



# 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:**

161 York Street Redevelopment

**PROPOSED DEVELOPMENT ADDRESS:**

161 York Street

**CHART/BLOCK/LOT (s):** 044-B-007**Applicable Zone:** R-6**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: Michael J. Cianchette Business Name, if applicable: York Street Redevelopment, LLC Address: 42 Market St City/State : Portland, Maine Zip Code: 04101	<b>Applicant Contact Information</b> Work # (207) 774-1000 Home# Cell # Fax# e-mail: mcianchette@theregency.com
<b>Owner – (if different from Applicant)</b> Name: Address: N/A City/State : Zip Code:	<b>Owner Contact Information</b> Work # Home# Cell # Fax# e-mail:
<b>Billing Information</b> Name: See applicant information Address: City/State : Zip Code:	<b>Billing Information</b> Work # Cell # Fax# e-mail:
<b>Designated person/person(s) for uploading to e-Plan:</b> Name: Olivia Dawson, E.I. (Acorn Engineering, Inc.) e-mail: odawson@acorn-engineering.com  Name: Sam Lebel, E.I. (Acorn Engineering, Inc.) e-mail: slebel@acorn-engineering.com  Name: Will Savage, P.E. (Acorn Engineering, Inc.) e-mail: wsavage@acorn-engineering.com	

**RIGHT, TITLE OR INTEREST:**

Deed

(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 land use included single-family housing until the site was recently demolished to facilitate the redevelopment.

**PROJECT DESCRIPTION:**

11-unit urban infill project utilizing an energy efficient building design with implementation of the latest green infrastructure.

INCLUSIONARY ZONING:	
# IZ Units	0
On-Site IZ Units	0
Off-Site IZ Units	0
# IZ Homeownership Units	0
# IZ Rental Units	0
# IZ Efficiencies	0
# IZ 1-Beds	0
# IZ 2-Beds	0
# IZ 3-Beds	0
IZ Fee In-Lieu	\$110,000

**APPLICATION FEES:**

<p><input checked="" type="checkbox"/> 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"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$50.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> <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](mailto: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, 4<sup>th</sup> 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](mailto: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
N/A		1	Draft Workforce Housing Agreement
N/A		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.
			<b>Plans and Construction Details Submission Checklist</b>
X		1	An accompanying site plan application, as applicable.
N/A		1	Floor Plans of all units and identifying proposed designated workforce housing units
N/A		1	Interior Standards for Units for market rate and workforce housing units, including kitchen, bathroom, flooring and closet amenities
N/A		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: 11-18-14
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