

6. ASSESSMENT OF ZONING

The proposed work is located within the B-3 Downtown Business Zone, and is subject to the requirements of the City of Portland Code of Ordinances, Chapter 14 Land Use, Division 12, B-3 Requirements. Some of the purposes of the Downtown Business Zone, as defined by the Ordinance, are to:

- “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;”
- “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;” and
- “In the pedestrian activities district (PAD) overlay zone, create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets which, over time, will establish and maintain a strong retail and pedestrian-oriented use pattern.”

This project will help to accomplish all of these goals by enhancing the existing Canal Plaza to provide a space that is more attractive to pedestrians. This will be accomplished with aesthetic improvements to the plaza, the addition of seating, and the construction of a small building within the plaza space. Descriptions of the project’s compliance with the relevant sections of the City’s Code of Ordinances are provided below.

6.1 PERMITTED USE (14-217)

The current use of the Site is a publicly accessible plaza. Although not explicitly listed as a permitted use in Section 14-217, the B-3 zone purpose (as described above) implies that public and private open spaces are an important part of the zone. Additionally, section 14-220 of the City’s Code includes an exception to the building height requirement for “structures accessory to parks and plazas”, also implying that plaza spaces are allowed within the B-3 zone.

The existing plaza use will be maintained. The proposed building does not yet have a specific tenant identified, but the building will be accessory to the plaza and is anticipated to be a cafe or retail space. The building is transparent, pedestrian-scaled, and positioned to create outdoor seating areas for public engagement.

6.2 DIMENSIONAL REQUIREMENTS (14-220)

The dimensional requirements for the B-3 zone are defined in the ordinance as listed in the table below. A majority of the project includes the reconstruction of the plaza space located on Parcel 32-I-7. Improvements will also be made to the space in front of 3 Canal Plaza (Parcel 32-I-23), primarily consisting of the continuation of the proposed granite pavers into this space. Provided dimensions are provided below for both involved parcels where applicable.

Table 6-1: B3 Zone Dimensional Requirements vs. Canal Plaza Provided Conditions

	REQUIRED	PROVIDED
Minimum Lot Size	None	Parcel 31-I-7 – 0.42 acres Parcel 32-I-23 – 0.28 acres
Minimum Street Frontage	15 Feet	Parcel 31-I-7 – 193 feet Parcel 32-I-23 – 75 feet
Street Wall Build-To Line	Max 5 Feet	Minimum 11 feet (see below for description)
Minimum Yard Dimensions	None	N/A

	REQUIRED	PROVIDED
Minimum Lot Width	None	Parcel 31-I-7 – 80 feet Parcel 32-I-23 – 75 feet
Maximum length of undifferentiated blank wall along public street or publicly accessible pedestrian way	15 feet (in PAD)	20 feet (transparent – see below for description)
Maximum Lot Coverage	100%	8.4% Building Coverage Proposed
Minimum Building Height	35 feet	12'-8" Proposed Building (see below for description)
Maximum Height of Structures	125 feet	12'-8" Proposed Building

6.2.1 Street Build-To Line

The proposed building will exceed the maximum setback from the street build-to line. The ordinance defines this setback distance as five feet. The building will be at least 11 feet from the edge of the back edge of sidewalk on Middle Street. Standards are provided in the City of Portland Design Manual for increasing this setback. The proposed pedestrian-scaled structure will fit well into the existing plaza space, and will meet the standards allowing for a larger setback as follows:

1. *Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;*

The existing Canal Plaza space will be improved by the proposed plaza enhancements and the construction of the new building. The proposed new building is transparent, pedestrian-scaled, and positioned to create outdoor seating areas for public engagement. The space between the proposed building and the public sidewalk is scaled to accommodate tables and chairs. The space behind the building in the plaza offers additional seating with trees for shade.

2. *Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;*

The proposed improvements will not detract from the existing character of the space. The space currently exists as a plaza, and the proposed building will serve to reduce the setback in the space, while still providing for pedestrian accessibility. The proposed building and plaza renovation offer high quality finishes, lighting, landscaping, and pedestrian-scaling absent in the existing plaza. The new granite pavers will offer a much higher quality finish than the existing hardscape materials. The curvilinear shape of the proposed building encourages circulation into and through the plaza, while relieving some of the rectilinear character of the existing office buildings.

