**MEMORANDUM**

**City Council Agenda Item**

**TO:** Mayor and City Council

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

**DATE:** July 7, 2016

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

**SUBJECT:** Proposed License Agreement for Luminato Condominium, LLC

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st reading\_\_\_\_\_\_\_\_\_\_\_\_\_ Final Action:** August 1, 2016

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

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

On March 22, 2016, the Planning Board approved a Level III Subdivision application for a twenty-six (26) condominium development at 169 Newbury Street and the Level II site plan application under the India Street Form Based Code was approved by the Planning Authority on March 31, 2016. The Planning Board voted unanimously (7-0) to approve the application with waivers and conditions, including a condition that the applicant obtain the appropriate licenses from the city for the footings, roof overhang. The Department of Planning and Urban Development is now forwarding this license to the Council.

**II. REASON FOR SUBMISSION**

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

**III. INTENDED RESULT**

The easement will allow the building footings in the right-of-ways along Newbury and Franklin Streets, the main entrance awning over Newbury Street, and the stoop and awning at the garage entrance along Franklin Street

**IV. COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

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

**VI. STAFF ANALYSIS AND RECOMMENDATION**

Corporation Counsel’s office has reviewed the license with the attached plan and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development on March 22, 2016 with the condition that the applicant obtain the required licenses.

**VII. LIST ATTACHMENTS**

1. Footings and Canopy licenses between the City of Portland and Luminato Condominium, LLC
2. Boundary Survey

Prepared by: Caitlin Cameron, Urban Designer

Date: July 7, 2016

Bean/agendarequestmemo/rev 11/2015