**ONE JOY PLACE**

**PB HEARING 9.26.2017**

**REVISED MOTIONS FOR THE BOARD TO CONSIDER (revisions underlined)**

1. **PROPOSED MOTIONS**
2. **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 September 26, 2017 for application 2017-103 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find]**, based upon the consulting traffic engineer’s review *(*Attachment 1*),* that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Section 1.7.2.7 *Location and spacing of driveways.* The Planning Board [**waives/does not waive]** the *Technical Manual* standard (Technical Manual Section 1.7.2.7) to allow the existing condition to remain, as supported by the Traffic Engineering reviewer.
2. The Planning Board [**finds/does not find]**, based on the need to address CPTED requirements through improved lighting along the south boundary, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Section 12.2.5 *Light Trespass*. The Planning Board [**waives/does not waive]** the *Technical Manual* standard (Technical Manual Section 12.2.5) to allow limited light trespass from the bollard lighting at this location, subject to the revised photometric being reviewed and approved by the Planning Authority.
3. **Inclusionary Zoning – Conditional Use**

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 September 26, 2017 for application 2017-128 (One Joy Place) relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the Planning Board hearing:

The Planning Board finds that the Conditional Use  **is/is not** in conformance with the standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval:

1. Provided the Applicant and the City enter into an Affordable Housing Agreement (AHA) before a Building Permit may be issued.

1. The AHA will outline the details of the affordability restrictions placed on the workforce units and will be filed as a covenant to the One Joy Place property’s deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.
2. **Subdivision**

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 September 26, 2017 (One Joy Place) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing:

The Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

* + - 1. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and
      2. The final subdivision plat shall address the comments from Bill Scott, DPW Surveyor, dated 9.20.2017; and
      3. The subdivision plat and Condominium Association documents shall include clarification of responsibilities for the maintenance, including snow removal, of Joy Place and associated features such as bollard lights and brick paving; and
      4. That the Condominium Association documents and related plans shall require that residents do not park in Joy Place except in the designated parking spaces shown on the Plat, and that the On-Site Parking Space # 1 be designated to a specific residential unit and the On-Site Parking Spaces #2 and #3 be designated to a single residential unit; this is required in order to ensure emergency service access and to prevent vehicle blockage issues; and
      5. The Condominium Association documents shall be finalized to the satisfaction of the Associate Corporation Counsel and Planning Authority.

1. **Site Plan**

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board report for the public hearing on September 26, 2017 for application 2017-103 (One Joy Place) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

1. That the parking required for the proposed 12 unit residential development has been determined by the Planning Board to be 11 spaces of which 3 spaces are provided on site and 8 spaces shall be provided in the identified off-site locations or equivalent. In the event that the uses change, the parking requirement would need further review by the Planning Board; and
2. That the applicant shall work with the City and other abutters of the City’s parking lot to clarify rights and responsibilities regarding the two existing cobra lights (located just within Joy Place) and to facilitate replacement lighting for the abutting parking lot, with the removal of the cobra lights to be deferred until replacement lighting (or temporary replacement lighting) has been installed; and
3. That the Construction Management Plan shall be revised for review and approval by the Planning Authority and the Department of Public Works prior to the issuance of a building permit, to minimize impacts on the sidewalks and provide details to address the comments from the Traffic Engineer reviewer dated 9.21.2017 and from the DPW Senior Engineer dated 9.22.2017; and
4. That the photometric plan shall be revised for review and approval by the Planning Authority prior to the issuance of a building permit, to show adequate lighting in the vicinity of the three on-site parking spaces and confirm the specification and photometric characteristics of the revised bollard lighting that has been approved by the Historic Preservation Program Manager; and
5. That the Landscaping Plan shall be revised, for review and approval by the City Arborist and Planning Authority prior to the issuance of a building permit, to replace the Amur Maple with a species suggested by the City Arborist in his comments dated 9.21.2017; and
6. That a plan showing the location and screening of all HVAC/heatpump/compressor and similar equipment shall be submitted for review and approval by the Planning Authority prior to installation, in order to ensure these meet the site plan and zoning standards; and
7. That the applicant has demonstrated that site constraints prevent the planting of all of the 12 required street trees (one per unit for multi-family development) in the right-of-way, and therefore the applicant shall contribute $4400 for eleven street trees to Portland’s tree fund, which the City Arborist will target for Brackett/Spring Street and Reiche School area; and
8. That the design of the apron and associated sidewalk shall meet Technical Standards and conform to the design detail provided in the final submissions (2% maximum cross-slope); and
9. That the Wastewater Capacity letter shall be submitted prior to the issuance of a building permit.