3. *Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and*

The proposed improvements will not detract from the existing accessibility of the space. The space currently exists as a plaza, and the building will serve to reduce the setback in the space, while still providing for pedestrian accessibility. The proposed new building and plaza renovation offer high quality finishes, lighting, landscaping, and pedestrian-scaling absent in the existing plaza. The proposed building has been designed

to provide ample circulation space between it and the adjacent structures. The space between the proposed building and the public sidewalk is scaled to accommodate tables and chairs. The space behind the building in the plaza offers additional seating with trees for shade.

4. *The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.*

The proposed building and improvements will enhance the overall quality of the existing plaza space. The building is transparent, allowing for solar access into the space, while also providing a wind-break for pedestrians from the swirling winds within the plaza.

5. *Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1).*

No visible roof-top appurtenances are proposed on the new building. The roof-top HVAC units required for this building will be installed on the adjacent 3 Canal Plaza building.

6.2.2 Maximum Length of Undifferentiated Wall

The maximum length of undifferentiated blank wall along a public street or publicly accessible pedestrian way in the Pedestrian Activities District is 15 feet. The proposed building is irregularly shaped, so there will not be a wall parallel to the adjacent Middle Street sidewalk. The curved section of wall that is immediately adjacent to the street includes a single segment that is approximately 20 feet in length. This wall segment will be transparent, constructed entirely of sections of glass. The architectural floor plan and renderings provided in Section 3 of this Report show the proposed wall orientation.

6.2.3 Minimum Building Height

In accordance with the dimensional requirements for the B-3 zone, the minimum building height in the zone is 35 feet. The proposed building will be shorter, at a height of 12'-8", and has been designed at a pedestrian-scale to enhance the Canal Plaza space. The ordinance specifies exceptions to the height restrictions, including an exception for "structures accessory to a park or plaza." The proposed building has been designed to be accessory to Canal Plaza.

6.3 OTHER REQUIREMENTS AND STANDARDS (14-522)

- a. *Downtown Urban Design Guidelines:* The project has been designed to be consistent with the Downtown Urban Design Guidelines. A description of the proposed design's conformance with these guidelines is provided in Section 17 of this Report.
- b. *Off-street Parking and Loading:* Off-street parking and loading for the Site will be accommodated by existing parking and loading areas around the Canal Plaza properties.
- c. *Signs:* Signage will be dependent on the tenant for the proposed building. Proposed signage will be submitted as part of a separate sign permit application.
- d. *Exterior Storage:* No exterior storage is proposed.
- e. *Storage of Vehicles:* No vehicle storage is proposed.
- f. *Shoreland and Flood Plain Management:* The project is not located within the Shoreland Zone.
- g. *Downtown Arts Program:* The project is not subject to the Downtown Arts Program.
- h. *Relocation of Displaced Residents:* The project will not displace any residences.
- i. *Historic Resources:* The project is not located within a Historic District and does not directly impact any historic landmarks. The Canal Plaza property is located adjacent to the western boundary of the Portland Waterfront (Old Port) Historic District. The District is separated from the proposed project area by the existing 3 Canal Plaza building. The proposed Canal Plaza improvements will not have a detrimental impact on the nearby

Historic District. The goal of the project is to improve conditions for pedestrians, in hopes of bringing more people to use the Canal Plaza space, in turn bringing more pedestrians to the surrounding area, including the nearby Historic District.

6.4 EXTERNAL EFFECTS (14-221.1)

- a. *Enclosed Structure:* The proposed building shall be an enclosed structure, but the plaza is a use that is “customarily operated in the open air.” Outdoor furniture and appurtenances will be provided in the plaza. The space has been designed to accommodate pedestrian use.
- b. *Noise:* All noise requirements of the B-3 zone will be met. No loud equipment is proposed for the new building.
- c. *Vibration:* Any vibrations from standard equipment proposed for the new building will be imperceptible without instruments at lot boundaries.
- d. *Heat:* Any heat from standard equipment proposed for the new building will be imperceptible without instruments at lot boundaries.
- e. *Glare, Radiation or Fumes:* Any glare, radiation, or fumes from standard equipment proposed for the new building will be imperceptible without instruments at lot boundaries.
- f. *Smoke:* No smoke is anticipated to be generated by the proposed building.
- g. *Materials or Wastes:* No materials or wastes will be produced or stored on the lot in such a way that they may be transferred beyond the lot boundaries by natural causes or forces. Trash and recycling receptacles located in Canal Plaza will be secure and will be maintained on a regular basis by the Owner.