



# Memorandum

## Planning and Urban Development Department

### Planning Division

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**To:** Elizabeth Boepple, Chair, and Members of the Portland Planning Board  
**From:** Nell Donaldson, Planner  
**Date:** October 25, 2016  
**Re:** **Addendum to Planning Board Report for Project # 2016-120 – 23 Ocean Avenue**

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Following are revised proposed motions for the Level III site plan and subdivision review for the mixed use development at 23 Ocean Avenue. The conditions of approval have been revised to reflect additional public comments and responses from the applicant.

#### XIV. PROPOSED MOTIONS

##### A. 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 October 25, 2016 for application 2016-120 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 transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow a 21 foot wide aisle in the parking area.

##### B. 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 October 25, 2016 for application 2016-120 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, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and
2. The applicant shall submit:
  - a. A license agreement for foundation footings and cornice proposed to encroach on the city's right-of-way and
  - b. A public pedestrian access easement for areas of sidewalk proposed to encroach on private propertyfor review and approval by the Department of Public Works and Corporation Counsel.

##### C. 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 October 25, 2016 for application 2016-120 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, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final construction management plan for review and approval by the Department of Public Works and the Planning Authority, to include provisions for:
  - a) Pedestrian access,
  - b) Contractor parking on-site only or at an approved satellite location,
  - c) Recommended truck delivery routing from Ocean Avenue, and
  - d) Construction phasing;
2. The applicant shall submit final details for the reconstruction of the ramp on the south side of Hersey Street to meet ADA requirements for review and approval by the Department of Public Works;
3. Prior to the issuance of certificate of occupancy, the applicant shall provide a signed, notarized lease for the use of off-site parking spaces in compliance with *Section 14-334* of the city's land use code for review and approval by the Planning Authority and Corporation Counsel;
4. Prior to the issuance of certificate of occupancy, the applicant shall submit final details for the construction of the missing sidewalk link on the north side of Vannah Avenue between the proposed off-site parking and the site for review and approval by the Department of Public Works. Prior to certificate of occupancy, construction of this sidewalk segment shall be completed and approved by the Department of Public Works;
5. Within six months of the issuance of certificate of occupancy for the full use of the building, and on an annual basis thereafter for a period of five years, the applicant shall provide an analysis of parking demand, the efficacy of the parking management plan (including proposed transportation demand management measures), and neighborhood impacts for review and approval by the Department of Public Works and the Planning Authority. Should the analysis indicate that parking demand is not adequately met with the approved shared parking and off-site parking arrangement, the applicant shall submit and implement a revised parking plan, including transportation demand management measures, to address deficiencies for review and approval by the Department of Public Works and the Planning Authority;
6. Snow storage shall not impinge on the on-site parking. Snow shall be hauled off site as needed; and
7. The applicant shall provide revised plans to address the conflict between the proposed cherry tree and stormwater treatment unit at the corner of Ocean Avenue and Hersey Street for review and approval by the City Arborist and the Planning Authority.