

Jeff, Tuck, Sean and other members of the Planning Board,

I recommend a few modifications to the proposed R6 Changes that were presented a few weeks ago for review and approval.

1. **Setbacks** - The current proposed setbacks will create a new set of problems that will have negative repercussions and lead to sub-optimal quality of new projects in terms of design and neighborhood fabric. I recommend side and rear setback provisions be changed in the following ways:

A. **Rear setbacks** should be modified to 15% of a lots' depth versus 20%. Minimums of 10' rear setback for buildings of 35' and 15' for buildings of 45'

B. **Side Setbacks** on lots less than 45' in width should continue to be allowed to have **zero setback** on one side and 10' (10' total) on the other side if the neighboring structure not closer than 15'. If the project includes underground parking a **zero setback** and 7' side could be allowed in projects with no surface parking or driveway is planned(situationally granted based on design and situation)

C. **Grandfathered Footprints** -Projects should be allowed to use current building footprints if:

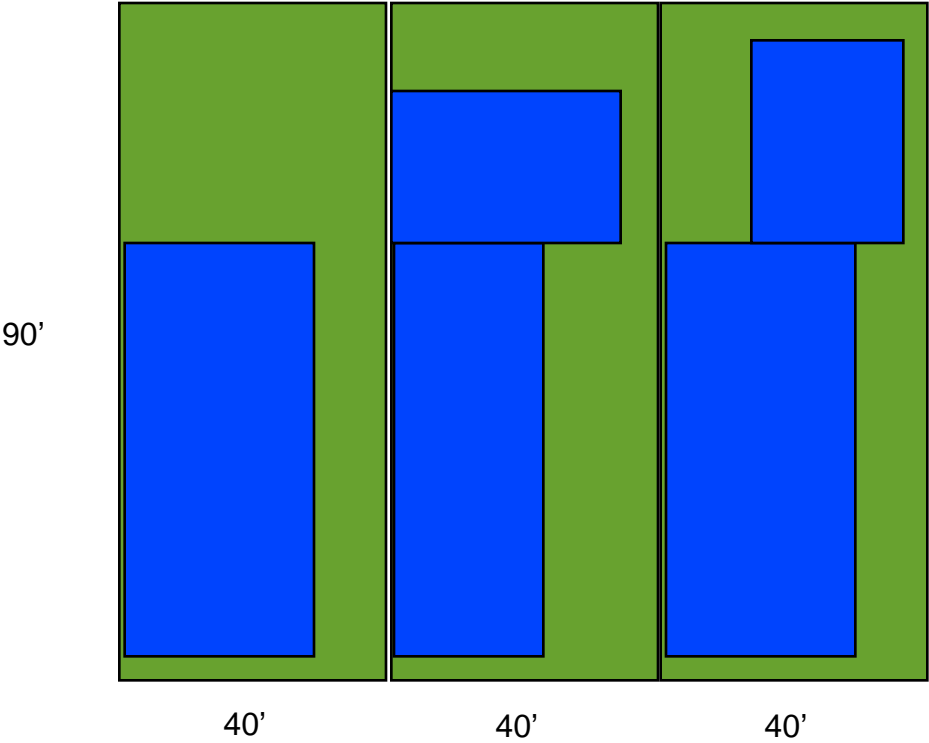
- 1) The project increases the number of housing units over existing
- 2) Underground parking is included in the project
- 3) If affordable housing is required the units are actually offered versus

being bought out

Current footprints often exist for very good reason and make much more sense in relation to neighboring buildings and to the slope or position of the lot than rules governing new construction allow. This wisdom that is embodied in many of the decisions for current structures' locations should not be discarded. When there is not flexibility allowed all stakeholders are actually negatively impacted. Additionally it can drive increased costs or odd, unusable pieces of land that is wasted in terms of utility. This simply does not make sense.

D. **Environmental Consideration** -Flexibility or leniency could be granted/considered for projects that include environmentally beneficial practices such as green roofs, solar power, highly efficient buildings, re-use of rainwater, storm water mitigation, etc.

