for your marketing effort of
Downtown Portland. We truly appreciate your efforts.

If there is any further information that you require please
do not hesitate to contact either one of us. Once again
thanks for your efforts in this matter.

Sincerely,

Lola Kampf
owner

Randy Seaver
Director of Marketing

enclosures:

51A Oak Street
Portland, Maine 04101
(207) 775-1737

Mr. Tony McDonald
The Boulos Company
Two City Center
Portland, Maine 04101

June 15, 1992

Dear Mr. McDonald:

Please find enclosed the vacancy reports for the Baxter and Congress Buildings.

These reports will be generated on the first business day of each month and a copy will be submitted to your office.

If you have any questions or comments, please do not hesitate to contact me. Thanks for your help.

Sincerely,



Randy Seaver,
Marketing Director

RS/sc

enclosures:

Contact Name: SEAVER, RANDY

Company Name: CONGRESS PROPERTY MANAGEMENT

C-B-L	Building Street Address	Suite	SF	SF Cost	T	C	P	Comments
- - G- 14	560 CONGRESS ST	TOTAL	72000	3.5000	O	B	Y	5 FL O SPACE AVAIL-@18,000SF EA /CAN SUB TO 4,500
		556	1900	5.0000	R	B	Y	
		558	2100	5.0000	R	B	Y	
		564	5000	5.0000	R	B	Y	
- - D- 31	603 CONGRESS ST	611A	611	7.0000	R	B	Y	BAXTER GALLERY 5999 QUEEN OF HATS 5632 TERRA FIRMA #615A 5661 STATE THEATRE
		611C	847	7.0000	R	B	Y	
		609C	20000	6.8000	R	B	Y	
		142A	360	7.2500	R	B	Y	
		204	2700	6.8000	O	B	Y	
		214	226	7.5000	O	B	Y	
		223	287	7.5000	O	B	Y	
		322	247	7.5000	O	B	Y	
		47-11	292	7.5000	O	B	Y	
		413	276	7.5000	O	B	Y	
		415	273	7.5000	O	B	Y	
		510	409	7.5000	O	B	Y	
		515	288	7.5000	O	B	Y	

Randy,

Please check to make sure
I've recorded your property
accurately

Thanks
L

This advertisement has been running continuously in the Portland Press Herald and Maine Sunday Telegram since 1/30/92.

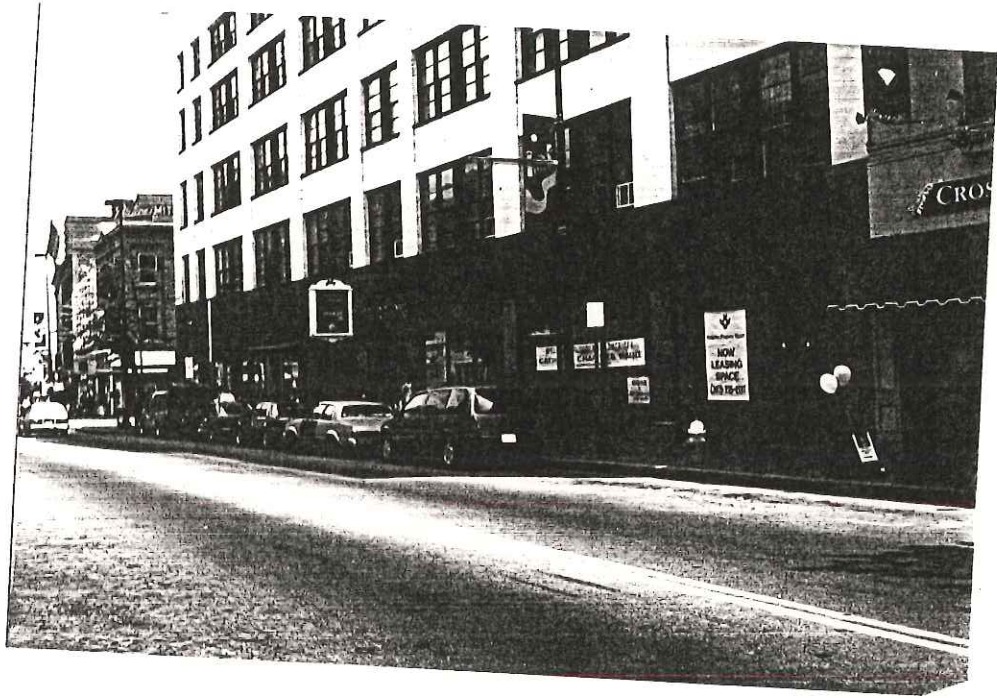
**OFFICE SPACE
FOR RENT 680**

**562 & 615 CONGRESS SQ -
Small and Large Offices. Ground
floor retail. Parking, heat, eleva-
tor. \$120 up. 775-1737**



SHEET-39

FREE



Looking East on Congress Street

from the corner of Congress and Forest

Three bays to be leased
by Catholic Charities

LAW OFFICE OF
TIMOTHY S. KEITER
178 MIDDLE STREET
P.O. BOX 7332
PORTLAND, MAINE 04112
(207) 774-5100 FAX (207) 774-5199

HAND DELIVERY

July 23, 1993

Mr. William D. Giroux
Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 558 Congress Street/Catholic Charities of Maine:
PAD Overlay Zone Compliance

