

Order 294-05/06
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Public Hearing, Amended & Passed: 9/18/06 9-0

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CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
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ORDER AMENDING CITY OF PORTLAND'S COMPREHENSIVE LAND USE PLAN

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That the Eastern Waterfront Master Plan, a component of the City of Portland's Comprehensive Land Use Plan, on file in the Department of Planning and Urban Development, be and hereby is amended by adopting the policy change below:

Policy Statement for Maine State Pier

Maine State Pier is a City owned deep water marine facility located on the Portland waterfront at the intersection of Commercial Street with Franklin Street Arterial within the Eastern Waterfront planning district. While over the years several piers with various names have existed on this site, for the purposes of the following Policy Statement, the "Maine State Pier" includes all of the land, piers, and structures located south of Commercial Street and east of Maine Wharf (at 68-72 Commercial Street) extending to and including "Berth #1" along the easterly edge of the transit shed of the Portland Ocean Terminal. (Please see the attached map)

As stated above, the Maine State Pier is located within Portland's Eastern Waterfront planning district. The following policy statement is intended to inform and amend the Eastern Waterfront Master Plan. One should look to the Eastern Waterfront Master Plan and other elements of the City's Comprehensive Plan for policy and land use issues not otherwise addressed herein.

Statements of Fact for the Maine State Pier

- The Maine State Pier is a regionally significant asset for the City of Portland. Throughout its long history, the Pier has served the harbor, the City, the State of Maine, and the region as a transportation hub and economic development generator.
- The Maine State Pier provides deep water and recreational connections between the sea and the City's people – connections that exist nowhere else and that can

exist nowhere else in Portland Harbor. The Pier's long-term use and vitality as a marine passenger facility are primary goals for the City of Portland.

- Maine State Pier is, however, an aging facility in need of significant structural investment – specifically pertaining to the 1922 transit shed and the 1000 foot berth along the easterly pier edge. The City's recent experience with marine industry has not provided the revenues needed to either maintain or rebuild the facility in a manner that ensures its long-term viability.
- The Portland Waterfront has developed over the centuries as an interface between marine and land-based commerce. While transportation technologies and economies have changed through time, the waterfront has always supported *both* marine and non-marine uses in a mutually beneficial relationship. The City's extensive experiences with planning and zoning within the Eastern Waterfront Master Planning district and adjacent Waterfront Central Zone have demonstrated the wisdom of supporting mutually compatible uses to provide adequate revenue streams dedicated to stabilizing marine infrastructure.

Policy Goals for the Maine State Pier

1. Preserve Deep Water Access and Marine Utility:

The Maine State Pier is an anchor of the Portland Waterfront. Functionally, the 1000 foot berth on the easterly pier edge provides an irreplaceable landing for ocean going vessels to access the City of Portland, the State of Maine, and the New England region. In addition to the easterly 1000 foot berth, the pier provides other deep-water berthing facilities that must be reserved for the support of deep-draft vessels. The preservation of the deep water berthing utility and full use of these unique resources are the highest priorities for future re-use or re-development of the Maine State Pier.

2. Create Economic and Structural Stability for the Pier through Appropriate Mixed Use Development

The extraordinarily high cost of marine infrastructure maintenance requires that the City promote the development of uses on the pier that generate revenues to support the facility. As an historic facility that will be needed for generations to come, the City must work to realize stability and longevity for this critical infrastructure. The City should explore finding an appropriate mix of mutually compatible uses to foster sufficient economic activity on the pier to pay for ongoing maintenance and redevelopment costs.

3. Respect and Enhance Other Vital Water Dependent Uses of the Pier:

The Maine State Pier is home to many uses that exist nowhere else in the City and require primary consideration as part of any re-use or re-development planning for the pier.