E. 60% Lot Coverage - I recommend a new provision be added to allow for more effective land use. *On lots where setbacks do not allow a building footprint to attain a 60% lot coverage the setbacks will be decided in conjunction with city staff and/or the Planning Board to allow for attainment of the 60% lot coverage.*



60% lot coverage can be achieved and managed in way that will provide buildings and neighborhoods with increased character and sense of place without limiting housing options. Allowing this flexibility will enhance the quality of design of the buildings and improve indoor space but also will improve outdoor space aesthetics. L shaped buildings help frame outdoor space and gardens for instance. But restrictive, inflexible rules will mean a loss of character, visual interest and meaningful sense of place.

2, Building Expansion - Existing buildings should be able to increase total SF by 100% to 120% versus the current 60%. This would act as a disincentive to tear downs. The current allowance of 60% is antiquated. If you have a 2 story house with a 700SF footprint you can add 840 SF or one floor. So practically you are going to add 700SF. Most people who buy a very expensive property on Munjoy Hill are not going to add a floor to an existing small footprint. It often doesn't make sense from a design or

aesthetic sense and will probably never make sense financially. Many of the homes on Munjoy hill have a small footprint and if an owner could add to the footprint and build up it would allow for other possibilities than simply tearing down a property. The current rules promote tear downs. This would also allow some single families to be converted to 2 or 3 units without putting very restrictive, artificial constraints to designing safe, functional floor plans and quality living spaces. Perhaps this applies to homes of certain small footprints of between 500 and 1350 SF and 2.5 stories or less.

The reasoning for modifying set-backs is multi-faceted:

1a. The current proposal of 20% rear setback coupled with the new side setbacks prohibits the full use of FAR (Floor Area Ratio) or lot coverage provisions of 60%. This has several implications. First, the creation of new housing units is going to decrease thus impacting the availability of housing, directly conflicting with the goals of increasing density that was a main driver of changing the R6 in the first place and is counter to Portland's Comprehensive Plan.

If you take a 40' by 90' lot of 3600 SF and apply the proposed set backs of:

Rear	18' which = 20%
Front	5'
Side 1	5'
Side 2	10'
FAR	2160 SF = 60% lot coverage
Actual	1675 SF= 46.5% according to proposed setbacks
Lost SF	485 SF

To understand how this will impact the development of multi-unit housing it is valuable to look at how space is used and the interior dimensions. These are based on a 40' by 90' lot which is actually larger than most lots on Munjoy Hill but the 40' width is one of, if not the most, common lot widths.

Lot SF	3600	
Allowable SF	2160	60% Lot Coverage (FAR)
Actual Allowable SF	1675	proposed setbacks 25' by 67'
18" Walls SF	267	
Egress 1	140	
Egress 2	140	
Entry way	25	
<u>Elevator Shaft</u>	<u>80</u>	
Interior SF/Floor	1023	Usable living Interior SF

This allows a footprint of 25' by 67' which equals a 1,675 SF footprint versus the 2160 SF that is allowed with a FAR of 60%. This means that the setbacks restrict the footprint by 485 SF. This will translate into some very harmful outcomes in terms of design and limiting the creation of new housing units. To achieve energy efficient homes wall thicknesses and roof thicknesses are increasing to achieve higher R-values and air-tightness. Wall thickness is increasing to 14" and 18" which significantly impacts interior floor area. Additionally, if a project wants to implement underground parking which is very beneficial to aesthetics, removing cars from street parking and improving street engagement a 25' wide structure will prevent this option in multi-units. In a multi-unit that is 4 stories plus underground parking (5 levels) will need to offer an elevator or significantly limit the number of people interested in purchasing the top units. Additionally the units will sell for considerably less. These consequences matter and impose practical limitations in terms of how a building is designed and constructed and again will prevent investment in better quality building practices such as adding more architectural detailing, using better, more robust and attractive exterior materials, etc. Additionally, these limitations will mean a rectangle is the only form that will be utilized because the FAR has already been decreased by 15%. They act as a disincentive to add bump-outs, interesting windows nooks and other designs that provide so much character to a building and neighborhood. Adding these interesting details would further cut into footprint SF that simply will not be financially feasible for a multi-unit project in the current environment. Another option that 30% or 40% of the side of a structure could have less side yard setback. This would allow for better utilization of the lot, not encroach upon neighbors and add design variation that would enhance the property and neighborhood.

