**XIII.** **PROPOSED MOTIONS FOR THE BOARD TO CONSIDER (as revised 3.27.18 to add suggested condition xvi)**

1. **Development Review**

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 March 27, 2018 for application 2017-289 (MMC East Tower and Visitors Garage Overbuild and Relocated Helipad at 22 Bramhall Street) relevant to the site plan 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 and the MMC IOZ Regulatory Framework, subject to the following conditions of approval:

1. That the documentation of the land transfers and street acceptances associated with the sites shall be completed prior to the Certificate of Occupancy;
2. That the applicant shall submit evidence from the FAA that the location and height of the construction equipment, the overbuild heights, and helipad relocation is acceptable prior to the Certificate of Occupancy for the approved overbuild floor area, or the operation of equipment and helipad;
3. That within 9 months of the date of this site plan approval the applicant shall submit a “*Sound Measurement Plan*” for review and approval by the Planning Authority, for assessing the actual changes in sound impacts on nearby properties between the helipad operating at the existing site and at the new location, including criteria for mitigation where such impacts are severe based on appropriate national standards. The “*Sound Measurement Plan*” is required in the event that the predicted sound levels are incorrect, and it shall be approved and implemented at least 2 months before the helipad is relocated;
4. That the applicant shall undertake all construction associated with this site plan in accordance with the Turner CMP dated March 21, 2018 and Detour Plan (MOT) dated March 21, 2018 unless agreed in writing with Planning Authority, including:
   * 1. Provision of alternative parking for any parking displaced by the construction either on or off the MCC campus; and
     2. Coordination with the Seadogs and other event organizers, and with METRO, to ensure safety of all users; and
     3. Incorporate ongoing monitoring and adjustments in consultation with city representatives; and
     4. That the Park and Weymouth signal shall meet MUTCD requirements and include pedestrian accommodations, ADA compliance and have full vehicle detection; and
     5. Minor ROW adjustments such as curb radii at Boynton/Forest Streets, ADA ramps and bus stop pads; and
     6. Repairs to Weymouth Street prior to/after the detour as agreed with the Department of Public Works.
5. That the applicant is solely responsible for all activities (physical modification to the ROW, monitoring, revisions to the CMP etc) associated with CMP/detour plans referred to in condition iv. above;
6. That the applicant shall take steps as necessary to minimize construction impacts on neighbors, including businesses, in the vicinity of the project, and implement the Communications Plan generally as outlined
7. That the applicant shall comply with the submitted Construction Schedule which notes a Congress Street closure between Monday May 7th to Thursday, June 28th 2018 inclusive. This closure period is dependent upon 1) the City of Portland issuing building permits in a timely manner and 2) the absence of other events beyond the control of the applicant (“force majeure”), including, without limitation, acts of God, war, fire, flood, acts of a sovereign nation or any state or political subdivision or any department or regulatory agency. Unless otherwise justified by 1) or 2) above, if Congress Street is not open to through traffic and pedestrian access on June 29th, the Planning Board recommends that penalties of $10,000/day should apply for each day of delay;
8. That the stormwater system for the Congress Street Hospital Entrance shall add detention capacity in lieu of stormwater separation in order to reduce the burden of the existing and proposed development on the City’s infrastructure. As part of the site plan application for the Congress Street Hospital Entrance the applicant shall set out the strategy and associated proposals for achieving additional detention or for contributions to other measures that achieve the same objective;
9. That the applicant shall finalize a TDM Plan that addresses the Regulatory Framework and Site Plan requirements, for review and approval by the Planning Board prior to the issuance of a Certificate of Occupancy for the East Tower;
10. That the applicant shall develop a long term public Pedestrian Network Plan (both on and off the ROW) showing the integration of the upper level MMC campus with the Congress Street corridor, including measures to address CPTED principles, for implementation when the retail space beneath the Visitors Garage is available for lease or sale; such plan to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit for the Congress Street Hospital Entrance;
11. That the applicant shall implement the following upgrades in the ROW prior to the issuance of a Certificate of Occupancy:
12. Update the four (4) pedestrian light fixtures along the Congress Street frontage of the Visitors Garage to LED, and for each add the bracket and LED light fixture at the top of the existing poles.
13. Install ADA pedestrian ramps at 4 locations where there are crosswalks near the East Tower.
14. That the applicant shall submit an assessment of the existing bicycle parking near the East Tower to confirm whether it meets the City’s Technical Standards for the location, number and design of bicycle parking to serve the East Tower as expanded, and add to/relocate or replace bicycle parking as necessary to meet the standards prior to the issuance of a Certificate of Occupancy for the East Tower;
15. That the final parking layout of the Visitors Garage shall meet the City’s Technical Manual Standards and all applicable State and Federal standards regarding handicap accessibility;
16. That the applicant shall submit the ability to serve letter regarding wastewater prior to the issuance of a building permit for the East Tower overbuild;
17. That any new signage relating to the East Tower or Visitors Garage shall be subject to separate site plan review in the context of the Regulatory Framework and IDP Design Standards by the Planning Authority prior to installation;
18. That the applicant shall submit a strategy ensuring the space on Congress Street beneath the Visitors Garage is occupied as soon as Turner vacates the space, to be coordinated with the Pedestrian Network Plan subject of condition x. above; such strategy to be submitted for review and approval by the Planning Authority priorto the issuance of a Certificate of Occupancy for the Congress Street Hospital Entrance.