



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning & Urban Development Department

Jeff Levine, AICP, Director

Planning Division

Alexander Jaegerman, Director

February 12, 2013

Greg Shinberg
Shinberg Consulting
477 Congress Street
Portland, ME 04101

Cow Plaza Hotel, LLC
100 Commercial Street
Suite 306
Portland, ME 04101

Project Name: Canal Plaza Hotel
Address: 433 Fore Street
Applicant: Cow Plaza Hotel, LLC, Applicant
Planner: Nell Donaldson

Project ID: 2012-558
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board approved your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. In the intervening time, you requested that a foundation permit be issued for the hotel prior to the release of a building permit. As conditions relating specifically to a foundation permit were not identified in the original approval letter, this letter is intended to clarify those conditions and verify that they have been met. For your reference, this letter also clarifies deadlines for other conditions specified in the approval letter. The approval letter is attached.

The following conditions were required prior to the issuance of a foundation permit and have been met:

1. The applicant shall revise the final plans prior to the issuance of a building permit to include:
 - a) A "Do Not Enter" sign at the egress drive location on Union Street
 - b) A note indicating that LED versions of the proposed street lights will be installed, and that the applicant will coordinate with the city regarding model numbers
 - c) Tree grates as specified by the city arborist
2. The applicant shall acquire easements for drainage and service access, as well as formalize an easement to CMP which corresponds to the actual location of the electrical duct bank on site, for review and approval by the Planning Authority;
5. The applicant shall submit a revised construction management plan for review and approval by the Planning Authority, the Department of Public Services, the city's Parking Manager, and the city's Fire Prevention Bureau;

6. The applicant shall revise the site plan to include notes indicating the final location of the existing mast arm, the final location of the controller cabinet, and the final location of the pedestrian signal heads, for review and approval by the Department of Public Services;
7. The applicant shall provide information on slip-resistance and prepare a maintenance agreement regarding the granite driveway aprons, if required, for review and approval by the city's Department of Public Services and Corporation Counsel, or revert to bituminous aprons per the city's Technical Manual; and
9. The applicant shall increase the clearance in the porte cochere to 10', for review and approval by the city's Fire Prevention Bureau.

For reference, note that the following conditions must be met prior to the issuance of a building permit:

3. The applicant shall obtain revocable licenses for the proposed brise soleil, signage, and footings required in the city's right-of-way;
Note that revocable licenses for foundation footings in the city's right-of-way, if necessary, would have been required as a condition for a foundation permit. However, since the applicant is not requesting licenses for this purpose, the remaining licenses listed here are required as a condition for a building permit.
8. The applicant shall provide a detailed plan for managing traffic in the porte cochere that includes sufficient staffing, 24-hours a day, to prevent stacking into the Fore Street sidewalk and street right-of-way and provide a plan for the handling of large truck deliveries for review and approval by the Planning Authority and the city's Department of Public Services;
12. The applicant shall submit samples of the final custom color of the limestone composite panels proposed for the exterior of the building, consistent with the color panels shown at the public hearing, for review and approval by the Planning Authority; and
13. The applicant shall submit revised elevations and specifications for the rooftop mechanical screen and stair tower, which address the recommendations of the Planning staff and the Historic Preservation Board, for review and approval by the Planning Authority.

The following conditions must be met prior to the issuance of a certificate of occupancy:

4. The applicant shall submit the HVAC system specifications meeting applicable standards for the Zoning Administrator's review and approval;
10. A final lighting plan including photometric data and meeting relevant Technical Standards, which may include any proposed low intensity top floor wash or grazing lighting, shall be submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy; and
11. A final comprehensive signage plan, including design and illumination details for all proposed signs, shall be submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.

Note that, per a letter from the Planning Division dated February 6, 2013, confirmation of the restaurant as an ancillary use of the hotel will also be required as a condition of certificate of occupancy. This letter is also attached here for reference.

If there are any questions, please feel free to contact me at (207) 874-8723.

Sincerely,



Nell Donaldson,
Planner

CC: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
David Silk

November 14, 2012

Greg Shinberg
Shinberg Consulting
477 Congress Street
Portland, ME 04101

Cow Plaza Hotel, LLC
100 Commercial Street
Suite 306
Portland, ME 04101

Project Name: Canal Plaza Hotel
Address: 433 Fore Street
Applicant: Cow Plaza Hotel, LLC, Applicant
Planner: Nell Donaldson

Project ID: 2012-558
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board considered your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the city's land use code and voted to approve the application with the waivers and conditions as presented below:

WAIVERS

The Planning Board voted (4-0, Dean recused) to grant a waiver from the technical standard (*Section 1.7.2.7*) regarding the minimum separation of 150 feet between driveways and intersections. Per the standard, access from driveways to corner lots, if situated on arterial or collector streets, shall be located a minimum of 150 feet from the nearest intersection. It was found by the city's consulting traffic engineer that, given the space constraints on the site and the turn restrictions encompassed in the porte cochere design, the required separation is not practical. As such, the Board waived the requirement, allowing the driveways to the porte cochere 50' from the Fore/Union Street intersection on Fore Street and 75' from the Fore/Union Street intersection on Union Street.

