



Tuck O'Brien
City Planning Director, Planning Division

October 26, 2016

Cow Plaza 1, LLC
Tim Soley, Denine Leeman
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: Cow Plaza 1, LLC
Planner: Caitlin Cameron

Dear Mr. Soley and Ms. Leeman:

On October 24, 2016, the Planning Authority approved a Level II Site Plan application to 0 Canal Plaza Development for the renovation of the existing plaza space and addition of a structure accessory to parks or plazas. The decision is based upon the application, documents and plans as submitted and prepared by Woodard & Curran. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

WAIVERS

On August 9, 2016, 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.

SITE PLAN REVIEW

The Planning Authority found that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. 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 use.

2. That any changes from the approved design to the transparency or form, including changes to the roofline such as rooftop mechanicals, of the structure accessory to parks and plazas, as allowed in the B-3 zone, shall require review and approval by the Planning Authority.
3. That any change from the approved application of the tree species or structural soil must be approved by the City Arborist.
4. Applicant shall provide Construction Management Plan for City staff review and approval prior to issuance of Building Permit.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

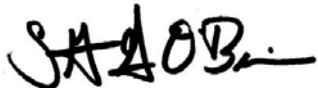
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

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

Sincerely,



Stuart G. O'Brien
City Planning Director

Attachments:

1. Staff Review Memos
2. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Caitlin Cameron, Urban Designer
Philip DiPierro, 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

MEMORANDUM

To: FILE
From: Caitlin Cameron
Subject: Application ID: 2016-162
Date: 10/24/2016

Comments Submitted by: Caitlin Cameron/Planning on 10/19/2016

Uplighting is permitted as part of landscape features, including the pavillion, but no waiver has been granted for uplighting on buildings.

Comments Submitted by: Keith Gautreau/Fire on 8/3/2016

Captain Gautreau confirmed fire access is not impeded by this design.

Comments Submitted by: Caitlin Cameron/Zoning on 9/22/2016

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.

That any changes from the approved design to the transparency or form, including changes to the roofline such as rooftop mechanicals, of the structure accessory to parks and plazas, as allowed in the B-3 zone, shall require review and approval by the Planning Authority.

Comments Submitted by: Jeff Tarling/City Arborist on 8/3/2016

There is some concern about winter maintenance if no raised curb is to be provided around plaza trees - using magnesium chloride is preferred for salting to preserve the trees. The planting plan is approved with the condition that changes to the tree species or structural soil must be approved by the City Arborist.

Comments Submitted by: Bruce Hyman/Planning / Transportation on 8/3/2016

Would prefer bicycle parking provided near each building entrance. If bicycle parking is to be provided in sidewalk, must meet Technical Manual standards; on private property, any specification is allowed.



Stantec Consulting Services Inc.
482 Payne Road Scarborough Court, Scarborough ME 04074-8929

October 19, 2016

Attention: Caitlin Cameron

City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Zero Canal Plaza Development
Site Plan Application
Engineering Review Comments #3**

Dear Caitlin:

Stantec has reviewed the revised application materials related to the proposed Canal Plaza development prepared by Woodard & Curran, including updated plans emailed on October 12, 2016. The plans are consistent with the earlier submission materials and there appear to be no substantive issues that we can determine.

We offer that the current submission materials otherwise appear satisfactory with respect to the site plan and related civil design thus allowing consideration by the Planning Authority for an approval with conditions, as necessary, notwithstanding any other staff or peer review comments by others.

Regards,

A handwritten signature in black ink that reads "Stephen Bushey".

STANTEC CONSULTING SERVICES INC.

Stephen R. Bushey, P.E.
Associate
Phone: (207) 887-3478
Fax: (207) 883-3376
Stephen.Bushey@stantec.com

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Planning and Urban Development Department

Planning Division



Subject: B3 Design Review – 0 Canal Plaza

Written by: Caitlin Cameron, Urban Designer

Date of Review: Friday, July 22, 2016

The proposed accessory structure to the plaza was reviewed against the B-3 *Downtown Business Zone Standards* and *Downtown Urban Design Guidelines* (Appendix 1 of the Design Manual) by Caitlin Cameron, Urban Designer, Jean Fraser, Planner, Planning Division of the Department of Planning & Urban Development with additional coordination with Deb Andrews, Historic Preservation Program Manager (the plaza is within 100' of a historic district).

