



**CITY COUNCIL REPORT  
FROM  
PLANNING BOARD  
PORTLAND, MAINE**

R-6A Zoning Map Amendment and Text Amendments to Division 7, R-6 Residential Zone  
Zoning Text and Map Amendment  
Application #: 2014-114  
The Park Danforth, Applicant  
777 Stevens Avenue

Submitted to: Portland City Council First Reading: October 6, 2014 Second Reading: October 20, 2014	Prepared by: Shukria Wiar, Planner and Barbara Barhydt, Development Review Services Manager Date: September 16, 2014
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**I. INTRODUCTION**

The Park Danforth submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue (refer to attached excerpts from the Applicant's submission). The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block, except for one lot held under separate ownership, to the Residential R6 zone. The amendments are proposed to support the applicant's plans to develop independent housing for persons aged 55 and over on this site.

The Planning Board held two workshops on this item on July 22, 2014 and August 12, 2014 and the public hearing was held on September 9, 2014. After considering the applicant's proposal and potential options, the Planning Board unanimously recommended (7-0) establishing a new zone, Residential R-6A, for large scaled parcels located off the peninsula along major transportation and transit routes. The Board also recommended proposed text amendments to Division 20, Off-street Parking, to require only one space per unit in R-6 and R-6A zones. The Planning Board also recommends unanimously (7-0) two R-6A map amendments for the block bounded by Forest, Arbor, Stevens and Poland for the Park Danforth area and rezoning the Deering Pavilion site.

Public notices of the text and map amendments will be posted in the Portland Press Herald on October 6 and 7 and 173 notices will be sent to property owners and the interested citizen list.

**II. PROJECT DATA FOR PARK DANFORTH**

Existing Zoning: Residential R-6 and R-5, Business B-2  
Existing Use: 124 apartments for the elderly and 36 assisted living studios of Park Danforth  
Proposed Use: Residential Elderly Independent Living Units

Parcel Size:	4.12 acres
<u>Residential Data:</u>	
Existing Residential Units:	160 dwelling units in the existing building, 1 single family and one demolished 2-F
Proposed Residential Units:	46 dwelling units
# Units to be Demolished:	one single family home and 2 family (Housing Replacement Review will be triggered at Development Review
# of Affordable Units:	Existing units- 70 are Section 8 housing and 36 market rate. The proposed units will be market rate.
Building Heights:	Existing is 65' and Proposed is 65'
Proposed Parking Spaces:	Total 132 spaces, 92 surface spaces and 40 in the proposed garage
Uses in Vicinity:	Mixed commercial uses along Arbor Street, across the street on Stevens Avenue is the Maine State Armory and University of New England, on Poland Street there are residential use as well as offices, commercial uses along Forest Avenue.
Lots Proposed for Rezoning to R-6A:	
• Park Danforth Lots:	146 C005001, 146 C006, 146 C007, 146 C008, 146 C010, 146 C009, 146 C011, 146 C012, and 146 C014. The lot for 24 Arbor Street is included in the rezone, CBL 146 C013 and is under a different ownership from Park Danforth.
• Deering Pavilion Lot:	136 E005001, 137 H001001, and 142 G007004

### III. EXISTING CONDITIONS AND ZONING

#### A. Background

The applicant, Park Danforth, is an elderly residential housing entity that has roots in the City for over 130 years and is a not-for-profit corporation. Park Danforth originally was located at the corner of Park and Danforth Streets, hence the name Park Danforth. The property was sold to 75 State Street and they moved to their current location at 777 Stevens Avenue in 1985 with seventy (70) Section 8 apartments and thirty-six (36) market rate residential apartments for the elderly. The facility expanded again in 1999 to provide eighteen (18) new apartments and thirty-six (36) Assisted Living studios. Currently the building consists of 124 apartments and 36 Assisted Living studios.

The assisted living units at Park Danforth were developed as a special needs independent living units, which are a permitted use in the R-6 zone. The existing height of the current building is 65 feet, which is no longer permitted in the R-6 zone. Marge Schmuckal has confirmed that the building permit files note this was the permitted height at that time. The special needs independent living units (SNILU) are subject to the dimensional standards of the R-6 zone. The density provision does allow for a greater density for SNILUs as follows:

- a. Minimum area per dwelling unit: *One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.*

The proposed development is for market rate independent living units and is not proposed as a SNILU; thus the 20% density bonus would not apply.

The Park Danforth has been in negotiation for the past five years with the adjacent parcels, so the site now consists of eight parcels. The recently acquired sites include the Goodwill properties along Forest and Stevens Avenues and two existing residential parcels along Arbor Street. The applicant owns the entire

city block with the exception of one residential property at 24 Arbor Street. They are in discussions with the property owner to purchase the single-family home, however the discussions are on hold at this time.

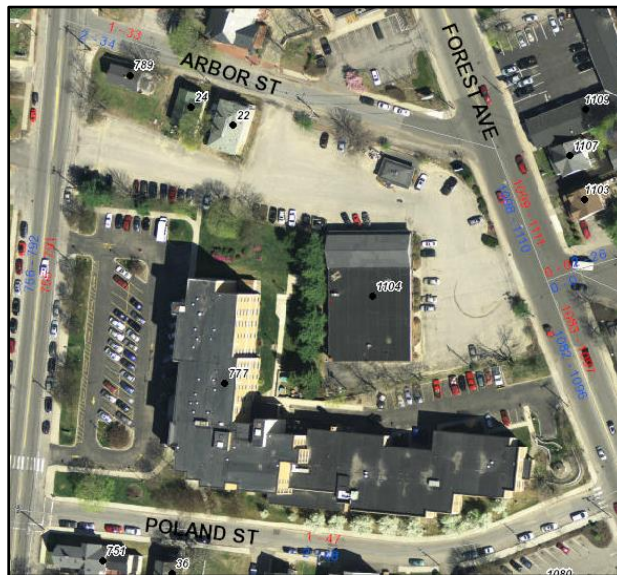
**B. Existing Zoning and Conditions**

The zoning for this block is split between three zones. The existing building at 777 Stevens Avenue is zoned Residential R6. The properties at the corner of Stevens Avenue and Arbor Street, including 189 Stevens Avenue, 22 and 24 Arbor Street are presently zoned R5. The “Goodwill” facility and parcels are zoned Community Business B2 at 1104 Forest Avenue. The total parcel area of Park Danforth campus is 179,546 SF or 4.12 acres. The applicant explored developing the site under the current zoning designations, but there was a need for text amendments to B-2 for height and the limitations of R-5 zone were too restrictive. The applicant is seeking to have all of their holdings under one zone designation (see excerpt of Zoning map).



The Goodwill site has impervious area coverage of roughly 95% with two buildings and paved parking on a lot area of 60,798 SF (1.40 acres). There are two single-family homes on Arbor Street.

The single family home at 24 Arbor Street is occupied and under separate ownership. This lot was not part of the applicant’s proposed map amendment; however, the Planning Board chose to include the site in the noticing for the R-6A and has recommended that the full block be rezoned to R-6A, including 24 Arbor Street.



