**MEMORANDUM**

**City Council Agenda Item**

**TO:** Mayor and City Council

**FROM:** Jeff Levine, Director, Planning and Urban Development Department

**DATE:** November 20, 2015

**DISTRIBUTION:** City Manager Jon Jennings, Mayor Michael Brennan, Assistant City Manager Anita LaChance, Sonia Bean, Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English, and Julie Sullivan

**SUBJECT:** Sidewalk Easement Request for 185 Fore Street

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st reading\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Final Action:** December 7th, 2015\_\_\_\_\_\_\_\_

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

**PRESENTATION: (List the presenter(s), type and length of presentation)**

**I. SUMMARY OF ISSUE (Agenda Description)**

The Department of Planning and Urban Development is forwarding a request from Bateman Partners, LLC seeking the City Council’s acceptance of a foundation license. The applicant is requesting the City license in order to allow the proposed building foundation footings to be under the sidewalk located along their property on Fore and India Streets.

On May 26, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for a four story mixed use building that contains 4,085 square feet of office/retail use on the first floor and eight residential units on the second through fourth floors at 185 Fore Street. The Planning Board voted unanimously 6-0 (Boepple absent) to approve the application with waivers and conditions.

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

The license requires City Council approval and, per Corporation Counsel, qualifies as a one-reading item.

**III. INTENDED RESULT**

The request is for the approval of the license agreement to allow the foundation footings to extend under the sidewalk and the 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 building project, which includes eight units of housing, to proceed, will promote housing availability and connectivity on the streets of Portland.

**V. FINANCIAL IMPACT**

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

**VI. STAFF ANALYSIS AND RECOMMENDATION**

The Corporation Counsel’s office has reviewed the license agreement and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development on May 26, 2015 with the conditions that the applicant obtains the required license.

**VII. LIST ATTACHMENTS**

1. Draft foundation license between City of Portland and Bateman Partners, LLC.

Prepared by: Shukria Wiar, Planner

Date: November 20, 2015