I think it would be very helpful to understand land utilization for current structures on Munjoy Hill to fully appreciate the impact. Showing the FAR or lot coverage of current multi-units versus single family homes on lots between 2000 and 5000SF would be very helpful data to study. I quickly took a few random examples:

	<u>Lot Size(SF)</u>	<u>Bldg Footprint(SF)</u>	<u>FAR (lot coverage)</u>
49 Morning Street	5725	4350	76%
53 Morning Street	5778	3520	61%
79 Vesper Street	3200	1975	62%
92 Vesper Street	3146	1900	60.5%
47 Congress Street	3920	2250	57.4%
51 Congress Street	3960	2600	65.7%
19 North Street	2785	1455	52.2%
23 North Street	3200	1750	54.6%

When setbacks limit lot coverage below 60% it is going to reduce the development of multiunit projects. This is going to harm housing availability. Even though most of these new units will not be affordable housing the increased availability of housing units will add to supply and as supply increases there is price moderation. Additionally added housing stock leads to economic robustness, growth and stability on top of adding to city revenues. The implications of these setbacks is considerable.

Drawings would be incredible helpful but I simply don't have time to include them.

2a. I believe that it is beneficial to allow the city and property owners more flexibility about placement of additions and new construction to better fit the specific lot and to better fit in with respect to current adjacent buildings. Because Munjoy Hill is already a built environment and many lots are sloping, allowing flexibility in judgement on placement through a process of approval by professionals will yield the best results in improving, enhancing the current built environment. It will benefit neighbors and property owners alike.

3a. Decreasing the creation of housing units impacts the city budget. It is feasible that the current changes could result in the loss of 60 to 120 units of housing over the next 5-10 years. On average these units will contribute \$10k to \$12k in property taxes or \$600K to \$1.44 million annually to the city budget. I think the current shortfall in our school budget and not being able to afford the PSO to perform at the July 4th celebration highlights the need for Portland to increase revenues. It impacts the city's ability to pay current bonds, credit rating, the cost of borrowing, etc. etc.

4a. 15% is still an increase in rear setback over current rules but will have less damaging results in limiting design, density and potential loss of housing. 15% is more than adequate in protecting light access (mitigating shadowing), life safety access, fire spread, etc. and providing room for gardening, outdoor patios and the like.

5a. The side setbacks will mean that houses are closer together in many cases. Currently many homes on MH are built on the lot line with a driveway in between the homes. This was done to allow the maximum distance between homes on very narrow lots. So if someone chooses to tear down a home that is built in a neighborhood laid out this way they will now have to move the new home 5' closer to neighboring home. It will be out of balance. On one side it will have a 5' strip of land that is totally useless. The neighbor on one side will gain 5' of space and the neighbor on the other side will lose 5'. The property owner will have 5' of useless land and a very narrow 10' driveway. The driveway will not be able to be plowed without risk of damage to both houses. Snow removal will be difficult and while this may only be an inconvenience to younger people, older people or people who want to age in place will find this more than an inconvenience. It may also increase damage to cars from falling snow sliding off roofs. We must remember that the new rules make it more difficult to incorporate car storage into designs. While I personally feel it is beneficial for the city to promote underground parking and move us toward less reliance on automobiles we are in that awkward period where the city does not have the mass transportation alternatives or the mixed use neighborhoods that allow many people to walk to work and be willing to let go of their car. The city also does not have the money to overcome the transit limitations offered to residents and Federal funds look more likely to be cut than increased.

In summary the current proposals basically allow almost no discretion in design or development options. In fact, they promote only the building of rectangles and single family housing. While R6 rules allow for a FAR (Floor Area Ratio or lot coverage) of 60% this is unachievable on most lots because of the minimum required setbacks. Flexibility is key to balancing housing needs, design considerations, economic requirements and creating a great, livable neighborhood.

Thank you for your consideration,

Tim Wells