**Aerial of the Park Danforth City Block**

#### IV. PARK DANFORTH PROPOSED DEVELOPMENT

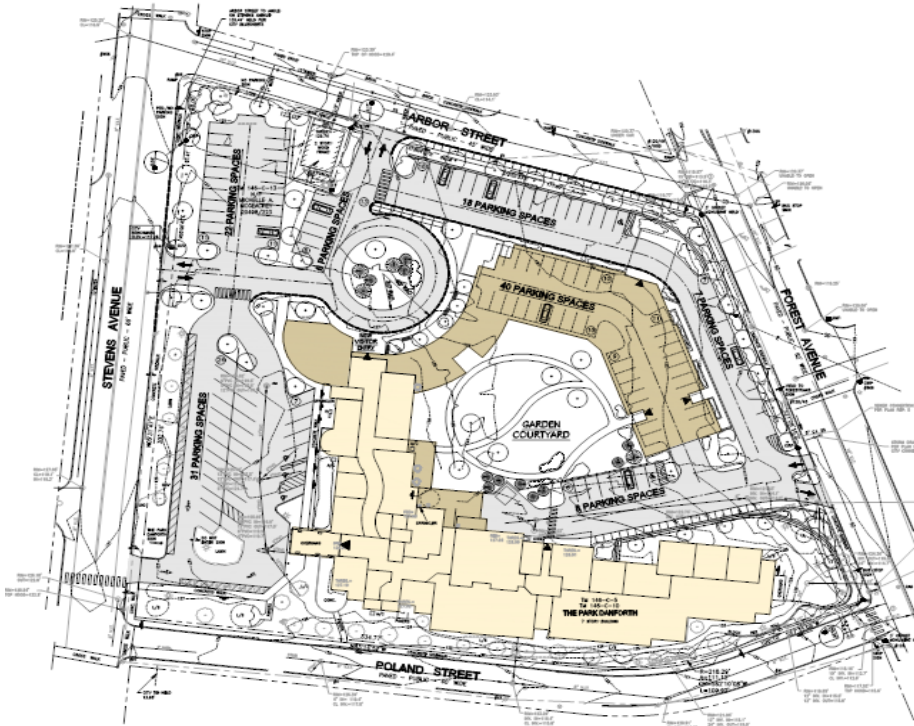
The total land area of the parcels making up the Park Danforth Campus is 179,546 SF or 4.12 acres. The proposal is to expand their current campus to provide for elderly housing that includes “independent elderly housing” for a younger aging population. Thus, the design is for people who do not need assistance with daily living but would like to be in an interactive senior community with amenities and services. The main population being targeted is 75 years of age and plus.

According to the applicant’s submission, the master plan will consist of open spaces, address the street presence, and provide for pedestrian and vehicular circulation and safety. Some of the vehicular circulation will remain one-way and exiting on an existing two-way drive which will be slightly modified. This two-way drive will also access the new parking and the visitor entry. The existing driveway serving the Goodwill Store will be removed on Forest Avenue. Having said this, there will be four curb cuts on the remaining streets: one on Arbor Street for visitor entrance and for the new building, one off Forest Avenue for service entrance and two on Stevens Avenue. The campus will include two interior courtyard gardens to provide safe and functional open space for the residents. Other site improvements include extensive landscaping and site features such as retaining wall and fencing.

The main building on the Park Danforth campus consists of a seven-story building along Stevens Avenue and a three-story building along Poland Street. Along with the newly acquired parcels, Park Danforth wants to build a new structure along Arbor Street and Forest Avenue. The new building will contain one

level of underground parking for forty (40) cars and forty-six (46) new “Independent Living” units on the upper four floors. The total building area will be about 64,000 SF, not including the parking level.

The building will be four-stories along Forest Avenue and Arbor Streets with the interior of the building facing the existing Park Danforth building will be five-stories. The maximum proposed building height is proposed at approximately 65 feet. A building connection is proposed to connect the existing seven-story building with the new building at the new turn-around. According



to the applicant the “building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building”. Please refer to Applicant’s submission for more details of the master plan for the campus. The proposed development will be subject to site plan and subdivision review. The Planning and Public Services staff have provided preliminary review comments encouraging a reduction in curb cuts, minimizing pavement, enhancements to the public sidewalks, and encouraging a street presence.

## V. PROPOSED ZONING TEXT AMENDMENTS

### A. Proposed Text Amendments to Create R-6A Zone

The Planning Board supports amending the R-6 Residential Zone, Division 7, to create the R-6A zone. Amendments to the purpose statement along with a new map designation are recommended. The potential text amendments include adding a new purpose statement, adjusting the maximum building height to 65 feet, establishing a minimum lot size and modifying the open space ratio to 20%.

#### a) Purpose Statement

The proposed revisions to the purpose statement are based upon the policies contained in Housing: Sustaining Portland's Future, which is adopted as part of the Comprehensive Plan. The revisions are below and included as Attachment 1.

DIVISION 7. R-6 and R-6A RESIDENTIAL ZONE

Section 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

#### b) Amendment for Permitted Use title

**Sec. 14-136. Permitted uses.**

The following uses are permitted in the R-6 and R-6A residential zones:

[No amendments proposed in the list of permitted or conditional uses.]



**c) Amendment for Dimensional Standards–**

Inserted below is a chart with the comparison of the existing R-6, potential R-6 amendments and the proposed R-6A provisions. Please note that only the proposed changes for the R-6A zone are underlined shown in red. All R-6 zone dimensions apply unless otherwise stated in the R-6A zone.

<b>Potential R6 and R6A Amendments to Dimensional Requirements</b>			
<b><i>Residential Dimensional Requirements</i></b>	<b><i>Existing R6</i></b>	<b><i>Proposed R6</i></b>	<b><i>Proposed R6A</i></b>
Lot Size	4,500 sf	2,500 sf	<u>4 acres</u>
Min. Lot Area/ Dwelling Unit	1,000-1,200 sf	725 sf	1,000-1,200 sf
Street Frontage	40 feet	30 feet	40 feet
Front Yard Setback	10 Feet, or no more than average depths of adjacent front yard	5 Feet, or no more than average depths of adjacent front yard	10 feet
Rear Yard Setback	20 feet	10 feet	20 feet
Side Yard Setback	10-15 feet, variable by height	5 feet	<u>Building up to 45 feet in height, 10 feet. Building over 45 feet, 15 feet</u>
Side Yard on Side Street	10 feet	0 feet	10 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%	40-50%, variable by # of dwelling units/lot
Minimum Lot Width	40 feet	30 feet	40 feet
Maximum Height	45 feet	45 feet	<u>65 feet</u>
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%	<u>20%</u>
Parking	1 spaces/unit	1 spaces/unit, except none required for first 3 units	<u>1 spaces/unit</u>

Each amendment is summarized below along with the accompanying text amendments and the complete text is included as Attachment 1.

**i. Minimum Lot Size**

The Planning Board recommends that additional building height proposed for R-6A is more appropriate in campus settings, such as the Park Danforth, and Deering Pavilion. Therefore the Board recommends an amendment, which sets a minimum lot size of four (4) acres. The full text with the highlighted amendments are contained in Attachment 1.