Dear Mr. Giroux,

It was a pleasure to meet with you last week to discuss the zoning status of the above project. I appreciate your willingness to continue our dialogue on the PAD compliance of Catholic Charities' proposed uses while the conditional use application is pending.

This letter is intended to provide you with some revisions to the floor plans for this space that we have made in an attempt to meet the objectives of the PAD District, to provide you with a fuller understanding of Catholic Charities' operations, and to set out in more detail the reasoning behind the building owner's position that Catholic Charities' proposed uses are permitted in the PAD Overlay Zone.

I. Floor Plans.

I am enclosing a plan prepared by Buell Heminway showing the revised layout of the space. The most striking feature of the revised plan, as you will see, is that virtually the entire street frontage of this space is now allocated to a 24" deep display window, which we have created in an effort to provide a vehicle for colorful and interesting displays illustrating the various programs offered by Catholic Charities. The tenant proposes to rotate different displays in the display windows throughout its occupancy of the space. National flags of some of Refugee Resettlement's clients, colorful quilts made by children, photographic displays providing visual illustration of the

Mr. William D. Giroux
Zoning Administrator
City of Portland
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various programs offered by Catholic Charities, fold-out exhibits, and Braille materials are some of the items that Catholic Charities proposes to rotate in professional displays in the display cases.

As you can see from the detail inset on the floor plan, the display window includes a backstop, much like a retail window, sufficiently high so that pedestrians will not be able to look over the display into the interior of the space. I am also enclosing elevations of both the Congress Street and Free Street frontages of the space, which were also prepared by Mr. Heminway, to illustrate the aspect of the storefront as proposed from the pedestrian's point of view. We have made a significant effort to make the Congress Street frontage (as well as the Free Street frontage, which is treated in the same manner) as similar to retail window space as possible, in keeping with the spirit of the PAD Overlay Zone.

On the Free Street side, the building currently has no windows at all, one painted steel flush door, and one painted-out glass door. We are proposing to reestablish the original storefront look of the building on this side, by installing approximately 18 lineal feet of windows along the sidewalk level, including the same type of window display areas as described above. We also propose to make the main rear entrance door a clear glass door, to increase pedestrian interest and carry through the storefront look. These improvements, while not addressed in the PAD ordinance, are specifically intended to increase pedestrian interest and provide a more welcoming look to the building.

II. Uses.

As I mentioned in my previous letter, Catholic Charities proposes to locate its Refugee Resettlement program on the Congress Street side of the ground floor space. The Refugee Resettlement program deserves a fuller description than I was able to provide in my previous correspondence, however, and what follows is intended to allow you to understand more fully the nature and function of the program.

Refugee Resettlement works with a great many other governmental and non-governmental agencies to achieve its overriding purpose, which is to help refugees who are resettling in Portland become completely self-sufficient as quickly and smoothly as possible.

Catholic Charities assists refugees who have been accepted by the federal Office of Refugee Resettlement, and who are brought to Portland most often with great ambitions and tremendous energy, but little or no knowledge of English or

Mr. William D. Giroux
Zoning Administrator
City of Portland
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American culture, and few, if any, possessions. Refugees are typically housed by the program for a few days in an apartment that has been donated to the program, and are then moved into a more permanent apartment in Portland. The program gives donated furniture and housewares such as dishes and cooking utensils to the new arrivals, and ensures that the federal resettlement aid (which is used for food and rent) is received. An initial supply of food is provided by the program, and within the first few days the caseworkers take the new arrivals shopping to show them how to find food and other essentials, and provide instruction on how to use American money.

Within the first few weeks, the program locates an apartment for the arrivals (often a family), sees to it that adults and children are enrolled in English classes, provides tutors when necessary, and gives instruction and help in a wide variety of matters, such as health care, police protection, job interview training, and transportation, to name a few, all designed to meet the basic needs of the refugees and to facilitate the assimilation of the new arrivals into the community. Federal financial assistance to refugees is strictly limited to the first 8 months, and it is stressed to the new arrivals that it is their obligation to become self-sufficient as quickly as possible.