- *The Casco Bay Islands*

The island ferry service provided by the Casco Bay Island Transit District (CBITD) facility is a crucial community asset to the City, the Islands, and the Casco Bay regional community. Six island communities within three municipalities depend on the pier for their daily needs. For five of these communities, Maine State Pier is the only public mainland facility serving their transportation requirements. Any re-use or re-development of Maine State Pier shall integrate the needs of CBITD regarding pedestrian and vehicular circulation, parking, water-side navigation, freight handling, and future expansion potential. (Note: Plans have been developed to improve the freight handling capabilities of CBITD, but this function remains deficient in the current facility.)

- *The Portland Ocean Terminal and Ocean Gateway*
The Portland Ocean Terminal, which includes Ocean Gateway and Maine State Pier “Berth #1,” is designed for international ferry and “port of call” cruise ship operations. As such, Ocean Gateway, currently under construction, has been designed to function as an integrated whole with the Maine State Pier and the entire facility is operated by the City under the regulation and control of United States Customs and Border Patrol Service and the United States Coast Guard. The re-use and re-development planning for the Maine State Pier must respect the unique needs of the international ferry service and integrate with the circulation and security needs of the Ocean Gateway facility and cruise ship passenger operations.
- *Open Space and Public Access to the Water*
Maine State Pier is home to two public parks, Compass Park and Buoy Park, and two public boat landings serving recreational, commercial, and water taxi vessels. For many visitors and citizens alike, Maine State Pier is their only point of vantage and access to experience the heart of the working harbor. The accessibility, size, and functionality of these public assets shall be protected to ensure the public’s visual and physical connection to the harbor and the bay. Any re-use or re-development of Maine State Pier must improve the public’s access to the water and reinforce the City of Portland as a city of mariners.
- *Emergency Response Vessel Support*
The berthing of emergency vessels at Maine State Pier provides a critical security service for the harbor and the City of Portland islands. The existing emergency boat berthing is constrained and potentially conflicts with the existing public landing, water taxi, and CBITD ferry function. Any re-use or re-development planning for Maine State Pier should consider the crucial role emergency vessels play and must promote, and potentially improve, their continued existence and function on the pier.
- *Tug Boat Berthing and Support*
Tug boats provide a critical harbor support service for the Port of Portland and currently berth at the Maine State Pier under a long-term arrangement with the City. The tug fleet additionally needs offices, warehousing and facilities in close

proximity to berthing. The re-use and re-development of the Maine State Pier must include a suitable home for the Harbor's tug boat vessels within a reasonable distance to supporting facilities.

The Future of the Maine State Pier

The City will approach the future of the pier by encouraging a mix of appropriate uses that both promote deep water berthing options and provide the revenues needed to maintain the infrastructure for future generations. The development of new uses is primarily anticipated for the site of the transit shed and Berth #1, though the City encourages new ideas and imaginative visions for consideration.

Given the magnitude of financial investment anticipated, and given the low expectation that sufficient State and Federal support will be available in the foreseeable future, the City will engage with the private development community to create a new development plan for the pier. Leveraging the resources and vision of a selected development partner, the future development plan for the pier shall promote the policy goals stated above for the benefit of Portland citizens, taxpayers and the local economy.

1. Minimum Requirements for a Development Plan for the Maine State Pier

The expectation for the transit shed and easterly side of Maine State Pier is to allow private investment to develop compatible marine and non-marine uses according to a specific development plan that achieves the objectives listed below.

The re-development plan for the Maine State Pier will:

- Construct, maintain and utilize berthing infrastructure for ocean-going vessels including supporting infrastructure for marine operations and appropriate access, use, and control of the pier edge by the City.
- Provide signature architecture that will promote the City of Portland as a world-class seaport.
- Protect and, where possible, enhance the other vital pier uses listed in section 3 above including but not limited to:
 - Coordinated design with CBITD terminal including planned traffic enhancements and freight shed expansion.
 - Coordinated design with anticipated and future needs of the Ocean Gateway marine passenger facility.
- Meet all applicable Federal, State and local regulations for security, environmental protection, traffic movement and site development.
- Provide a permanent location for Tug Boat Fleet

2. Specific Considerations for a Development Plan for the Maine State Pier

When evaluating and selecting a development partner, the City will look for a proposal that provides as many of the following opportunities as possible:

- Provides enhanced opportunities for public access to the water through:
 - Expanded and/or improved facilities for public landings.
 - Expanded and/or improved open space.
- Provides supporting facilities for both public and private water-dependent uses.
 - Expanded and/or improved facilities for emergency vessel berthing.
 - Preserved or expanded deep water berthing for oceangoing vessels.
 - Contribution toward or direct construction of expanded deep-water berthing facilities both on or off-site, including but not limited to Ocean Gateway, “Pier #2, Berth 2.” (Also known as the “megaberth.”)
- Creates linkages with sectors of the marine economy and facilities located both on and off Maine State Pier.