Section 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. Residential in the R-6A zone: Four (4) acres.

**ii. Amendment for Dimensional Standards–Rear and Side Setbacks**

The proposed adjustments for the R-6A zone reflect the current setbacks in the R-6 zone (refer to chart above). A comprehensive review of the R-6 zone is underway and the proposed revisions will be presented to the Planning Board in the fall. Based upon the larger scaled development that has been developed off-peninsula within R-6 and the redevelopment options envisioned for the off-peninsula R-6A zone, the Planning Board recommends establishing side yard setbacks for R-6A of 10 feet for buildings up to 45 feet in height and 15 feet for structures above 45 feet.

b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

c. *Side yard:*

- i. Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of

up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

ii. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet. Principal structure height greater than forty-five (45): 15 feet.

**iii. Amendment for Dimensional Standards– Maximum Structure Height**

Currently, the R-6 maximum building height is 45 feet. The proposed increase to 65 feet would apply only in the off-peninsula R-6A zone. For comparison, the maximum building heights for principal structures in off-peninsula residential is 35 feet for R-1, R-2, R-3 and R-5.

The maximum structure height in off-peninsula B-1 zones is 35 feet unless the zones abut an R-6 zone and then the maximum building height of the R-6 zone applies (currently that would be 45 feet). Proposed amendments to the B-1 zone are being drafted by the planning staff, which will keep the reference to R-6, but clarify that this does not include R-6A.

In terms of existing context, the original building at Park Danforth is 65 feet and then a three story addition was constructed along Poland Street. William Scott, surveyor for the Department of Public Services, calculated the building heights for Deering Pavilion and Ricker Park. Ricker Park and Princeton on Back Cove (aka Forest Park) are below or meet the current R-6 building height regulations of 45 feet, whereas Park Danforth and Deering Pavilion exceed the current standards (see photos below). The following chart shows the three off-peninsula properties that are currently zoned R-6 with the land area, building height, and date of construction:

<b>RESIDENTIAL HOUSING IN THE R-6 ZONE</b>			
<b>Property</b>	<b>Acreage</b>	<b>Building Height in Feet</b>	<b>Year Built</b>
<b>Park Danforth</b>	4.12	65	1984
<b>Deering Pavilion</b>	7.017	101.5	1973
<b>Ricker’s Park</b>	4.89	34.5	1930
<b>Princeton on Back Cove</b>	8.65	24	1945

- 7. *Maximum structure height*
  - a. Maximum structure height R-6:

Principal and attached accessory structure: Forty-five (45) feet.



Accessory detached structure: Eighteen (18) feet.

b. Maximum structure height R-6A:

Principal and attached accessory structure: Sixty-Fifty-five (565) feet.

Accessory detached structure: Eighteen (18) feet.

**iv. Amendment for Open Space Ratio – Dimensional Standards**

Modifying the open space ratio is recommended in order to encourage a more urban form of development, which is consistent with the R-6 zone, and to eliminate complexity in the regulations. The current open space ratio is based upon the number of units proposed for a development. Currently, 20% open space is required for projects with 20 units or less and 30% open space is required for projects with over 20 residential units. The proposed changes are to eliminate the variability of the ratio and apply 20% to all developments. This would apply to all R-6 development, not just R-6A.

8. *Open space ratio:*

a. *Uses other than bed and breakfast. Twenty (20) percent. ~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.*

**A. TEXT AMENDMENT TO DIVISION 20-PARKING REQUIREMENT**

Lastly, there is a proposed text amendment to revise Division 20 Off-Street Parking Section 14-332. Currently, residential development off-peninsula requires two spaces per unit. The applicant is requesting the parking requirement be decreased from two parking spaces per unit to one parking space for R-6 zones, both on and off the peninsula. The Planning Board found the proposed parking provision to be reasonable for higher density residential developments, such as in the R-6 zone, and is appropriate for the proposed R-6A zone locations along public transportation corridors and near services. The proposed amendment to Division 20 is proposed as follows (Attachment 2) :

*Section 14 -332*

3. For residential development on the peninsula (~~area defined as~~ southerly of I-295 and R-6 and R-6A zones):

a. One (1) space per unit;

b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8)

required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

- c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

## **VI. PROPOSED ZONING MAP AMENDMENTS**

### **A. Existing R-6 Zones Off-Peninsula**

There are three areas off the peninsula that are currently zoned R-6. Those sites include the following:

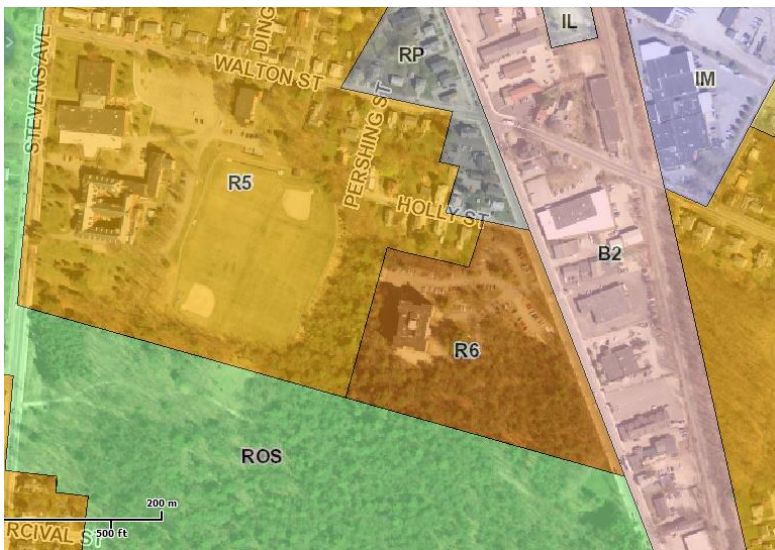
- 1) Park Danforth;
- 2) Deering Pavilion; and
- 3) Ricker Park and Princeton Back Cove (also referred to as Forest Park), off Dartmouth Street.

The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue. The site is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development (elderly housing) is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection and adjacent to Baxter Woods. Ricker Park and Princeton on Back Cove are off Dartmouth Street and overlook Back Cove along Baxter Boulevard, which is a designated Historic Landscape. Excerpts of the current zoning map and photos of the respective sites are below.