The program caseworkers assist tremendously in the job hunting process, by locating potential job opportunities, setting up interviews, making sure that the applicants are sufficiently prepared for the work, and generally making sure that self-sufficiency is in fact achieved in the minimum possible time.

Refugee Resettlement has been in operation since 1975, and in that time has helped over 3,600 refugees. Currently over 200 refugees per year are settling in the Portland area with the help of the program. The ambition and drive of the refugees to succeed has been evident in their lives here. There are currently numerous small businesses in the City that were started by refugees who were clients of the program when they arrived in this country, including Saigon Thinh Thanh restaurant, Do It Right Commercial Cleaning, Lana's Alterations, and the Afghan Restaurant, to name a few. There are also urchin divers, jewelry makers, carpet installers, and other types of businesses run by former refugees who have earned their independence through the program.

On an ongoing basis, the program also provides funding to the English as a second language program at the Portland public schools, works with the Portland Performing Arts Center to promote programs of interest to ethnic groups, works with Coastal Enterprises to assist with the formation of new businesses, notably through the New Americans Micro Enterprise Project, and cooperates with City social services, the Portland Housing

Authority, and many other agencies to help deal with the various needs and obstacles that refugees face.

Refugee Resettlement is an extremely active and busy program, generating over 250 round trips each day by various clients, volunteers, professionals, colleagues, teachers, social workers, employees, nurses and others to the program's location.

III. PAD Overlay Zone Requirements.

Section 14-217(b)(1) of the Portland Code of Ordinances lists the uses that are permitted in the street level frontage of buildings in the PAD Overlay Zone. The particular permitted uses that are of interest in the context of the Catholic Charities proposal are as follows:

- (ii) Personal Services;
- (x) Visitor information services;
- (xii) Libraries; and
- (xvi) Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity.

1. Personal Services.

Personal Services are defined in Section 14-47 of the Code of Ordinances as "Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries."

The services provided by Refugee Resettlement consist largely, as stated earlier, of providing basic food, clothing, shelter, language skills, health care, and all other basic human needs to refugees trying to become oriented in Portland. It is difficult to imagine a more direct example of "the care of the person" than providing food, or a place to live, or the ability to communicate. Keeping the body alive, and teaching someone how to stay fed and warm, is the most basic and most personal service imaginable. Surely those activities, which are at the heart of the services provided by Refugee Resettlement, involve "the care of the person" at least as much as the examples given in the ordinance, of photographic studios and beauty and barber shops.

Webster's Unabridged Dictionary defines "care," pertinently, as "charge, protection or custody." Upon their arrival at the

Mr. William D. Giroux
Zoning Administrator
City of Portland
Page 5

Portland Jetport, the refugees whom Refugee Resettlement serves are in fact helpless, disoriented, incommunicado and unable to care for themselves in basic ways that most of us take for granted. The entire function of Refugee Resettlement is to provide for the care of those people, to take charge of them and protect them, and to teach them to take care of themselves, much in the same way as a parent cares for his or her children.

We remain convinced that the activities of Refugee Resettlement are well within the definition of "personal services" as stated in the ordinance, and I hope that, with the additional information presented here, you will agree with us.

2. Copying Centers.

This use classification relates only to a single room associated with the visual services program. The Braille translation room shown on the attached plan is used for the reproduction, by hand and by machine, of regular text volumes in Braille. This amounts to a copying center use, since the copying of written text into Braille by a machine is virtually indistinguishable from the copying of written text into written text by a machine, which would be the activity that would normally be thought of as a copying center use, which is not explicitly defined in the Ordinance. The ordinance also does not restrict in any way the kind of copying that will qualify as permitted in the PAD Overlay Zone.

3. Visitor Information Services.

Although the term "visitor information services" is not defined in the ordinance, the common meaning of the term would include the activities carried on by Refugee Resettlement. Visitor information services is commonly understood to mean a service that provides information to individuals who are not familiar with their location, which is intended to help orient the individuals and provide information about things that are of interest. Obviously, refugees being served by the Refugee Resettlement program are, upon their arrival here, completely unfamiliar with the Portland area, and with the very culture that they have been placed in, and one of the program's major goals is to provide as much information about the culture and the area as possible, to orient the refugees as quickly and as accurately as possible, in much the same way as, for instance, a tourist information bureau might do. The Refugee Resettlement program should be permitted in the PAD Overlay District, therefore, as a provider of visitor information services.

4. Libraries.

In your letter of June 29, you expressed that libraries are a permitted use, but that you did not consider the "offices" associated with the library to be permitted within the 40-foot area referred to in the ordinance. The ordinance, however, does not distinguish between different portions of a particular use, except with respect to theaters. For instance, many if not most retail shops, copying centers, theaters, travel agencies, banks and other of the permitted uses listed in the ordinance will normally have an office associated with the use, where the office paperwork and records are kept and internal business is done. Libraries, also, need to have a place where the ongoing work of managing the major activity of the establishment is done. As an obvious example, the Portland Public library has extensive offices. Nothing in the ordinance restricts the placement of the management's office within the space (excluding theaters, which are not at issue here), so long as the activity of the establishment itself is a permitted use. In such circumstances, the office is simply considered a permissible ancillary use.

