

**City of Portland, Maine  
City Council Agenda Request Form**

**TO:** Sonia Bean, Senior Administrative Assistant  
Danielle West-Chuhta, Corporation Counsel

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

**DATE:**

1) Council meeting at which action is requested:

1<sup>st</sup> reading: does not need a first reading

Final action: February 24, 2014

2) Can action be taken at a later date:  X  YES NO  
If not, why not: \_\_\_\_\_.

3) This item is sponsored by: The Department of Planning and Urban Development

(If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

**If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.**

**I. SUMMARY OF ISSUE**

This request is for the City to grant a license to EMT, LLC, the owner of 118 Congress Street, to allow for the approved development of the project known as “118 on Munjoy Hill” condominium (2 commercial units and 12 residential units). The license would allow for decks and bays to project over the Right of Way. Approval to minor variations in materials (from the *City’s Sidewalk Replacement Material Policy*) is also requested.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

See above.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

The approval of the license agreement and authorization of the City Manager to grant the license on the City’s behalf for the projecting bays. The approval of the small areas of granite and brick materials in the ROW that vary from the *Sidewalk Material Replacement Policy*, subject to those substitutions being maintained by the owner or Condominium Association.

#### **IV. FINANCIAL IMPACT**

There is no financial impact on the City.

#### **V. STAFF ANALYSIS & RECOMMENDATION**

The Corporation Counsel's office has reviewed the license agreement and approves it as to form. DPS support the waiver for the materials. The Planning Board has approved the plans with the overhangs, subject to the City Council approval of the necessary licenses. The Planning Board has also sent an advisory communication suggesting that a compensation policy for such licenses be considered by the City Council for future projects.

See City Council Report attached.

#### **Attachments:**

- Orders for Overhang License
- Order for sidewalk replacement materials waiver;
- License Agreement with Exhibits A and B;
- City Council Report;
- Communication from the Planning Board