

# CITY COUNCIL REPORT PORTLAND, MAINE



118 Congress Street ("118 on Munjoy Hill")  
12 unit residential and 2 unit commercial condominium  
License for building overhangs and exception for substitute materials in ROW  
Project ID 2013-255

Submitted to: CITY COUNCIL Final Reading: February 24 <sup>th</sup> , 2014	Prepared by: Jean Fraser, Planner Date: February 11 <sup>th</sup> , 2014
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## I. INTRODUCTION

The owner, EMT, LLC, requests the City Council to authorize the City Manager to sign a license that allows for overhangs over the Right of Way, and to approve minor variations in materials (from the *City's Sidewalk Replacement Material Policy*) for the recently approved development at 118 Congress Street. The matter is pressing as the developer wishes to know that the overhangs are approved prior to implementing the project this spring.

## II. BACKGROUND

The proposed 4-story condominium building would have a footprint of 8,884 sq ft and consists of 12 residential units over 2 commercial units, with inside ground floor parking. Each of the 12 units has an open deck and a small amount of living space (bay) that projects from the building by 2'4" on Congress Street (of which 1'4" is over the ROW) and by 2'6" for 3 bays on St Lawrence Street (all of this is over the ROW). The areas of projection are shown in Att. 1, Exh.B2.

On January 28, 2014 the Planning Board unanimously approved the project subject to conditions (see plans and illustrations in Attachment 4). One of the conditions is as follows:

*That the applicant shall obtain a license from the City Council, subject to review and approval by the Corporation Counsel's office, for any building features associated with the approved design that extend over the City right-of-way, prior to the release of the signed Subdivision Plat; and*

## III. PROPOSED LICENCE FOR OVERHANGS OVER ROW

During the Planning Board review of the project the applicant had been requested to reduce the overhang (originally 2ft 4 in on Congress Street). The applicant reconsidered the proposal and was able to relocate the entire footprint of the building back one foot to reduce the overhangs projection over the right-of-way to 1 ft 4 in.

At the Planning Board hearing the scope and need for further setback was discussed and it was concluded that the project with some minor overhang over the Congress Street ROW offered more benefits overall. This explained in the Communication from the Planning Board that accompanies this report (Attachment 2). The Board also raises an issue regarding a potential policy for compensation for such overhang license that add value to the real estate by using the "air rights" granted by the City. The Board suggests that the City Council consider such a policy for future applicants.

The draft license is included in Attachment 1 and includes a plan showing the location and scale of the overhangs.

## IV. SIDEWALK MATERIALS

The question of the sidewalk materials is included to avoid a separate referral to the City Council. The approved proposals include a small area of granite steps near the entrance in Congress Street, and a brick driveway apron in St Lawrence Street where vehicles gain access to the parking area- both are shown in Attachment 3. The *Sidewalk Materials Policy* calls for a brick sidewalk in Congress Street, and an asphalt apron in St Lawrence Street. An order will be prepared by the Legal Department to allow the requested exception to the *Sidewalk Materials Policy* as requested, and supported by the Planning Board.

The granite stairs help identify the front entrance; the brick for the apron matches those that exist nearby. The applicant has confirmed that either the owner or the Condominium Association will maintain both areas where the materials vary from the City's *Sidewalk Materials Policy*.

## ATTACHMENTS

1. Draft license for building overhangs
2. Communication from Planning Board in support of overhangs over ROW
3. Plan of materials needing waiver
4. Site plans as approved by Planning Board: Ground Floor plan; Elevation; Perspective