

CITY OF PORTLAND, MAINE

PLANNING BOARD

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August 11, 2016

Tim Soley, Denine Leeman, Cow Plaza 1, LLC
100 Commercial Street
Portland, ME 04101

Lauren Swett, PE
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102

Project Name:	Zero Canal Plaza Development	Project ID:	2016-162
Address:	0 Canal Plaza	CBL:	032 1007
Applicant:	Tim Soley and Denine Leeman, Cow Plaza 1, LLC		
Planner:	Caitlin Cameron		

Dear Mr. Soley and Ms. Leeman:

On Tuesday, August 9, 2016, the Planning Board considered a waiver request for 0 Canal Plaza Development. The Planning Board reviewed the proposal for conformance with the standards of the *City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line*. The Planning Board voted 5-0 (Nichols and Stanley absent) to approve the waiver request as presented below:

WAIVERS

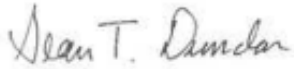
The Planning Board voted (5-0) to waive the B-3 Build-to line requirement according to the criteria set forth in *City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line*.

1. On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on August 9, 2016 for application 2016-162 relevant to the *City of Portland Design Manual B-3 Standards*; and the testimony presented at the planning board hearing, the planning board finds that the plan **is** in conformance with *City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line* and **approves** the waiver request.

This approval letter is for the B-3 Build-to line waiver request only. Level II Site Plan approval is still pending for application 2016-162. You will receive a separate approval letter for the Site Plan application.

If there are any questions, please contact Caitlin Cameron at (207) 874- 8901.

Sincerely,



Sean Dundon, Vice Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Caitlin Cameron, Urban Designer
Philip DiPiero, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

PLANNING BOARD REPORT PORTLAND, MAINE



Zero Canal Plaza Development
0 Canal Plaza
2016-162
Cow Plaza 1, LLC

Submitted to: Portland Planning Board Date: August 4, 2016 Public Hearing Date: August 9, 2016	Prepared by: Caitlin Cameron, Urban Designer CBLs: 032 1007 Project #: 2016-162
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I. INTRODUCTION

Cow Plaza 1, LLC has requested a review for a waiver request for a street build-to line setback increase for a structure accessory to the plaza at 0 Canal Plaza. The proposed 20,710 sf project includes the redesign and renovation of the existing plaza space with the addition of a structure accessory to the plaza as allowed in the B-3 zone (hereafter referred to as the “pavilion”). The B-3 zone exempts structures accessory to parks and plazas from the height dimensional standards of zoning, but not setbacks, therefore, the applicant is requesting that the proposed building be permitted to be constructed further from the property boundary (back edge of sidewalk on Middle Street) than the 5 feet that the ordinance requires.

This development is subject to Level II Site Plan for compliance with the standards of the B-3 Downtown Business Zone and Site Plan ordinance. The design review and approval includes Historic Preservation advisory review given that the site is within 100’ of a historic district. The Planning Board is only reviewing the waiver request for a Street Build-to Line Setback Increase as described in the *City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line.*

A total of 142 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on August 1 and August 2, 2016.

The project is undergoing Level II Site Plan review at the staff level and will likely receive approval with conditions.

Applicant: Tim Soley and Denine Leeman, Cow Plaza 1, LLC

Consultants: Woodard & Curran, Lauren Swett; Northeast Civil Solutions; Canal 5 Studio, Timothy Hart

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Site Plan Level II (staff review/approval)	<i>Section 14-526</i>

III. PROJECT DATA

Existing Zoning	B-3 Downtown Business Zone
Existing Use	Plaza
Proposed Use	Plaza with structure accessory to plaza
Proposed Development Program	Unknown – Condition of approval: That any future use of the structure accessory to parks and plazas, as allowed in the B-3 zone, shall enhance and accentuate the plaza uses.
Parcel Size	21,820 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	n/a	1,536 SF	1,536 SF
Building Floor Area	n/a	1,314 SF	1,314 SF

Impervious Surface Area	19,770 SF	20,710 SF	940 SF
Parking Spaces (on-site)	n/a	n/a	n/a
Bicycle Parking Spaces	none	unknown	unknown
Estimated Cost of Project	\$5 million		