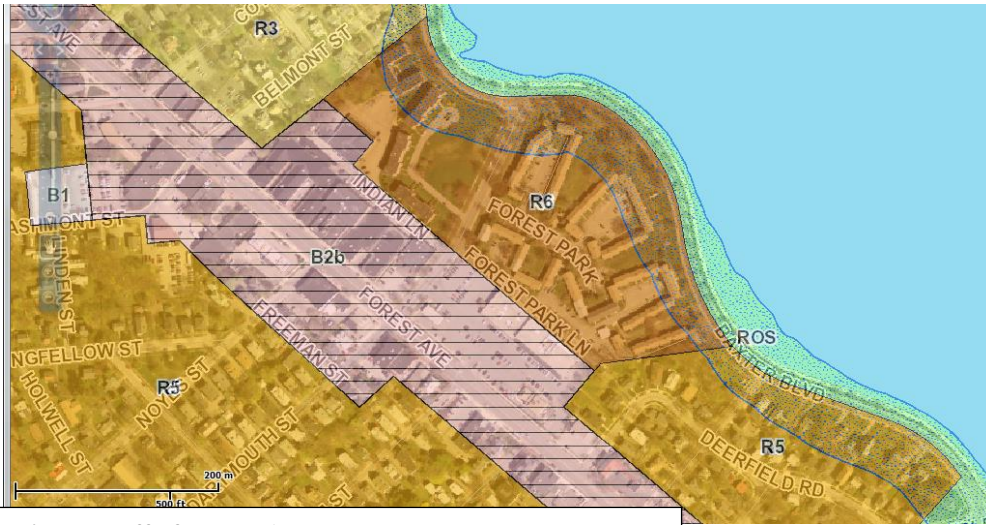
Park Danforth Site, 777 Stevens Avenue



Deering Pavilion – 880 Forest Avenue, zoning map, aerial and photo taken from website.

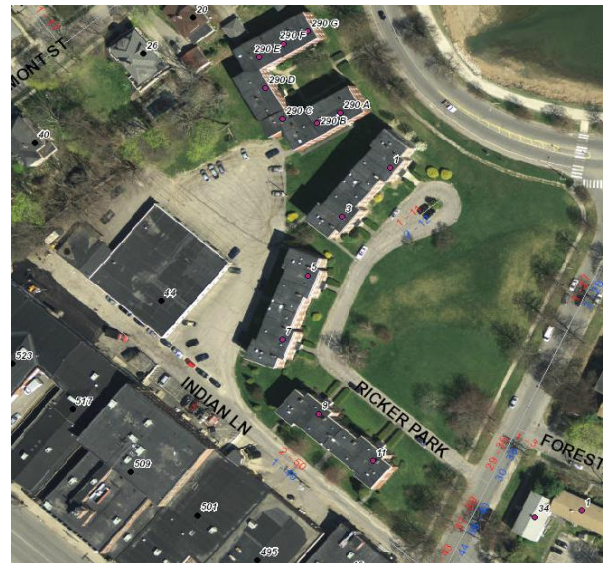






Ricker Park-Princeton Back Cove (Forest Park), zoning map, aerial and photo

Ricker's Park off of Forest Avenue- Picture taken from their website



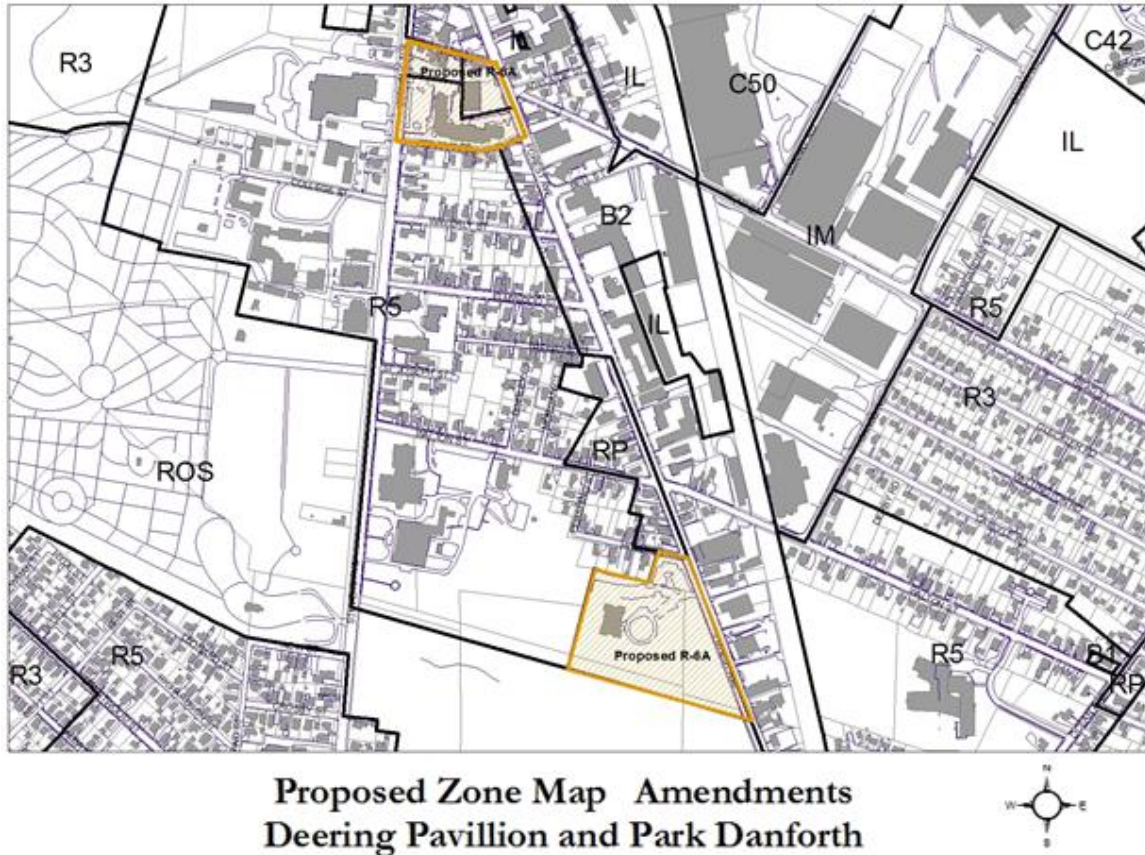
Princeton on Back Cove off of Forest Avenue- Picture taken from their website





## B. Proposed R-6A Map Amendment

The Planning Board is recommending an R-6A map amendment for the Park Danforth block, including 24 Arbor Street, and for the Deering Pavilion site, due to their locations along arterials and the fact that their current structures exceed the R-6 zone maximum height requirements. The Planning Board did not include Ricker Park and the Princeton on Back Cove (aka Forest Pines) within the proposed R-6A map amendment based upon the analysis that both of the residential developments meet or are below the current R-6 limitations for building height and they are located along a sensitive historic landscape. The proposed map amendments are shown in yellow below.



## VII. ZONING COMPARISON

The Planning Board requested a comparison chart of the existing and proposed zoning. [Attachment 2](#) is a zoning chart with the purpose statements, permitted and conditional uses and the dimensional standards from that workshop.

## VIII. COMPREHENSIVE PLAN ANALYSIS

Goals and policies which are relevant to the proposed map amendment have been included below:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland’s rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland’s neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland’s neighborhoods.

Volume 2 Implementation

Housing Initiatives:

3. New Senior Citizen Housing: A variety of housing opportunities are needed to assist Portland’s senior citizens, including subsidized apartments. (cites Peaks Island Housing)

Longer Term Actions – 4-10 years

- (b) Update zoning to encourage neighborhood livability with higher density multi-family and innovative mixed use projects that are along major public transportation routes, near service areas, in redevelopment (underutilized) or infill area, locations near downtown and in business zones.

