ZONING ANALYSIS

DIVISION 8. R-P RESIDENCE-PROFESSIONAL ZONE

This project is located in the R-P Residential-Professional Zone. It is also an affordable housing project meeting the requirements of Division 30 Affordable Housing. The setbacks and density have been calculated using the density bonus' from Division 30.

Below are selected sections of the R-P Zone that we believe apply to the project.

Sec. 14-146. Purposes.

The purposes of the R-P residence-professional zone are:

(b) *To serve as a transition or buffer zone between residential and more intensive nonresidential zones.*

This project is a more intensive residential use making the transition.

Sec. 14-147. Permitted uses.

The following uses are permitted in the R-P district:

(a) *Residential: Any residential use is permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone.*

This project abuts the R-3 Residential Zone.

Sec. 14-149. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, the following requirements shall apply. Residential uses permitted under section 14-147(a) shall meet the requirements of such abutting or nearest residential zone. Nonresidential uses in the R-P zone shall meet the following minimum requirements:

See Chart below comparing dimensional requirements.

(a) *Minimum lot size:* Six thousand (6,000) square feet.
(b) *Minimum street frontage:* Sixty (60) feet.
(c) *Minimum yard dimensions:*
  1. *Front yard:*
    a. *Principal or accessory structures: Twenty (20) feet, except that:*
      i. *The front yard need not exceed the average depth of immediately abutting front yards; and*
      ii. *The front yard of a lot existing as of April 4, 1988, which lot is less than one hundred (100) feet deep, need not be deeper than ten (10) percent of the depth of the lot.*
  2. *Rear yard:*
    a. *Principal structures: Twenty (20) feet.*
    b. *Accessory structures (detached): Seven (7) feet.*

3. *Side yard:*

a. *Principal structures:*

Number of Stories	*Required Side Yard*
1 story	*10 feet*
2 stories	*12 feet*
3 or more stories . .	*14 feet*

The width of one (1) side yard may be reduced one (1) foot for each foot that the other side yard is correspondingly increased, provided, however, no side yard shall be reduced to less than seven (7) feet in width.

b. *Accessory structures (detached): Seven (7) feet.*

c. *Side yards on side streets (corner lot): For both principal or accessory structures:*

i. *One (1) or two (2) stories: Fifteen (15) feet; and*

ii. *Three (3) or more stories: Eighteen (18) feet.*

(d) *Minimum lot width: Sixty (60) feet.*

(e) *Maximum structure height: Forty-five (45) feet. Where the lot abuts an R-6 residential zone, the maximum permitted height shall be the maximum permitted height of the R-6 zone. If there is a difference in height between abutting R-6 zones, the least restrictive height limitation shall apply.*

(f) *Maximum impervious surface ratio: The maximum impervious surface ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:*

Residential Zone	*Maximum Impervious Surface Ratio*
R-1/R-2	*0.60*
R-3	*0.70*
R-4/R-5/R-5A/R-6	*0.80*

(g) *Floor area ratio (F.A.R.): The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the least restrictive such zone. The ratios are as follows:*

Residential	*Floor Area Ratio*
R-1/R-2	*0.45*
R-3	*0.55*
R-4/R-5/R-5A/R-6	*0.65*

ZONE INFORMATION

ZONE: RESIDENTIAL 3 (R-3) & RESIDENTIAL-PROFESSIONAL
PERMITTED USE: MULTI-FAMILY RESIDENTIAL PROPOSED USE: AFFORDABLE SENIOR HOUSING

SPACE STANDARDS	R-3	R-P	14-488 BONUS	ALLOWED	PROVIDED
LOW INCOME UNITS			85%		34
WORKFORCE UNITS			0%		0
MARKET UNITS			15%		6
TOTAL NUMBER OF UNITS			100%		40
LOT AREA PER UNIT	6,500 SQ. FT.	1500/UNIT *	2.5x1500	= 600	800
MINIMUM LOT SIZE	6,500 SQ. FT.	6,500 SQ. FT.			32,000
MINIMUM STREET FRONTAGE	50 FEET	50 FEET			420 FEET
MAXIMUM FRONT YARD					10 FEET
MINIMUM FRONT YARD	25 FEET	25 FEET **	-5 FEET	= 20 FEET	17 FEET
MINIMUM REAR YARD	25 FEET	25 FEET			140 FEET
MINIMUM SIDE YARD					
2 1/2 STORY STRUCTURE	16 FEET	16 FEET	-5 FEET	= 11 FEET	20 FEET
SIDE YARD ON A SIDE STREET	20 FEET	20 FEET	-5 FEET	= 15 FEET	15 FEET
MINIMUM UNIT SIZE					528 SQ. FT.
OVERALL BUILDING AREA (GROSS)					30,089 SQ. FT.
ACTUAL LOT COVERAGE (FOOTPRINT)					7,522 SQ. FT.
MAXIMUM LOT COVERAGE	35%	35%			24%
MINIMUM LOT WIDTH	65 FEET	65 FEET			150 FEET
MAXIMUM BUILDING HEIGHT	35 FEET	35 FEET	+15 FEET	= 50 FEET	46 FEET

* PER 14-488

** OR AVERAGE OF ABUTTING FRONT YARDS

Sec. 14-150. Other requirements.