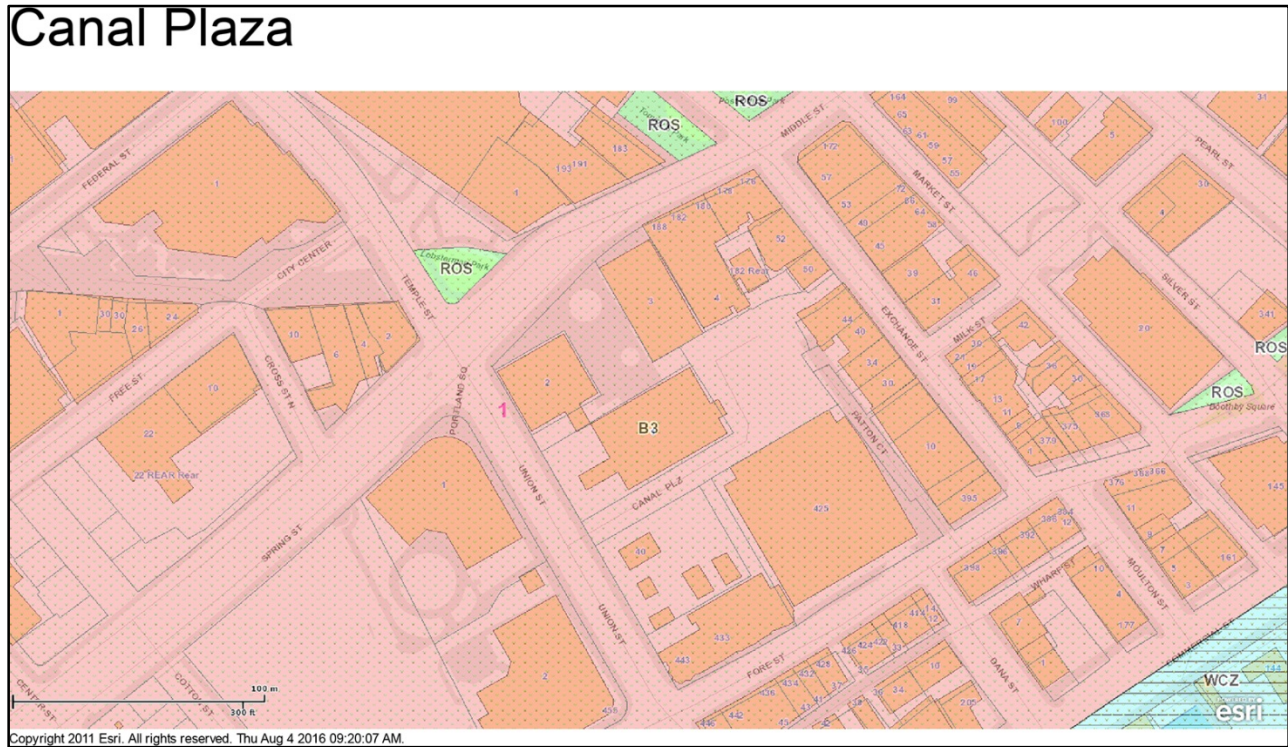


Figure 1 – Project Location

IV. BACKGROUND & EXISTING CONDITIONS

Canal Plaza lies at the corner of Middle and Temple/Union streets with Middle as the principal frontage for the plaza. The current plaza space will remain with a significant renovation that includes removing the existing tree planters and building a new, one-story pavilion. The new pavilion is in a similar location as the existing tree planter in terms of setback and position. The sidewalk was recently rebuilt and will not change. The plaza renovation will improve the quality of the surfaces, grading, and the ADA accessibility. The overall impervious surface is slightly increased with the removal of the tree planters.

V. PROPOSED DEVELOPMENT

Building Description (from the applicant): The proposed building has a footprint of approximately 1,500 square feet, with an internal floor area of 1,314 square feet. At 12’8” tall, the building has been designed as a pedestrian-scale structure that will be integrated into the plaza, between the 2 and 3 Canal Plaza building, approximately **11 feet back from the existing brick sidewalk on Middle Street (5’ max is the zoning requirement)**. The new building has been designed to provide **ample circulation space between it and the adjacent structures**, and the curvilinear shape of the proposed new building encourages circulation into and through the plaza while relieving some of the rectilinear character of the existing office buildings. Concrete exterior wall segments contrast with a custom designed and fabricated glass wall system. The concrete will relate to the concrete elements of the existing office buildings. Low iron glass will make the glass wall system exceptionally transparent.