The Planning Board voted (4-0, Dean recused) to grant a waiver from *Section 14-369.5 Table 1, Footnote (b)*, which prohibits freestanding signs in the B-3 zone on the peninsula, to allow a freestanding sign at the Fore Street entrance to the porte cochere. This waiver is granted based on the location as depicted in the addendum to the Planning Board Report dated November 1, 2012.

SITE PLAN REVIEW

The Planning Board voted (4-0, Dean recused) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval which must be met prior to the release of a building permit, unless otherwise stated:

1. The applicant shall revise the final plans prior to the issuance of a building permit to include:
 - a) A "Do Not Enter" sign at the egress drive location on Union Street
 - b) A note indicating that LED versions of the proposed street lights will be installed, and that the applicant will coordinate with the city regarding model numbers
 - c) Tree grates as specified by the city arborist
2. The applicant shall acquire easements for drainage and service access, as well as formalize an easement to CMP which corresponds to the actual location of the electrical duct bank on site, for review and approval by the Planning Authority;
3. The applicant shall obtain revocable licenses for the proposed brise soleil, signage, and footings required in the city's right-of-way;
4. The applicant shall submit the HVAC system specifications meeting applicable standards for the Zoning Administrator's review and approval;
5. The applicant shall submit a revised construction management plan for review and approval by the Planning Authority, the Department of Public Services, the city's Parking Manager, and the city's Fire Prevention Bureau;
6. The applicant shall revise the site plan to include notes indicating the final location of the existing mast arm, the final location of the controller cabinet, and the final location of the pedestrian signal heads, for review and approval by the Department of Public Services;
7. The applicant shall provide information on slip-resistance and prepare a maintenance agreement regarding the granite driveway aprons, if required, for review and approval by the city's Department of Public Services and Corporation Counsel, or revert to bituminous aprons per the city's Technical Manual;
8. The applicant shall provide a detailed plan for managing traffic in the porte cochere that includes sufficient staffing, 24-hours a day, to prevent stacking into the Fore Street sidewalk and street right-of-way and provide a plan for the handling of large truck deliveries for review and approval by the Planning Authority and the city's Department of Public Services;
9. The applicant shall increase the clearance in the porte cochere to 10', for review and approval by the city's Fire Prevention Bureau;
10. A final lighting plan including photometric data and meeting relevant Technical Standards, which may include any proposed low intensity top floor wash or grazing lighting, shall be

submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy;

11. A final comprehensive signage plan, including design and illumination details for all proposed signs, shall be submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy;
12. The applicant shall submit samples of the final custom color of the limestone composite panels proposed for the exterior of the building, consistent with the color panels shown at the public hearing, for review and approval by the Planning Authority;
13. The applicant shall submit revised elevations and specifications for the rooftop mechanical screen and stair tower, which address the recommendations of the Planning staff and the Historic Preservation Board, for review and approval by the Planning Authority.

The approval is based on the submitted plans and findings related to site plan review standards as contained in the Planning Board Report and addendum for application 2012-558, which are attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Storm Water Management Condition of Approval** The applicant and all assigns must comply with the conditions of Chapter 32 Storm Water including Article III Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on our standards and state guidelines.
2. **Loss of On-Street Parking Spaces** Any loss of on-street parking spaces requires action by the City Council. The applicant will be responsible for providing all supporting reference information to the city's Department of Public Services, which will manage the Council item.
3. **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.
4. **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. Separate building permits are required for signage and HVAC units.
5. **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

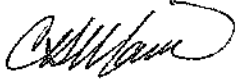
from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

6. **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.
7. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. **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.
9. **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.)
10. **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.

If there are any questions, please contact Neil Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report and Addendum

Electronic Distribution:

cc: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schrauckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Fanner, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Sensus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life • www.portlandmaine.gov

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, Director

February 6, 2013

Greg Shinberg
Shinberg Consulting
477 Congress Street
Portland, ME 04101

Cow Plaza Hotel, LLC
100 Commercial Street
Suite 306
Portland, ME 04101

Project Name: Canal Plaza Hotel
Address: 433 Fore Street
Applicant: Cow Plaza Hotel, LLC, Applicant
Planner: Nell Donaldson

Project ID: 2012-558
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board approved your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. Since that time, there has been some discussion of the scope of the restaurant associated with the proposed hotel.

Note that city's approval is based upon the assumption that the restaurant is an ancillary use of the hotel and not a restaurant operated by others. Confirmation of the restaurant as an ancillary use will be required as a condition of certificate of occupancy. Should this arrangement change at any point, revised trip generation numbers will be required by the city. Pending the outcome of the trip generation calculations, a traffic movement permit and additional Planning Board review may be necessary.

Please add a note indicating the above on the final plan set.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,

Barbara Barhydt
Acting Planning Division Director

CC: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director

Lannic Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Sensus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File