**Draft**

**MEMORANDUM**

**City Council Agenda Item**

**TO:** Mayor and City Council

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

**DATE:** March 25, 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

**SPONSOR: *[NOT SURE]***

**(If sponsored by a Council committee, list the date the committee met and the results of vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st reading\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Final Action\_\_**April 6th*[understood only one reading is required]*

**Can action be taken at a later date: X only April 27, 2015- Yes \_\_\_\_\_ No (If no why not?)**

Project is nearing completion.

**PRESENTATION: (List the presenter(s), type and length of presentation) *[NOT SURE]***

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

The applicant, Jonathan Culley of Redfern Munjoy LLC, has 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 asphalt.

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.

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

The applicant has developed the pedestrian/vehicle area between the townhouses with brick and other non-asphalt materials to create an attractive character to the area, and would like to avoid the small section of abutting 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 is 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.

**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**

1. Order
2. Plan SK-1 of the apron area
3. Maintenance and Replacement easement, as agreed with the applicant

Prepared by: Jean Fraser

Date: Draft 3.23.2015

Bean/agendamemo/rev1-8-15