Robert Metcalf, Principal Architect with Mitchell Associates, provided the applicant’s assessment of the proposed zoning map and text amendments and consistency with Portland’s Comprehensive Plan (Attachment A). Mr. Metcalf cites relevant goals and polices from the following components of Portland Comprehensive Plan:

- Housing: Sustaining Portland’s Future; and
- A Time of Change: Portland’s Transportation Plan

**IX. PUBLIC COMMENT**

As of the writing of this report, no public comment has been submitted to the Planning Authority concerning this proposal. The Planning staff has reached out to Deering Pavilion and spoke to Joanne Beam, Executive Director, about the proposed text and rezone amendments. She did not



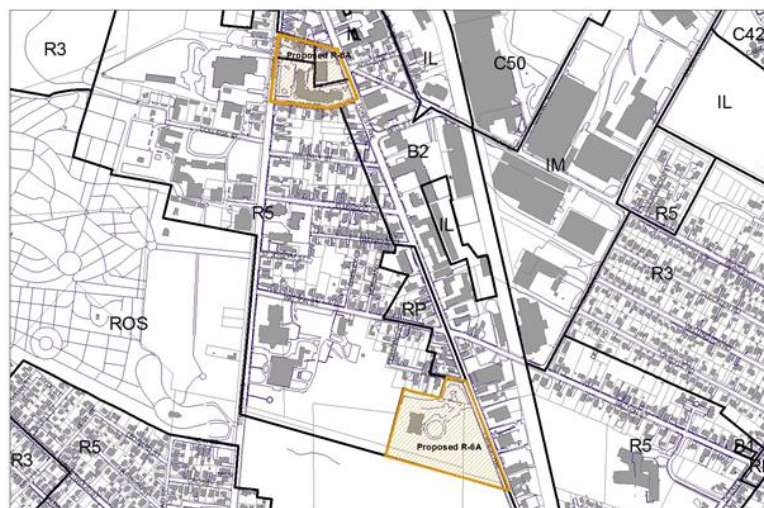
have any concerns about the amendments and thought it may be a positive impact on their property.

## **X. PLANNING BOARD RECOMMENDATIONS**

The Planning Board considered multiple options for rezoning for the Park Danforth proposal, including a conditional rezoning agreement and alternative text amendments to the R-6 zone. With the on-going comprehensive review of proposed R-6 amendments, the Board did not want to revise the R-6 zone while the public process is underway. The Board also did not support the concept of a conditional rezoning for this proposal. The Planning Board found the creation of the R-6A zone to be an effective solution, which is designed to allow higher density residential development off the peninsula on large lots of 4 acres or more and along major transportation routes. The Board supported rezoning the two of the three existing off-peninsula R-6 sites to R-6A in order to support the existing scale of development and allow opportunities for further in-fill development along major transportation corridors that have public transportation. This proposed zoning tool could be applied in other off-peninsula locations in the future.

At the September 9, 2014 public hearing, the Planning Board voted unanimously (7-0) on all of the following motions:

1. The Planning Board found the proposed text amendments to Division 7, R-6 Residential Zone as presented in Council Order, with the maximum building height of 65 feet for Residential R-6A, and text amendments to Division 20, Off Street Parking, are consistent with the Comprehensive Plan for the City of Portland; and recommends to the City Council approval of the zoning text amendments as presented.
2. The Planning Board also found that the proposed map amendments to R-6A are consistent with the Comprehensive Plan for the City of Portland and with the policies of the R-6A Residential Zone, Division 7 of the Land Use Code; and therefore the Planning Board recommends to the City Council approval of the zoning map amendment for 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavillion) from R5 Residential, R6 Residential, and B2 Community Business Zones to R6A Residential Zone as presented below.



**Proposed Zone Map Amendments  
Deering Pavillion and Park Danforth**



**ATTACHMENTS:**

**Staff Review Comments and Background Information**

1. Division 7- R-6 Zone and R-6A Amendments
2. Division 20 – Off-Street Parking Amendments
3. Zoning Chart

**Excerpts from Applicant’s Submittal**

- A. Cover Letter
- B. Project Description

**Plans**

- P1. Conceptual Master Plan
- P2. Existing Conditions in Vicinity
- P3. Arbor Street Elevation
- P4. Forest Avenue Elevation

**Proposed Text Amendments to the R-6 Zone**

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONE\*

**Sec. 14-135. Purpose.**

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

The purpose of the R-6A residential zone is

(c) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

**Sec. 14-136. Permitted uses.**

The following uses are permitted in the R-6 and R-6A residential zone:

[ No changes to permitted or conditional uses.]

**Sec. 14-139. Dimensional requirements.**

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 and R-6A zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

b. ~~Reserved.~~ Residential in the R-6A: Four (4) acres.

c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus

seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.

- d. Intermediate care facility: One (1) acre.
- e. School: Thirty thousand (30,000) square feet.
- f. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

- g. Municipal use: Forty-five hundred (4,500) square feet.
- h. Hospital: Two (2) acres.
- i. All other uses: Forty-five hundred (4,500) square feet.
- j. Lodging house: Four thousand five hundred (4,500) square feet.

- 2.
  - a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
  - b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
  - c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
  - d. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

3. *Minimum street frontage:* Forty (40) feet.

4. *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

c. *Side yard:*

- i. Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet. Principal structure height greater than forty-five (45 feet): 15 feet.

d. *Side yard on side streets:*

i. Principal or accessory structures: Ten (10) feet.

5. *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

6. *Minimum lot width:* Forty (40) feet.

7. *Maximum structure height:*

a. Maximum structure height R-6: Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

~~b. Maximum structure height in R-6A: Principal and attached accessory structure: Sixty-five (65) feet on off-peninsula parcels.~~

Accessory detached structure: Eighteen (18) feet.

8. *Open space ratio:*

a. ~~*Uses other than bed and breakfast. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.*~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

b. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

9. A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.



10. *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
11. *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

12. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size:* None
2. *Maximum lot size:* Ten thousand (10,000) square feet.
3. *Yard dimensions:*

a. *Front yard:*

No more than ten (10) feet.

b. *Rear yard:*

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no

structure shall be closer than four (4) feet to side property line.

c. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

4. *Minimum principal structure height:* Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.
5. *Maximum principal structure height:* Forty five (45) feet.
6. *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.
7. *Minimum lot width:* None.
8. *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

## Proposed Off-Street Parking Amendments

### DIVISION 20. OFF-STREET PARKING

#### Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction, two, (2) parking spaces for each dwelling unit, plus one (1) additional parking space for every six (6) units or fraction thereof.
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (~~area defined as~~ southerly of I-295 and R-6 and R-6A zones)
  - a. One (1) space per unit;
  - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
  - c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as

housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. For residential development in the B-2, B-2b, B-2c zones:
  - a. One (1) parking space per dwelling unit.

