

June 19, 2018

Ms. Barbara Barhydt
Development Review Services Coordinator
Planning Division
389 Congress Street, 4th Floor
Portland, ME, 04101

208 Fore Street, Portland
Conditional Use Application – Inclusionary Zoning

Dear Barbara:

On behalf of Flagg Partners, LLC, Terradyn Consultants is pleased to submit the enclosed Conditional Use Application for a proposed 37-unit condominium building located at 208 Fore Street in Portland.

A complete Level III Development Review application was submitted for the project on April 26, 2018, and updated on June 19, 2018. Because the project includes more than 10 residential units, a Conditional Use permit is also required, and the project must comply with the requirements of Section 14-487 of the city's Land Use Ordinance, which is intended to ensure an adequate supply of workforce housing. This project requires 3 Workforce Units.

The proposed building includes 13 one-bedroom units, 11 two-bedroom units, and 13 three-bedroom units. Floor Plans were previously submitted as part of the Level III Development Review Application. The developer will provide three Workforce Units within the vicinity of the project, however none of the units within the 208 Fore Street building will be designated as Workforce Units. The developer is working with an organization that develops, owns and manages low income housing in Portland to provide the three Workforce Units within the same neighborhood as 208 Fore Street. Specific units have not yet been identified.

The Workforce Units will all be rental units marketed and rented in accordance with the Inclusionary Zoning ordinance. The units will be deed restricted with income restrictions for perspective renters and a price set by the formula in the city's Inclusionary Zoning regulations. The attached vicinity map shows the allowed area for the workforce units. The proposed units will be owned and managed by an organization that provides low income housing within the Portland area.

The previously submitted Development Review Application materials contained many of the submission requirements for the Conditional Use application, including a description of the development, evidence of the applicant's right, title, and interest,

and proposed floor plans. Below is a description of how the project will meet the standards of Section 14-487.

1. The project will be constructed in a single phase.
2. The proposed workforce units will be in nearby residential buildings. They will be integrated within their buildings, and there will be no indications from common areas that they are workforce housing units.
3. The proposed units in 208 Fore Street vary from one to three bedrooms. The workforce units will also vary from one to three bedrooms.
4. If the applicant is unable to provide the required number of workforce units, the developer will pay the in-lieu fee into the City's Housing Trust Fund.
5. The proposed workforce units will be rental units subject to the income limits and other requirements for such units. The units will be marketed and managed by an organization that provides low income housing in Portland.
6. Fewer than 33% of the total units will be workforce units. Therefore, the project is not eligible for subsidy through an Affordable Housing TIF.
7. The workforce units will meet the minimum term of affordability required by the Land Use Ordinance.

We look forward to your review of this project and request to be placed on the next available Planning Board agenda to discuss the project with the Board. In the interim, if you have any questions or need additional information, please contact me.

Sincerely,
TERRADYN CONSULTANTS LLC



Michael E. Tadema-Wielandt, P.E.
Vice President

cc Flagg Partners, LLC
David Lloyd, Archetype PA

Enc. Application Form
Vicinity Map



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

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”.

B. Site Plan Application: Please submit the Conditional Use Application in addition to the applicable Site Plan Application.

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.

PROJECT NAME: 208 Fore Street

PROPOSED DEVELOPMENT ADDRESS: 208 Fore Street

CHART/BLOCK/LOT (s): 29 / N / Lot 8 & Bradbury Court **Applicable Zone:** IS-FBC

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Toros & Marianne Hovivian Business Name, if applicable: Flagg Partners, LLC Address: 515 East 79th Street, Apt 30E City/State : New York NY Zip Code: 10075	Applicant Contact Information Work # 917-673-6753 Home# Cell # Fax# e-mail: thovivian@56bogart.com
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Billing Information Name: Toros Hovivian, Flagg Partners, LLC Address: 515 East 79th Street, Apt 30E City/State : New York, NY Zip Code: 10075	Billing Information Work # 917-673-6753 Cell # Fax# e-mail: thovivian@56bogart.com
Designated person/person(s) for uploading to e-Plan: Name: Michael Tadema-Wielandt, Terradyn Consultants e-mail: mtw@terradyconsultants.com Name: Adrienne Fine, Terradyn Consultants e-mail: adrienne@terradyconsultants.com Name: e-mail:	

RIGHT, TITLE OR INTEREST:

The project site is made up of one lot and Bradbury Court, which are owned by the applicant.

