**MEMORANDUM**

**City Council Agenda Item**

**TO:** City Council

**FROM:** Jeff Levine, Planning Division Director

**DATE:** August 21, 2014

**DISTRIBUTION:** Mayor Michael Brennan; Mark Rees, City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, and Nancy English

**SUBJECT:** Revocable License Agreement for 113 Newbury Street LLC for footings and foundation, cornice overhands, and entrance awnings

**SPONSOR:** Department of Planning and Urban Development

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st reading\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Final Action\_\_**September 3, 2014\_\_\_\_\_\_\_\_\_\_

**Can action be taken at a later date: \_\_\_\_\_ Yes \_\_\_X\_\_ No (If no why not?)**

This license is needed prior to the start of construction.

**PRESENTATION: (**Jeff Levine or Alexander Jaegerman, 2 minute presentation)

1. **SUMMARY OF ISSUE**

The Department of Planning and Urban Development is bringing forward a request from 113 Newbury Street, LLC to the City Council for a revocable license agreement in order to allow footings and foundation, cornice overhangs, and entrance awnings for their proposed building at 113 Newbury Street, the “Seaport Lofts,” to extend into the public right-of-way. The site plan and subdivision plat for the proposed building were approved by the city’s Planning Board on October 22, 2013, with the condition that the applicant obtain the license as proposed. The area of the proposed license agreement is shown in Exhibit B of the draft agreement attached. The area is proposed to extend four feet into the public right-of-way along the length of the Newbury Street property line and along approximately 73 feet of the Hancock Street property line. The cornice, an awning, and footings and foundation will extend into the license area on Newbury Street. Portions of footings and foundation will occupy the license area on Hancock Street. Since none of the building elements proposed to project into the public right-of-way constitute habitable space, no remuneration has been requested.

**II. REASON FOR SUBMISSION (Summary of Issue/Background)**

Licenses require City Council approval, unless the license is temporary and can be revoked with a notice of sixty (60) days.

**III. INTENDED RESULT**

The request is for the approval of the license agreement and authorization of the City Manager to grant the license on the city’s behalf.

**IV. COUNCIL GOAL ADDRESSED**

Granting the proposed license and thus allowing this 39 unit housing project to proceed will provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

**V. FINANCIAL IMPACT**

The project will ultimately result in tax revenue to the city.

**VI. STAFF ANALYSIS & RECOMMENDATION**

The Corporation Counsel’s office has reviewed the amended license agreement and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development in October of 2013 on the condition of the proposed license.

**VIII. ATTACHMENTS**

1. Draft License Agreement between City of Portland and 113 Newbury Street, LLC, including Exhibits A and B

Prepared by:

\_\_\_Nell Donaldson, Planner\_\_\_\_ \_\_August 21, 2014\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date