

Preliminary Plan – Level III Site Plan Application

Submitted on behalf of Maine Modern Development

**RE:** *180 Washington Avenue, Portland, ME 04101*

## **ZONING COMPLIANCE**

### **Zone Requirements**

180 Washington Avenue (the “Project”) lies within the B-2B Community Business zone (hereinafter the “Zone”). The Zone is intended to foster compact, pedestrian-scaled urban development built close to the street along major thoroughfares. It strives to enhance existing neighborhood-oriented building patterns, and permits a range of residential uses by right—including multi-family dwellings.

The Zone has no minimum lot size and, for residential projects, no maximum impervious surface ratio. It requires twenty feet (20’) of street frontage, and establishes a mix of building setbacks dependent on lot reference. A ten foot (10’) rear setback is required, while a build-to range of zero to ten feet (0’-10’) is relied upon for property frontages. No side yard setback is required.

When sites laterally abut a residential zone, portions of structures rising above thirty-five feet (35’) must be set back at least five feet (5’) from such line; when the rear property line abuts a residential zone, portions of structures in excess of thirty-five feet (35’) in height must be no closer than fifteen feet (15’) to such line.

Properties within the Zone are normally restricted to forty-five feet (45’) in overall height. However, Section 14-488(c) of the City Code provides a ten foot (10’) increase in permissible height for “eligible projects”. Eligible projects are defined by the City Code as those restricting 20% of their units to affordable price ranges.

The Zone further requires 435 square feet of lot size for each dwelling unit.

Section 14-186 of the City Code specifies a number of “other” requirements applicable within the Zone.

Section 14-187 of the City Code sets forth requirements pertinent to all uses within the Zone which relate to: enclosure; noise; vibration and heat; glare; smoke; and the on-site storage of materials and waste.

### **Project Compliance**

The Project as proposed is fully compliant with applicable zoning requirements:

- **Intent.** The Project continues an historical pattern of urban neighborhood development and references a traditional apartment building type in the Munjoy Hill area—the prevalent “triple decker”. Its responsible design employs the latest building technologies

in an effort to protect the environment through low energy standards, and will add value to the surrounding environment by contributing a durable structure built for long-term attractiveness. The Project's sophisticated modern design is also replete with features and amenities expressing core Maine values. It has a combined living area expressing preferred living patterns, secure on-site parking for convenience, and an elevator to four units. In short, it falls squarely within the Zone's express intent.

- Use. With the introduction of five (5) new residential condominiums, the Project also falls squarely in line with a permitted use, and at a time when housing needs in Portland are at perhaps their all-time greatest;
- Height. In recognition of Portland's housing needs, the Project has made every effort to include an affordable unit and thus is eligible for an increase in vertical expanse which, per Section 14-488(c), enables a maximum structural height of fifty-five feet (55'). At approximately fifty feet (50') the Project falls below the allowable terminus;
- Frontage. The Project site expands approximately thirty linear feet (30') along Washington Avenue;
- Setbacks. The project sits well over fifteen feet (15') from the rear property line;
- Lot Size per Dwelling Unit. The Project well exceeds 500 square feet of lot size per dwelling unit, and thus is comfortably within the size requirements required;
- Other. As a proposed residential use, the "other" requirements of Section 14-186 are not applicable to the Project;
- External Effects.

*Enclosure*: The residential use of the Project shall take place within enclosed condominium units;

*Noise*. As a residential use fully enclosed from the front and side property lines, and set more than fifteen feet (15') back from the nearest property line abutting its proposed open-air decks, the Project is not designed or anticipated to exceed 60 dB—the level of common background music—at any lot line;

*Vibration & Heat*. As a non-commercial residential use, no perceptible heat or vibration is expected without instrument at the Project site's boundaries;

*Glare, radiation, or fumes*. The Project presents zero fenestration on its lateral elevations, and to the front and rear is designed with windows set back in a manner which avoids obnoxious glare. As a non-commercial residential use, no radiation or fumes shall be generated;

*Smoke.* As a non-commercial, energy efficient residential use, no visible emissions in excess of those permitted are proposed or anticipated;

*Materials Storage & Waste Deposits.* As a non-commercial residential use, no storage of materials or deposits of waste are proposed.