(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.

The existing site is developed with one non-residential structure and paved parking.

PROJECT DESCRIPTION:

Flagg Partners, LLC intends to construct a 7-story, 37-unit condominium building with first floor retail located at 208 Fore Street.

INCLUSIONARY ZONING:	
# IZ Units	3
On-Site IZ Units	0
Off-Site IZ Units	3
# IZ Homeownership Units	0
# IZ Rental Units	3
# IZ Efficiencies	0
# IZ 1-Beds	TBD
# IZ 2-Beds	TBD
# IZ 3-Beds	TBD
IZ Fee In-Lieu	0

APPLICATION FEES:

<p>___ Conditional Use Review to Ensure Workforce Housing (\$100.00)</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 (\$50.00 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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INSTRUCTIONS FOR ELECTRONIC SUBMISSION:

Please refer to the application checklist (attached) for a detailed list of submission requirements.

1. Fill out the application completely and e-mail the **application only** to planning@portlandmaine.gov (Please be sure to designate a person who will be responsible for uploading documents and drawings.) This step will generate the project ID number for your project.
2. An invoice for the application fee will be e-mail to you. Payments can be made on-line at [Pay Your Invoice](#) , by mail or in person at City Hall, 4th Floor. Please reference the Application Number when submitting your payment which is located in the upper left hand corner of the invoice.
3. The designated person responsible for uploading documents and drawings will receive an email from eplan@portlandmaine.gov with an invitation into the project. At this time, you will upload all corresponding documents and plans into the project. For first time users you will receive a temporary password which you must change on entry. Make note of your username and password for any future projects.

Reminder: Before the project can move forward, the application fee shall be paid in full and all required documents and drawings shall be uploaded into e-plan correctly.

4. Follow the link below (Applying Online Instructions) for step by step instructions on how to do the following:
 Tab 1 - Setting up the appropriate compatibility settings for your PC and getting started in e-plan.
 Tab 2 - Preparing your drawings, documents and photos for uploading using the correct naming conventions
 Tab 3 - Preparing and uploading revised drawings and documents

[Applying Online Instructions](#)

5. When ready, upload your files and documents into the following folders:
 "Application Submittal – Drawings"
 "Application Submittal – Documents"
6. Once a preliminary check has been made of the submittal documents and drawings, staff will move them to permanent folders labeled Drawings and Documents. As the process evolves you will be able to log in and see markups, comments and upload revisions as requested into these folders.

Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application Form
X		1	Cover letter stating the nature of the project.
X		1	Evidence of right, title and interest.
X		1	Written Submittals that address the conditional use standards of Sec. 14-484, including unit size and bedroom count
X		1	Proposed Marketing Strategy
X		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
X		1	An accompanying site plan application, as applicable.
X		1	Floor Plans of all units and identifying proposed designated workforce housing units
X		1	Interior Standards for Units for market rate and workforce housing units, including kitchen, bathroom, flooring and closet amenities
X		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 IZ 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:	Date:
<i>Toros Davirian</i>	<i>June 21, 2018</i>



PROJECT SITE

SHEET DESCRIPTION
**208 FORE STREET
 INCLUSIONARY ZONING VICINITY MAP**

PREPARED FOR
**FLAGG PARTNERS, LLC
 515 EAST 79TH STREET, APT 30E
 NEW YORK, NEW YORK 10075**



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 Fax: (207) 221-1317
www.terradynconsultants.com

Civil Engineering - Land Planning - Stormwater Design - Environmental Permitting

JOB NO. 1719	FIGURE 1
DATE 6/18/2018	
SCALE 1"=500'	OF 1