Note: The successful redevelopment of Maine State Pier provides opportunities for expanded facilities, visibility, and market for the broader harbor needs and economy. Examples of uses and activities located both on and off the Maine State Pier that could benefit the City’s marine economy and social interests:

- New facilities for the promotion and distribution of local seafood (including day boat landings, product from the Fish Exchange...)
- New facilities for marketing and promotion of off-site harbor uses including excursion boats, CBITD, seafood retailers, yacht brokerages, boat yards.
- New facilities for visitor information
- Access for the public, small business, and not-for-profit communities to utilize and benefit from the facility, and to the extent compatible with large vessel use of the pier, promotes actual access to the water’s edge (through leased space, shared infrastructure, advertising opportunities...)
- Shared parking, both on and off site, to allow the most flexible approach to parking in the area.
- Contribution to the City Waterfront Investment Fund.
- Contribution toward or direct construction of expanded public open space both on or off-site, including but not limited to the planned “Fisherman’s Monument”.

3. Spatial Relationships between Marine and Non-Marine uses

The use of Maine State Pier in support of commercial marine enterprise requires ground floor space for vehicular and pedestrian circulation areas, pier space dedicated to the handling and supplying of vessels, and security areas. Compatible non-marine uses must

be scaled and located around the functional marine necessities of transferring of passengers, goods and materials between the pier and berthed ships. The large size and width of Maine State Pier allows for adequate space to accommodate both marine and non-marine interests, but the following issues should be considered in the design and selection of re-development scenarios for the pier:

- The pier edge and deck adjacent to the pier edges must remain available for anticipated and future marine uses. Non-marine uses should step back from the pier edge as much as needed to retain the functional utility of the berthing resources.
- Non-marine uses should be concentrated on upper floors wherever possible.
- Circulation areas, for both vehicles and pedestrians, in support of non-marine uses should focus activity to the interior of the pier, away from the seaward edges.
- Where non-marine uses are proposed for the first floor, lobby areas, pedestrian entrances, vehicle drop off areas, and the like should respect the interior of the pier as an urban pedestrian space and create a welcoming, safe, and attractive extension of the city fabric onto the pier.
- In general, non-marine activity should concentrate toward the northerly end of the pier, leaving the southerly harbor-side end of the pier available for marine and open space uses.

4. View Protection and Creation

Development in the area of Maine State Pier will be highly visible both to and from the water. Furthermore, changes such as the removal of old structures and the construction of new buildings create opportunities to enhance and protect public views to and from the harbor. The redevelopment of Maine State Pier and the surrounding area should be designed to strengthen the public's connection to the water through protection of critical view corridors and creation of new view opportunities. At a minimum, the following public view opportunities and corridors in the area of Maine State Pier must be considered and protected:

- **The Hancock Street right of way**, as extended and shown in the Eastern Waterfront Height Study.
- **The India Street right of way**, extended to the water from its terminus at Commercial Street.
- **The southerly end of Maine State Pier**. If the existing transit shed is to be removed in this area, public access to this portion of the pier and the public's views to the mouth of the harbor must be enhanced.

- **Other views**, as created by a revised architectural program for the pier and surrounding area. As an example, the existing transit shed creates a 1000 foot long un-interrupted view barrier between the interior of Maine State Pier and the water. New views of the water could be created between and through architectural elements of a new development program for the pier. Additional public view opportunities should be considered within new development through reasonable public access to interior spaces, observation decks, and the like.