**Table 1: Purposes**

Zone		Purpose
<b>R-5</b>		To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
<b>R-6</b>		To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
<b>R-7</b>		<p>The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.</p> <p>Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.</p>
<b>B-2 (Community Business)</b>		<p>To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community.</p> <p>The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.</p> <p>The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.</p> <p>The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.</p>

Uses		R-5	R-6	R-7	B-2/B-2b/B-2c	
Permitted	Residential	Single-family and two-family dwellings	•	•	•	•
		Multi-family dwellings		•	•	•
		Handicapped family units	•	•	•	•
		Single-family single- or multiple-component manufactured housing	•	•	•	
		Combined living/working spaces				•
		Lodging houses		•	•	•
		PRUDs	•			
		Multiplex development	•			
	Institutional	Schools				•
		Clinics				•
		Places of assembly				•
		Long term, extended and intermediate care facilities				•
		Governmental buildings and uses/municipal uses	•	•		•
		College, university or trade schools				•
		Nursery schools, kindergartens				
		Day care facilities				•
	Business	General, business, & professional offices				•
		Personal services				•
		Business services				
		Offices of building tradespeople				•
		Retail establishments				•
		Restaurants				•
		Drinking establishments				• <sup>4</sup>
		Billiard parlors				•
		Mortuaries or funeral homes				•
		Miscellaneous repair services				• <sup>5</sup>
		Communication studios or broadcast and receiving facilities				•
		Health clubs and gymnasiums				•
		Veterinary hospitals				• <sup>6</sup>
		Theaters				•
		Hotels				• <sup>7</sup>
		Dairies and bakeries				•
		Drive-throughs when accessory to a principal use on the same lot				• <sup>8</sup>
		Registered medical marijuana dispensaries				•
		Indoor recreation and family amusement establishments				
		Intermodal transportation facilities				
	Accessory uses	•	•		•	



		Agricultural uses, as defined			
		Cemeteries		•	
		Parks	•	•	
		Home occupation	•	•	
		Studios for artists and craftspeople			•
		Special needs independent living units	•	•	
		Bed and breakfasts			•
		Conversion into bed and breakfast		•	
		Hostels		•	•
		Wind energy systems	•	•	•
		Utility substations			•
		Warehousing and wholesaling			
		Low impact industrial uses			
		R&D and back office uses			
		Building contractors and construction/engineering services			
		Nurseries			
		Lumber yards			
		Commercial kitchens or other food preparation			
		Recycling & solid waste disposal facilities			
		Food processing			
		Correctional pre-release facilities			
		Tow lots			
		Beverage dealers			
	<b>Conditional</b>		Municipal Uses		
<b>Residential</b>		Sheltered care group homes	•	•	
		Additional accessory dwelling units	•		
		Alteration of non-residential structure to 3+ dwelling units	•		
		Conversion of multi-family structure to lodging house	•		
<b>Institutional</b>		Schools	•	•	
		Long-term and extended care facilities	•	•	
		Intermediate care facility for 13 or more persons	•	•	
		Places of assembly	•	•	
		Hospitals	•	•	
		Nursery schools and kindergartens		•	
		Day care facilities	•	•	
College, university, trade schools		•	•		
<b>Business</b>		Major and minor auto service stations existing as of 1999			• <sup>9</sup>
		Car washes			•
		Drive-throughs adjacent to residential uses or zones			• <sup>10</sup>

<b>Other</b>	Automobile dealerships				•
	Restaurants				
	Conversion into bed and breakfast (over 5 rooms)		•		
	Utility substations	•	•		
	Professional offices		•		
	Chancellery		•		
	Off-street parking	•	• <sup>2</sup>		
	Temporary wind anemometer towers	•	•		•
	Hostels		•		
	Wind energy systems	•	•		•
	Printing and publishing establishments				•
	Wholesale distribution establishments				•
	Research and development and related production establishments				•
	Cemeteries				
Raising of domestic animals					
Day Care facilities					

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted

2 For passenger cars for uses permitted in the R-6 zone.

3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs

4 Except in B-2c

5 Excluding motor vehicle repair

6 Excluding outdoor kennels

7 Of less than 150 rooms

8 Permitted in B-2 or B-2b if not adjacent to residential use or zone

9 Permitted in B-2, & permitted in the B-2b if in existence since 1999

10 Permitted in B-2, & permitted in the B-2b if accessory

Zoning Requirements	R6	B2	R-5	R-7
<b>Minimum Lot Size</b>	a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Residential uses: None	Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.	
<b>Minimum Street Frontage</b>	40 ft	Residential uses: None	50 ft	None
<b>Minimum Front Yard</b>	10 ft	Residential uses: None	20 ft	
<b>Minimum Rear Yard</b>	Principal and attached accessory structures Twenty (20) feet. Detached accessory structures: Five (5) feet.	Residential uses: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.	20 ft	None
<b>Minimum Side Yard</b>	10-15 ft depending on structure height	Residential uses: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.	8-14 feet depending on structure height	5 ft
<b>Maximum Lot Coverage</b>	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	90 percent	40 percent	None
<b>Open Space Ratio</b>	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.			100%
<b>Maximum Structure Height</b>	45 ft	45 ft	35 feet	50 ft
<b>Maximum Residential Density</b>	a. <i>Minimum area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	Off- peninsula locations, as defined in the Section 14-47: i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below. ii. <i>Multi-family dwellings above first floor commercial uses:</i> One thousand (1,000) square feet of land area per dwelling unit is required.	Three thousand (3,000) square feet, except as provided for a multiplex.	Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.

June 30, 2014

Ms. Barbara Barhydt  
Development Review Services Manager  
City of Portland  
389 Congress Street  
Portland, Maine 04101

**Re: Park Danforth  
777 Stevens Avenue  
Request for Map Change  
And Text Amendment**

Dear Barbara,

On behalf of The Park Danforth we are pleased to submit the following application for a zone map change and text amendments for the properties identified as Tax Map 146 Chart C Lots 6-9, 11, 12 & 14 situated between Stevens and Forest Avenues. The Park Danforth is an elderly residential housing entity that has been in existence for over 130 years in the city of Portland. The proposed map change and text amendments are being proposed to address an expanded housing program and site enhancement to offer a quality environment for an aging population.

**History**



The Park Danforth, a not-for-profit corporation, has been in existence for over a 130 years, evolving from the “Mercantile Home for Aged Men” located at the corner of Park and Danforth Streets. During the mid - 1970’s the facility model was expanded to provide a larger state-licensed and Medicaid supported residential care program coupled with internal subsidies as well. With financial pressures changing from both state reimbursements and increasing pressure for subsidies from its investments, The Park Danforth considered its options to continue its mission while remaining financially solvent. Making a bold move, The Park Danforth sold its program and property to 75 State Street – another strong not for profit provider – and moved its operations to the current 777 Stevens Avenue location in 1985 with 70 Section 8 apartments and 36 market rate residential apartments for the elderly in the mix. In 1999, to further its mission of service, The Park Danforth expanded the facility to provide 18 new apartments and 36 Assisted Living studios. The current makeup of The Park Danforth today consist of 124 apartments classified by the city as Special Needs Independent Living Units and 36 Assisted Living studios classified by the city as Intermediate Care units, 3 of which are licensed for double occupancy units.