VI. PUBLIC COMMENT

No public comment has been received regarding this project or waiver request.

VII. WAIVER REQUEST REVIEW: BUILD-TO LINE SETBACK INCREASE

B-3 Zoning requirements – B-3 Structure accessory to parks and plazas

Use – Accessory to parks and plazas

Street Wall Build-to Line

Required: 5 feet from street frontage property lines

Proposed: 11 feet from Middle Street property line

Maximum Length of Blank Wall (PAD)

Required: 15 feet

Proposed: varies between 5 and 10 feet (approximate, curved walls)

Height

Required: 35 feet, Exempt from B-3 height requirement as an accessory structure

Proposed: 12'8"

City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line.

Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220 c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

- i. *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 applicant states that the existing plaza will be improved by the proposed new building in the following ways. The proposed building is transparent, pedestrian-scaled, and positioned to create outdoor seating areas for public engagement. The space between the proposed new 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 – all with the intention of creating amenity at the street level that supports pedestrian activity and interest at the sidewalk and into the plaza.

- ii. *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 curvilinear shape of the proposed building will encourage circulation into and through the plaza, while relieving some of the rectilinear character of the existing office buildings. The proposed building has been designed to provide ample circulation space between it and the adjacent structures. The building will be approximately 22 feet from the existing 3 Canal Plaza Building (east) and 26 feet from the existing 2 Canal Plaza Building (west).

If you refer to the Site Plan (*Attachment 1*) and the Existing Conditions (*Attachment 2*), the setback, scale, and location of the pavilion is similar to the current tree planter. Also of note is the proposed setback for the pavilion is similar to the setback for 3 Canal Plaza and there is a consistent street wall presence and relationship to the sidewalk that is maintained by this setback which is still quite close to the sidewalk.

- iii. *Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area of by diminishing the viability or liveliness of that existing open space; and*
See also comments above. The shape and transparency of the pavilion are intended to encourage circulation. Circulation space and visual access are maintained around the proposed pavilion. The stated goal of the pavilion design and placement is to add to the user comfort within the plaza space and create a more inviting presence at the street to draw people into the open space. The future use within the pavilion will be required to enhance and activate the open space use with the following proposed Level II Site Plan condition of approval:
That any future use of the structure accessory to parks and plazas, as allowed in the B-3 zone, shall enhance and accentuate the plaza uses.

- iv. *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 one-story pavilion is placed at the North end of the plaza and does not create adverse shade or wind conditions for either the plaza or the public right-of-way. The area of increased setback will be a comfortable space for pedestrians and create an area proposed seating. The pavilion potentially provides a wind break within the plaza and the increased setback does not create adverse conditions either at the street or in the plaza in staff's estimation.

- v. *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 rooftop appurtenances are proposed for the pavilion and a Level II Site Plan condition of approval is proposed as follows:
That no rooftop mechanicals shall be installed on the structure accessory to parks and plazas, as allowed in the B-3 zone.

VIII. DESIGN REVIEW

The project is subject to B-3 design standards and the pavilion was reviewed accordingly; the results of that preliminary design review are in *Attachment 6* and the pavilion is found to be consistent with the B-3 design standards. A few questions/suggestions were submitted by the review panel to resolve the design review process.

IX. STAFF RECOMMENDATION

Subject to the proposed motions listed below, Planning Division staff recommends that the Planning Board approve the Waiver Request for increasing the setback beyond the street build-to line for the pavilion as a structure accessory to the plaza as shown in *Attachment 1 Site Plan* for the plaza redevelopment at 0 Canal Plaza.

X. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on August 9, 2016 for application 2016-162 relevant to the *City of Portland Design Manual B-3 Standards*; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with *City of Portland Design Manual Sec (b) B-3 Downtown Business Zone (1) Standards e. Relationship to existing development 2. Standards for increasing setback beyond street build-to line* and **approves/does not approve** the waiver request.

XI. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Site Plan
2. Existing Conditions Plan
3. Renderings
4. Elevations
5. Section 6: Assessment of Zoning (memo from applicant)
6. Design Review (memo from Caitlin Cameron, 8/3/16)