Design Review Criteria:

As an accessory structure, many of the B-3 Design Standards found in the *City of Portland Design Manual* are not applicable. Particular attention was paid to the relationship to the pedestrian environment since the project is in the Pedestrian Activity District.

B-3 Downtown Urban Design Standards

a) 1. Relationship to the Pedestrian Environment

i. Distinguish the lower 35 feet of building facades

1) Storefronts and building facades

- **Relationship to Context** – Pavilion design relates mostly to new aesthetic created for the plaza, which is acceptable as a structure accessory to the plaza. The surrounding retail context is eclectic and the pavilion is designed to be contrasting in style and scale from the surrounding buildings as a “folly.”
- **Pedestrian character** – The pavilion is small-scale and close to the sidewalk with activity created facing the street and in the plaza with extensive glazing and a street-facing entry.
- **Materials and detailing** –Material choices relate to the redesigned plaza more so than surrounding architecture. *Consider whether concrete of new structure should relate in color with granite pavers or concrete of surrounding Canal Plaza buildings. Review panel is not supportive of glazing that is flush with the plaza – for durability, plowing, and maintenance, a curb or otherwise elevated edge is suggested where glass is not directly on ground.*
- **Transparency** – High level of fenestration provided. *Glass transparency should be at a VT of .7 or close to. Interior shades should not be added to the design.*
- **Contemporary design** – Pavilion design is definitely contemporary in form and finish and is reviewed as a structure that should relate most to the plaza design and street experience of the plaza which is simple with durable materials. The fins of the structural glass and height of the building are referential to the Canal

Plaza buildings – Review Panel agreed that most important qualities of pavilion is the scale, transparency, street presence, and relationship to plaza.

2) **Building entrances** – Two entrances are shown – one facing the street and one facing into the plaza. *Will both entries be active?* Both entrances appear to be at grade and accessible.

3) **Blank Facades** – Length of blank walls are limited.

4) **Special Features** – Not applicable –

b) Pedestrian Activities District (PAD) – One entrance and windows are placed facing the street. Use will be active and must enhance the plaza use. Pavilion designed to be active to both the street and the plaza.

c) Pedestrian Activities District (PAD) Encouragement Areas – Not applicable

d) Sidewalk Areas and Open Space – The plaza space is a pause in the street wall and provides a different experience than that sidewalk. The pavilion is designed as an amenity to enhance the plaza by adding comfort and visual interest to the space but also adding activity and a high transparency so as not to be a physical or visual barrier. The curved form of pavilion is intended to direct pedestrians into plaza, visually and/or physically. Additional seating is proposed through movable tables and chairs – this is necessary, otherwise not enough seating is provided in plaza. *More information is requested about lighting levels, trash receptacles, and bike parking.*

e) Relationship to existing development: The project purposely contrasts in form and aesthetic from built environment surrounding as an anomalous element relating to the plaza experience. The pavilion placement is set further back than allowed by zoning and the Planning Board will review the five standards for increasing the setback.

f) Shadow impact on open space: No portion of the building is in excess of 65' in height and the structure is placed on the North end of the plaza.

g) Wind impacts: There is no concern about wind impacts for such a small structure.

h) Setbacks from existing structures: New development does not appear to impact the structural integrity or general safety of neighboring structures.

i) Building tops: No portion of the accessory structure exceeds 150' in height. Success of the design depends on its simplicity; currently no rooftop mechanicals are proposed at this time. The following condition of approval is proposed to ensure that rooftop mechanicals are not added at a future time:

That no rooftop mechanicals shall be installed on the structure accessory to parks and plazas, as allowed in the B-3 zone.

Signage/Awnings/Canopies – No information was provided regarding potential signage, awnings, or canopies. In developing any signage plans, keep the requirements of this standard in mind – Signage should be minimal and integrated into the architecture considering the pavilion is meant to be deferential to and part of the plaza.