In the particular case of this proposal, it makes even less difference than it might in some other situation, since the display cases in the windows will effectively prevent pedestrians from knowing what part of the establishment's operations is located just inside the window, in any event. As a practical matter, therefore, it will make no difference to pedestrians whether the teachers' room and Braille translation room are near the windows or not. In addition, neither of those facilities is an "office" in the usual business sense of the term. The teachers' room is a base for two teachers who instruct visually handicapped children, where they can leave their instructional materials, grade papers, and so on. The Braille translation room, as discussed previously, is more like a copying center than anything else. These are ancillary functions to the main library function, which are necessary for its operation in the same way that a business office is necessary for a place of business.

5. Other uses...

Finally, I would request that you consider that the proposed uses by Catholic Charities are permitted in the PAD overlay Zone under Section 14-217(b)(1)a.xvi, relating to uses similar to enumerated permitted uses in their effect on the continuity of pedestrian-oriented use.

Banks, travel agencies, and real estate sales offices, all of which are permitted under the PAD ordinance, all present a similar storefront appearance, in that each of them typically has colorful posters and other materials in the window, with desks and chairs visible through the window from outside. The effect

of the use proposed by Catholic Charities on the continuity of pedestrian-oriented uses along Congress and Free Streets should not be substantially different from these and other permitted uses, such as retail stores. In fact, the display windows of the Catholic Charities space will much more resemble a department store window than a bank or travel agency, since the display area will be all that is visible from the sidewalk, and it will contain some three-dimensional exhibits, much like a retail store would have. There will be no break in continuity of interest for pedestrians walking past the Catholic Charities space, as the Catholic Charities staff are delighted to have an opportunity to present professional, attractive displays that will inform the public of their activities and the services that they have to offer.

Both the window displays and the new windows on the Free Street side will ensure, and in fact are specifically intended to ensure, that pedestrians are presented with an interesting and lively experience in passing by this location. The displays will be equally professional as retail uses, and will change periodically, in much the same way as a retail use would. There is, in fact, no appreciable difference in the aspect of the type of window display that Catholic Charities proposes from the appearance of a well thought-out and professionally executed retail store window. Far from being an uninteresting sight for pedestrians, this use promises to be more interesting than would typically be expected for several of the uses that are permitted in the overlay zone.

The only other criterion for qualifying as a permitted use under this subsection of the ordinance is that the use generate pedestrian interest and activity. No minimum amount is specified, but presumably this provision is intended to eliminate uses that cannot reasonably be expected to generate any appreciable pedestrian traffic, such as a warehouse or fuel depot.

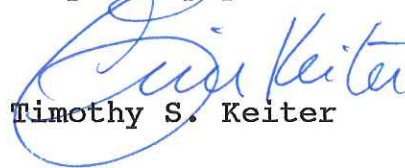
In the case of Catholic Charities, the pedestrian traffic generated will be significant. With over 250 round trips (over 500 one-way trips) each day, Refugee Resettlement alone will generate a very noticeable increase in pedestrian activity along Congress and Free Streets. Many of the clients of Refugee Resettlement tend to come in wearing their native clothing, which will also generate interest and add to the diversity of the pedestrian activity. In addition, the display windows will be intended to attract the attention of pedestrians who may be able to take advantage of some of the services offered by Catholic Charities, or who may be willing to volunteer services in one way or another, such as by teaching reading, by assisting with the displaced homemaker program, or any of the other programs that Catholic Charities provides. There can be no doubt but that,

Mr. William D. Giroux
Zoning Administrator
City of Portland
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given existing levels of pedestrian interest and activity at Catholic Charities' current locations, these programs will continue to attract a substantial amount of pedestrian activity and interest from passers-by in all walks of life. Executives, professionals, retired persons, clerical, skilled and semi-skilled individuals all have contributed and will undoubtedly continue to be attracted to and contribute to Catholic Charities' many programs. In all likelihood, in fact, the level of pedestrian activity will probably increase from current levels with the new downtown centralized location.

Please consider this letter to be our request for you to reexamine your previous decision regarding the permissability of this use in light of the information and discussion presented here, as we arranged. I appreciate your continued attention and courtesy. If I can provide you with any further information, or if you would like to discuss any of the above, please do not hesitate to call me. Many thanks for your help.

Very truly yours,



Timothy S. Keiter

TSK:kac
cc: Nick Kampf