All nonresidential uses in the R-P zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

Not Applicable, this is a residential use.

Sec. 14-151. External effects.

Every use in a R-P zone shall be subject to the following requirements:

(a) *Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.*

Residential use, all indoors.

(b) *Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.*

Mechanical equipment to be located on the roof and meet these levels.

(c) *Vibration and heat: Vibration inherently and recurrently generated and heat*

shall be imperceptible without instruments at lot boundaries.

No items should generate heat or vibrations.

(d) *Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.*

All lighting will be shielded, see Lighting Plan.

(e) *Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level, as classified in Method 9 (Visible Emissions) of the*

Opacity Evaluation System of the U.S. Environmental Protection Agency.

No items generate smoke.

(f) *Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.*

All waste will be handled indoors in the trash room and picked up by a private waste hauler.

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) *The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and*

(b) *Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the*

U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

These units will be for rent.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) *That is permissible under the provisions of this chapter in the zone in which it is proposed;*

This project qualifies as a residential project.

(b) *That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone;*

This project is in the R-P Zone, qualifying for this chapter.

(c) *That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, 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. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and*

The project will have a mix of affordable units and market rate units, all the same.

(d) *Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").*

This project goes beyond the workforce housing unit numbers required.

Workforce housing unit for rent means a dwelling unit which:

(a) *Is affordable to a household earning less than 100% of HUD AMI; and*

The project will have at 24 at 50% AMI 10 at 60% AMI and 6 Market Rate units.

(b) *Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.*

Avesta will manage these units and will conform to the rent restrictions.

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose. Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.*

This project provides excess workforce housing.

(c) *All Developments of Ten Units or More Conditional Uses.*

Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.

This project falls under this provision having 40 units.

(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 as per (e)2. below, 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.*

   This project is not phased.

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.*

   All units will be integrated into the building.

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.*

   All units are one bedroom.

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.*

   No fees required.

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.*

   These units will not be offered for sale.

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.

This project exceeds the 33% and is eligible for a TIF.

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*

This project has 34 affordable units and 6 market rate units.

Sec. 14-488. Density, parking and dimensional bonuses and reductions.

Notwithstanding any other provision of this chapter to the contrary, in order to encourage low income and workforce units in designated growth areas, eligible projects may avail themselves of the following options.

(a) *Density bonuses. The maximum number of units that would otherwise be allowed under this chapter shall be increased for an eligible project in the manner described in the following table.*

Eligible projects in all B-1, B-1b, B-2, B-2b, B-2c, B-3, B-3b, B-3c, B-5, R-7, and R-P Zones

Percentage Low Income Units for Sale/Rent	*Percentage Workforce Units for Sale/Rent*	*Density Permitted**	*Additional Height Permitted****	*Setback Reductions***
10%	*20%*	*1.1 x base*	*N/A*	*N/A*
20%	*40%*	*1.2 x base*	*10 feet*	*N/A*
30%	*60%*	*1.3 x base*	*10 feet*	*5'*
50%	*100%*	*2.0 x base*	*15 feet*	*5'*
75%	*N/A*	*2.5 x base*	*25 feet*	*10'*

This project has 85% affordable units and qualifies for the maximum relief.

**: "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 sf. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.*

This project is in the R-P District.

***: Setback reductions are absolute reductions in front, side and/or rear yard setback requirements. The maximum setback reductions in the B-1, B-1b and R-P*

zones shall be 5 feet.

This project will use the maximum reduction of 5'.

**** The maximum additional height permitted in the B-1 zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.*

This project will use the maximum 15' height addition.

(b) *Off-street parking. Off-street parking is required as provided in Division 20 (off-street parking) of this article.*

The parking will be reviewed with the Board to reduce the total required.

(e) *Unit Size and Term of Affordability. In order to be eligible for this section, the low income and workforce housing units must:*

1. *Meet Section 14-487 Ensuring Workforce Housing, subsection (e) Standards 1,2 and 3; and*
2. *Be affordable for the longest term permitted under federal, state and local laws.*

Avesta will keep these units affordable long term.

(f) *Required Public Process. The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this section must (1) hold a public meeting noticed to all properties within 500 feet of their site and (2) post a sign on the property in question describing the proposed project; intent to submit an application to the city in 30 days (cite anticipated submission date); and contact information for the developer and the Planning Authority (Department of Planning and Urban Development website link). The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual.*

This project will hold a Public Informational Meeting.

(g) *Projects under 14-487. Projects that are subject to 14-487 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project is also subject to 14- 487, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under 14-488.1 but not both.*

See the zone chart to see the bonus allowed and used.