### **Mission Statement**

*“The Park Danforth is a not-for-profit corporation dedicated to providing high quality housing and services to those 60 years of age or older. Our Mission is to provide housing and services to enhance a person’s quality of life, respect personal dignity, and accommodate the need for privacy and self-determination. In doing so, we aim to respond to the individual’s changing needs brought about through aging.”*

### **Existing Conditions**

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The Park Danforth properties consist of 8 parcels identified on the Assessors maps as Map 146, Chart C, Lot's 5-12 & 14. Over the past 5 years, The Park Danforth has negotiated the purchase of the adjacent parcels that include the Goodwill properties along Forest Avenue extending to Stevens Avenue and two existing residential properties along Arbor Street and presently own an entire city block with the exception



of one residential property, 24 Arbor Street, identified as lot 13. They have been in discussions with the property owner to purchase however due to health issues discussions are temporally on hold. Further discussions will continue when appropriate.



The properties are bound by Stevens Avenue, Poland Street, Forest Avenue and Arbor Street. Of the existing property held by The Park Danforth, Map 146, lot 5 & 10 are presently zoned R6. Lots 6-9 and a portion of 14, held by The Park Danforth, are presently zoned R5 and Lots 11, 12 and a portion of 14, "Goodwill" operation, are zoned B2. Not included in the application is Lot 13, 24 Arbor Street, is also in the R5 zone. The total parcel area of The Park Danforth campus is 179,546 SF or 4.12 acres. The Goodwill site is almost entirely impervious (95% +/-) consisting of two buildings and paved parking, with a lot area of 60,798 +/-SF or 1.40 acres. Of the two Arbor Street properties acquired, one has an existing single family residence and the second parcel is presently vacant.



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### **Proposed Map Change**

The Park Danforth is currently developing a master development plan to expand their opportunities for providing elderly housing to include “independent elderly housing” for a younger aging population including those that do not require assistance with daily living but who are looking for housing that provides opportunities for an interactive senior community with amenities and services for their choosing. The target market is 75 years of age plus.

The map change request is intended to include the entire city block as an R6 to reach the density necessary to achieve a successful project. As indicated above, with exception of one residential property on Arbor Street, The Park Danforth owns all of the land within the city block. While the owners of the Arbor Street property have not been contacted to request a letter of support for reasons previously mentioned, they have been informed of The Park Danforth’s intentions. The requested change from the R5 to the R6 designation will have no adverse impact upon the remaining residence.

#### R5 (Residential) to R6 (Residential)

Chart 146	Block C	Lots	6-9 and portion of 14
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#### B2 to R6 (Residential)

Chart 146	Block C	Lots	11, 12 and portion of 14
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### **Proposed Development**

The Park Danforth currently consist of a seven-story building along Stevens Avenue, and a three-story building along Poland Street. With the acquired parcels along Arbor Street and Forest Avenue, The Park Danforth seeks to build a new structure along Arbor Street and Forest Avenue comprised of 46 new “Independent Living” units on four and five floors with one level of underground parking for approximately 40 cars. The building will be approximately 64,000 SF. excluding the parking level, and 55 feet tall at its highest point.

The majority of the building will be four-stories along Forest Avenue and Arbor Streets with a five-story element at the corner. The interior of the building that faces the existing Park Danforth building will be five-stories. The new building will connect to the existing seven-story building with a one-story structure at the new turn-around. The building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building.

The proposed campus Master Plan addresses functional open spaces, provides an opportunity to enhance the street presence, address pedestrian and vehicular circulation and safety. The total land area of the parcels making up The Park Danforth Campus is 179,546 +/-SF or 4.12 acres. Current residents and emergency service vehicles will continue to access by the Stevens Avenue-Poland Street entry, circulation will remain as

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one-way, exiting from a modified existing driveway that will be two-way, providing access to new parking and the new visitor entry. An existing curb cut along Forest Avenue serving the Goodwill is to be eliminated. A reconfigured drive on Arbor Street will be identified as the primary access to the new visitor entrance and for the proposed new elderly independent living units. The Forest Avenue service entrance will be modified to accommodate for enhanced open space garden court yards and to diminish the visual presence from Forest Avenue. Parking will be accommodated for by well distributed parking areas and proposed parking garage to minimize the presence of large areas of paved parking.

Site improvements will include enhanced street presence along Arbor Street and Forest Avenue through extensive plantings and site features including retaining walls, fencing, and lighting, buffering, and parking distributed in small lots. The campus will include two interior court yard gardens to provide safe and functional open space for the varied skill levels of the elderly resident population.

### **Conformance with Comprehensive Plan**

The proposed expansion, density and target market support the goals set-forth in the City's Comprehensive Plan "Portland's Goals and Policies for the Future". The proposed expansion of The Park Danforth provides for the density and mix of housing opportunities identified in the following sections of the Comprehensive plan. The Park Danforth campus will provide for a strong transition between business community along Forest Avenue, with the residential community along Poland Street and the changing UNE campus along Stevens Avenue.

**STATE GOAL A:** To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

### **I. HOUSING: SUSTAINING PORTLAND'S FUTURE – Nov. 18, 2002**

#### Goal

Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

#### Policies

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity

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- to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.
- Target Portland to achieve and maintain a 25% share of Cumberland County's population.
- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency.

***The expansion of Park Danforth will provide the opportunity, for an aging population, a choice for residents of Portland and Greater Portland to remain in the city and have access to services, transportation and cultural activities. The property is in the heart of a diverse vibrant university community that provides for life-long learning opportunities through adult education programs and UNE offerings. Shopping and services are within walking distance of the campus.***

***The proposed expansion will incorporate new building technologies and sustainability.***

### **III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993**

#### **Transportation Plan Guiding Principle**

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

#### **Land Use and Transportation Link**

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

- Ensure that future growth does not foster auto dependency.

Ms. Barbara Barhydt

Transportation Policies

- Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.
- Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.

***Public transportation is available along Stevens and Forest Avenue with bus stop locations on both street frontages. The property is within walking distance of neighborhood services.***

**STATE GOAL D.** To encourage and promote affordable, decent housing opportunities for all Maine citizens:

## **I. HOUSING: SUSTAINING PORTLAND'S FUTURE- Nov.18, 2002**

### Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

### Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
  - Affordable housing, including starter homes;
  - Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens;
  - Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
  - Higher density housing, such as row houses, small lots, reuse of nonresidential buildings, and mixed use buildings;
  - Housing development that encourages community, such as co-op housing;
  - Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Increase home ownership opportunities for all types of households and all income levels.

Ms. Barbara Barhydt

- Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

***The Park Danforth will provide a higher density of development and address a growing sector of population, providing for a much needed rental housing for the elderly.***

### Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

### Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.
- Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

***The Park Danforth provides an opportunity for affordable market rate elderly as well as subsidized (Section 8 HUD) housing for the aging population. A range of services provided supports the diverse needs of the aging elder population as needs increase, providing the opportunity for individuals to remain independent.***

***Campus improvements will enhance the character of the residential and university neighborhood providing street presence, incorporating green space and improved circulation.***

To provide for the demand and growth of an aging population and maintain the sustainability of the Park Danforth Mission, the proposed master plan incorporates an expansion to include 46 elderly independent living housing units. The opportunity provided by controlling the majority of a city block, creates a campus that has a street presence along all frontages. The goal is to provide an opportunity for an active-wellness based community that provides for social interaction, functional outdoor green spaces, and addresses' security for a wide range of elderly skill levels.

