



**Conditional Use for Ensuring Workforce Housing
Planning Board Review
Application
Portland, Maine**

TAB 2

Planning and Urban Development Department
Planning Division and Housing and Community Development

Portland’s Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City’s Land Use Code. Attached is the application form for a Conditional Use review of applications to ensure workforce housing in development projects that create ten or more new dwelling units. The units may be for rent or for sale and created through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or rent. All developments of ten units or more a conditional uses subject to Planning Board review on the condition that they comply with the requirements of section 14-487.

A. Ensuring Workforce Housing: Standards -Section 14-484

(d) Workforce Housing Minimum. At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. The number of units required is rounded down to a whole number if providing units on- or off-site, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.

(e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.
3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be 10 percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower.
4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.
7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state

	and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) Implementing Regulations. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;
2. Situations where less than permanent affordability might be considered; and
3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(Draft regulations are available upon request)

B. Site Plan Application: Please submit the Conditional Use Application in addition to the applicable Site Plan Application.
Development Review Application – Assigned Project #

PROJECT NAME: India Newbury Residences LLC
 PROPOSED DEVELOPMENT ADDRESS: 62 India Street
 ASSESSOR'S CHART/BLOCK/LOT (s): Map 28, Lot P008, P009, P015, P019, P020 Applicable Zone: IS - FBC

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: <u>India Newbury Residences LLC</u> Business Name, if applicable: Address: <u>35 Fay Street</u> City/State: <u>Boston, MA</u> Zip Code: <u>02118</u>	Applicant Contact Information Work # <u>200 - 2095</u> Home# Cell # <u>205 2512</u> Fax# e-mail: <u>wconway@sebayotechnics.com</u>
Owner – (if different from Applicant) Name: <u>N/A</u> Address: City/State: Zip Code:	Owner Contact Information Work # <u>617-482-3006</u> Home# Cell # Fax# e-mail: <u>jpedasco@comcast.net</u>
Billing Information Name: <u>See Applicant Contact</u> Address: City/State: Zip Code:	Billing Information Work # <u>See Applicant Contact</u> Cell # Fax# e-mail:

RIGHT, TITLE OR INTEREST:

OWNERSHIP

(Please identify the status provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

EXISTING USE: Describe the existing use of the subject property.

PARKING LOT / COMMERCIAL BUILDING

PROJECT DESCRIPTION:

MIXED RETAIL / RESIDENTIAL - 29 UNITS

APPLICATION FEES:

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

<p><input checked="" type="checkbox"/> Conditional Use Review to Ensure Workforce Housing (\$100.00), subject to the applicable reduction of fees in Section 14-486.</p> <p>(Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)</p>	<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan and each document submitted as separate files. Naming conventions for the individual files can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documents-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The Conditional Use Application to Ensure Workforce Housing must be complete, including but not limited to the contact information, project data, application checklist, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

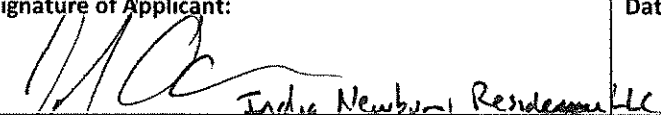
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:

Applicant Checklist	Planner Checklist	# of Copies	Written Submissions Checklist
✓		1	Application form that is completed and signed.
✓		1	Cover letter stating the nature of the project.
✓		1	Evidence of right, title and interest.
N/A		1	Written Submittals that address the conditional use standards of Sec. 14-484, including unit size and bedroom count
↓		1	Draft Workforce Housing Agreement
↓		1	Proposed Marketing Strategy
✓		1	Written Proposal for providing workforce units on-site, off-site, or payment of fee-in-lieu. ✓
N/A		1	If the project is to be phased, provide written description of project phasing and accommodation of workforce units.
Plans and Construction Details Submission Checklist			
✓		1	An accompanying site plan application, as applicable.
N/A		1	Floor Plans of all units and identifying proposed designated workforce housing units
↓		1	Interior Standards for Units for market rate and workforce housing units, including kitchen, bathroom, flooring and closet amenities
↓		1	If workforce units are proposed off-site, provide vicinity map with project location and workforce unit locations within the applicable census block group map or within 1500 feet of the project.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Conditional Use Review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:  India Newbury Reside LLC	Date: 4/11/16
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Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>
Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>
Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division Fourth Floor, City Hall 389 Congress Street (207) 874-8719	Housing and Community Development Room 313, Third Floor, City Hall 389 Congress Street (207) 482-5028	Office Hours Monday thru Friday 8:00 a.m. – 4:30 p.m.
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