

**MEMORANDUM**  
**City Council Agenda Item**

**TO:** Mayor and City Council

**FROM:** Alexander Jaegerman, Planning Division Director

**DATE:** April 7, 2015

**DISTRIBUTION:** City Manager, Mayor, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan, Jeff Levine, Mike Bobinsky, Jen Thompson

**SUBJECT:** Material substitution for apron at Munjoy Heights townhouse development (79 Walnut Street)

**SPONSOR:** Acting City Manager  
(If sponsored by a Council committee, list the date the committee met and the results of vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
1<sup>st</sup> reading \_\_\_\_\_ **Final Action** April 27<sup>th</sup> [Only one reading is required]

**Can action be taken at a later date:** \_\_\_\_\_ Yes \_\_\_\_\_  No (If no why not?)  
Project is nearing completion and the final paving is ready to be completed..

**PRESENTATION: (List the presenter(s), type and length of presentation)** Staff from Planning and the Department of Public Services will be present to answer questions.

**I. SUMMARY OF ISSUE (Agenda Description)**

The applicant, Jonathan Culley of Redfern Munjoy LLC, received Planning Board approval to develop the townhomes known as “Munjoy Heights” on December 17, 2013 and the project is now in the final stages of construction. The applicant requested a brick apron where the pedestrian/vehicle access links the 29 new townhouses known as “Munjoy Heights” to Walnut Street, as shown in the attached plan. The City’s Sidewalk Replacement Materials map specifies a brick sidewalk with asphalt apron at this location and the City Council is requested to approve this substitution of brick for the 205 sq ft asphalt apron area.

The Council is also requested to approve the associated easement that the applicant has agreed to: it confirms that the apron shall be solely the responsibility of the applicant or subsequent owners and its repair, replacement and maintenance will be carried out in accordance with the City’s Technical Manual.

**II. REASON FOR SUBMISSION (Summary of Issue/Background)**

The project includes a pedestrian/vehicle area between the townhouses that is surfaced with brick and other non-asphalt materials to create an attractive character to the area, and the applicant would like the small section of abutting apron to be of a similar material rather than the asphalt that is required by strict compliance with the Sidewalk Materials policy. The replacement and maintenance easement that the applicant has agreed is similar to easements that have been agreed for similar substitutions elsewhere.

**III. INTENDED RESULT**

An integrated and attractive apron area for this project.

**IV. COUNCIL GOAL ADDRESSED**

The item is being brought before the City Council so that the Sidewalk Materials Policy is addressed through the requirement for the easement; this links to the following goal:

*Improve City Services: Operate the city government in an efficient and effective manner that is responsive to all segments of the community in a manner that is transparent and accountable.*

**V. FINANCIAL IMPACT**

There is no financial impact related to this request.

**VI. STAFF ANALYSIS**

Planning Division staff note that the brick apron was shown on the plans approved by the Planning Board, accompanied by a note stating “subject to City Council approval”. Staff were concerned that the apron would be subject to vehicle use and is near well used pedestrian routes (a route to school and Jack Path) and therefore it was recommended that a maintenance and replacement easement was appropriate to ensure the brick is maintained. The Department of Public Services supports the substitution subject to the easement being in effect and the Legal Department has confirmed that this does not require TS&E committee review.

**VII. RECOMMENDATION**

The City Council is recommended to approve the material substitution (brick to be substituted for asphalt in apron area) as shown on the attached plan, and the associated attached maintenance and replacement easement.

**VIII. LIST ATTACHMENTS**

- A. Order
- B. Plan SK-1 of the apron area
- C. Maintenance and Replacement Easement, as agreed with the applicant and City Associate Corporation Counsel 3.20.2015
- D. DPS e-mail of support

Prepared by: Jean Fraser

Date: Draft 4.7.2015