

Overall, the report concludes that the 2010 zone changes worked as expected by gradually opening more of the waterfront to non-marine redevelopment while still leaving the majority of space – nearly 70 percent of ground-floor building space and 81 percent of open space – available to marine dependent uses. “The shift from vacant to non-marine use (reduces) the percentage of space available to marine use, but has not decreased the actual amount of marine use to percentages below the 55 percent” minimum set out in the city’s zoning text, the report says.

Nevertheless, the shifting uses documented in the report underscore the tensions that prompted working waterfront advocates to demand protection for commercial fishermen and others who rely on the wharfs along Commercial Street for working space and ocean access. The report says, for example, that an expansion of parking areas on the water side of Commercial Street is believed to be leading to a loss of storage space for fishermen, although the extent of that shift is not known and was not analyzed in the report.

The report was presented Thursday at the first meeting of the city’s Waterfront Working Group, which was [established last month](#). The city established the group and [adopted a six-month building moratorium](#) on the waterfront in hopes of avoiding a citywide referendum that was gaining steam and could result in significantly tighter zoning rules.

Members of the new working group on Thursday quickly dove into a debate about the possibility of zoning changes to remove some of the flexibility granted to property owners in 2010 and add protection for fishing-related activities. The group will continue to meet every two weeks, even as advocates say they are prepared to move forward with a citywide referendum to restrict development if they are not satisfied.

The waterfront inventory completed this week is the first one in six years, [despite an ordinance that requires annual reporting](#) to the City Council. The requirement was adopted so that the city could track the erosion of working waterfront access over time.

The Waterfront Central Zone contains 14 privately owned piers, plus the Gulf of Maine Marine Institute and the publicly owned Portland Fish Pier, according to the inventory. It’s home to majority of the city’s fishing fleet of mostly lobster boats, fish processing and sales, bait distributors, lobster buyers, tourist excursion vessels, and other marine and non-marine dependent businesses.

Portland’s zoning rules, adopted in 2010, allow for as much as 45 percent of the ground-floor space on the outer piers to be used for non-marine uses, provided owners first try to find a marine tenant and meet other conditions. The remaining 55 percent must remain water-dependent uses.

About 67 percent of the ground-floor building space is now available for marine-dependent use, which is down from 75 percent in 2012, according to the city.

Much of that shift is attributed to the renovation of Maine Wharf. At least three marine-based businesses – a lobster dealer, marine supply company and an urchin processor – [were evicted](#) from the wharf in 2012 after an engineer found structural damage.

The wharf was then sold and renovated. After being marketed unsuccessfully to marine-dependent businesses, the city granted a change-of-use permit and the new space became an upscale restaurant and the Portland Science Center, which has since closed.

The inventory also notes an increase in parking within the zone and the need for more casual storage for fishermen who need to work on their traps or nets. However, staff says that more analysis will be needed before the city can determine whether the additional parking is legal.

“The loss of casual storage and yard space appears to be the victim of increases in parking supply,” the inventory states. “It is beyond the scope of this inventory to discover if the loss of casual storage and yard space has resulted from a filling of vacancy, or a displacement of active marine use.”

Other outdoor space once available to marine-dependent uses was lost to outdoor seating from restaurants on the Maine Wharf and the Portland Pier.

The inventory also addresses investments into the aging piers. Projects that exceed \$250,000 in the non-marine overlay zone must invest at least 5 percent of a project’s costs into maintaining the commercial piers.

The inventory states that, based on permitting data, \$700,000 has been invested in pier infrastructure. However, elsewhere in the report, it’s noted that \$1.8 million was invested into marine infrastructure at Union Wharf, where an office building was constructed in the non-marine use overlay zone. The pier owner, Charlie Poole, said at a recent meeting that investment rebuilt 210 linear feet of pier. City officials were not able to clarify the apparent discrepancy on Thursday.

This is the first inventory of the Waterfront Central Zone since 2012. It does not include an analysis of activity in the non-marine use overlay zone, an area generally stretching as far as 150 feet from the center of Commercial Street that can be developed into all non-marine uses. Nor does it include an analysis of marine activity outside of the zone, which includes a new shipyard on West Commercial Street and planned marina on the Eastern Waterfront.

Back in 2010 when the City Council voted to allow more non-marine dependent uses on the waterfront, it required staff to present an annual inventory to councilors “not less than once a year,” so it could monitor the impact of those changes. But no inventory has been assembled since 2013, which the previous year’s activity was reported.

Since then, Portland has seen an exceptional amount of construction activity along the waterfront.

The ripple effects of Portland's rapid development, including loss of work spaces and increased traffic congestion, have put pressure on the working waterfront, prompting people who depend on waterfront access for their living to begin [collecting signatures for a citizens initiative](#) that would essentially restore strict zoning protections for fishermen that were adopted through a referendum in the mid-1980's.

The council adopted a six-month moratorium on development within the waterside of Commercial Street last month and formed the 11-member Waterfront Working Group of city officials, fishermen and pier owners, among others, to find solutions for issues raised by referendum advocates, who continue to collect signatures.

Advocates have said they are waiting to see if the city is serious about addressing their issues before deciding whether to submit their petition prior to the Jan. 18 deadline.