**Proposed Text Amendment**

Presently the city land use ordinance does not define "Elderly Independent Living Housing". Elderly housing needs and housing opportunities have been changing significantly over the past 15 years or better to address a wider spectrum of elder housing needs. Currently, Elderly Independent Living (EIL) housing is interpreted as multifamily housing and equates to a much higher parking requirement. While the ordinance, Division 20 Off-Street Parking Section 14-332.2 (c) allows the Planning Board to determine the required number of parking spaces for projects of 50,000 SF or greater based upon a parking analysis submitted by an applicant. Establishing the required parking for EIL is crucial to the development of this expanded program offering before proceeding to developing plans for Site Plan approval.

As stated above, The Park Danforth is a not-for-profit corporation whose mission is to provide dignified and quality housing to serve an aging population. There is a significant financial and economic hardship associated with development of this property without having an acknowledged defined parking requirement to base a development program on. Based upon a market study and financial evaluation, the expansion, to be financially viable, must have a minimum of 46 dwelling units. The master plan, as presented, has been developed based upon that premise.

To address this, two text amendments are being proposed, one that defines "Independent Living Housing" and one that establishes the parking requirements for "Elderly Independent Living Housing". Based upon evaluation of industry standards and definitions we are proposing the following language to be added to Division 1 Section 14-47 Definitions:

- ***Elderly Independent Living Housing; living units such as apartments, cottages, condominium units, multiplex housing, or single family unit, the occupancy of which is restricted to certain elderly residents. Elderly resident(s) must be 55 years of age or older, or in case of a couple, one who is 55 years or older, and do not require assistance with daily living activities or 24/7 skilled nursing. Such facilities may offer optional services to residents who desire them, such as dining services, basic housekeeping and laundry services, transportation to appointments, social programs and access to exercise equipment.***

### **Division 7. R6 Residential Zone**

1. Amend Section 14-136. Permitted Uses, (a) Residential: to include ***Elderly Independent Living Housing*** as a permitted use as defined in Section 14-47.
2. Amend Section 14-139. Dimensional Requirements, (a) 7. Maximum structure height: to include ***Elderly Independent Living Housing: Fifty-five (55) feet.***

The Park Danforth as approved in 1982 is 65 feet tall, the addition along Poland Street is a 3 story addition with a scale that is more in keeping with the adjacent residential and mixed commercial uses. The proposed addition, provides for a transition between the existing 7 story building fronting on Stevens Avenue and mixed commercial scale uses along Arbor Street that include the former Ava Maria Gift Shop, former Arbor Street Fire Station, which is now offices, and the Po' Boys and Pickles sandwich shop. The side of the building closest to Arbor Street and Forest Avenue will be four stories with the 5 story element located at the midpoint and a 5 story section facing toward the interior courtyard. Forest Avenue is considered a rear yard and requires a 20 FT setback and Arbor Street is considered a side setback (side street) requiring a 15 FT setback. The setback along Forest Avenue is proposed to be 45 FT +/- and the setback along Arbor Street is proposed to be 55 FT +/-.

### **Division 20 Off-Street Parking**

An assessment of parking requirements for Elderly Independent Living Housing was undertaken to identify parking requirements that would meet with the expectations of the program being developed. Communities surrounding Portland have defined elderly housing to address a sector of the population that is constantly changing. Review of the literature and parking requirements from several surrounding communities indicate that elderly independent living communities require fewer parking spaces due to need



for fewer cars. The average number for the intended population is 1 space per dwelling unit.

Portland is fortunate to have a public transit system that is currently looking to expand its role to provide services to the urban population providing more opportunities and reduce the need for automobiles. Based upon review of the industry literature and parking requirements in surrounding communities we are proposing the following amendment to Section 14-332. Uses requiring off-street parking.

*Section 14 -332 (a) Residential Structure 3. For residential development on the peninsula (area defined as southerly of I-295) **and including off-peninsula R6 zoned areas.***

There are only three areas zoned R6 off of the peninsula, they include the current Park Danforth campus, as permitted, Deering Pavilion (Forest Avenue) and Back Cove Apartments (off Forest Avenue). The R6 designation for both Deering Pavilion and Back Cove Apartments only encompass the entire properties.

The Park Danforth as well as Deering Pavilion provide housing for the aging population and both are on Metro bus routes. There is a Metro stop on both the Stevens and Forest Avenue frontages of The Park Danforth.

To support the parking requirement, the attached documentation has been provided:

- Parking requirements for elderly independent living for surrounding communities in the Greater Portland area,

Enclosed for your consideration are the following:

- Zone Map and Text Amendment Application
- Application Fee \$3,000
- Letter of Authorization
- Technical Capacity
- Right, Title or Interest- Deeds
- Context Map
- Portland Zoning Map
- Proposed Zone Change Map
- Surrounding Community Parking Requirements
- Boundary and Topographic Survey Plan (Existing Conditions)
- Concept Master Plan A
- Massing Concept Forest Avenue
- Massing Concept Arbor Street
- Preliminary Forest Avenue Building Elevation
- Preliminary Arbor Street Building Elevation

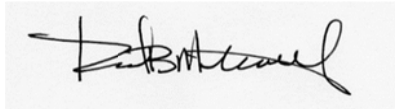
Ms. Barbara Barhydt

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We look forward to the opportunity to meet with you and the Planning Board to discuss the application. Should you have any questions and or comments, please do not hesitate to contact me.

Sincerely

Mitchell & Associates

A handwritten signature in black ink, appearing to read "R. B. Metcalf", is centered on a light gray rectangular background.

Robert B. Metcalf, Principal  
Maine Licensed Landscape Architect

Enclosure

Cc Denise Vachon, CEO  
William Shanahan  
Melissa Murphy, Esq  
Ron Norton  
Joan Eagleson

ELDERLY HOUSING

PARKING REQUIRMENTS

TOWN	DEFINITION	PARKING REQUIREMENT
Augusta	Elderly Housing	1 space/dwelling unit
Kennebunk	Elderly Congregate Housing	1 parking space/ dwelling unit. + 1 space/employee at peak shift + 1 space/ 6 residential care units
Kittery	Elderly Housing	1.5 spaces/ dwelling unit w/ <2 bedrooms or 2 spaces/unit w/ 2+ bedrooms
Saco	Elderly Congregate Housing Elder Housing Facility-Limited Svc.	1 space/ 2 units 1 space/ 3 units
Wells	Congregate Housing	1 space/ housing unit plus 1 space for each 300 s.f. of office space
Portsmouth, New Hampshire	Elderly Housing (age-restricted)	1.25 spaces/dwelling unit





797

Retail

Multi-use  
Commercial

1124

Restaurant

1121

792  
Church

788

ARBOR ST

FOREST AVE

Commercial

ADEL

State of  
ME  
Armory

GOODWILL

THE PARK DANFORTH

UNE

POLAND ST

Single Family Residences

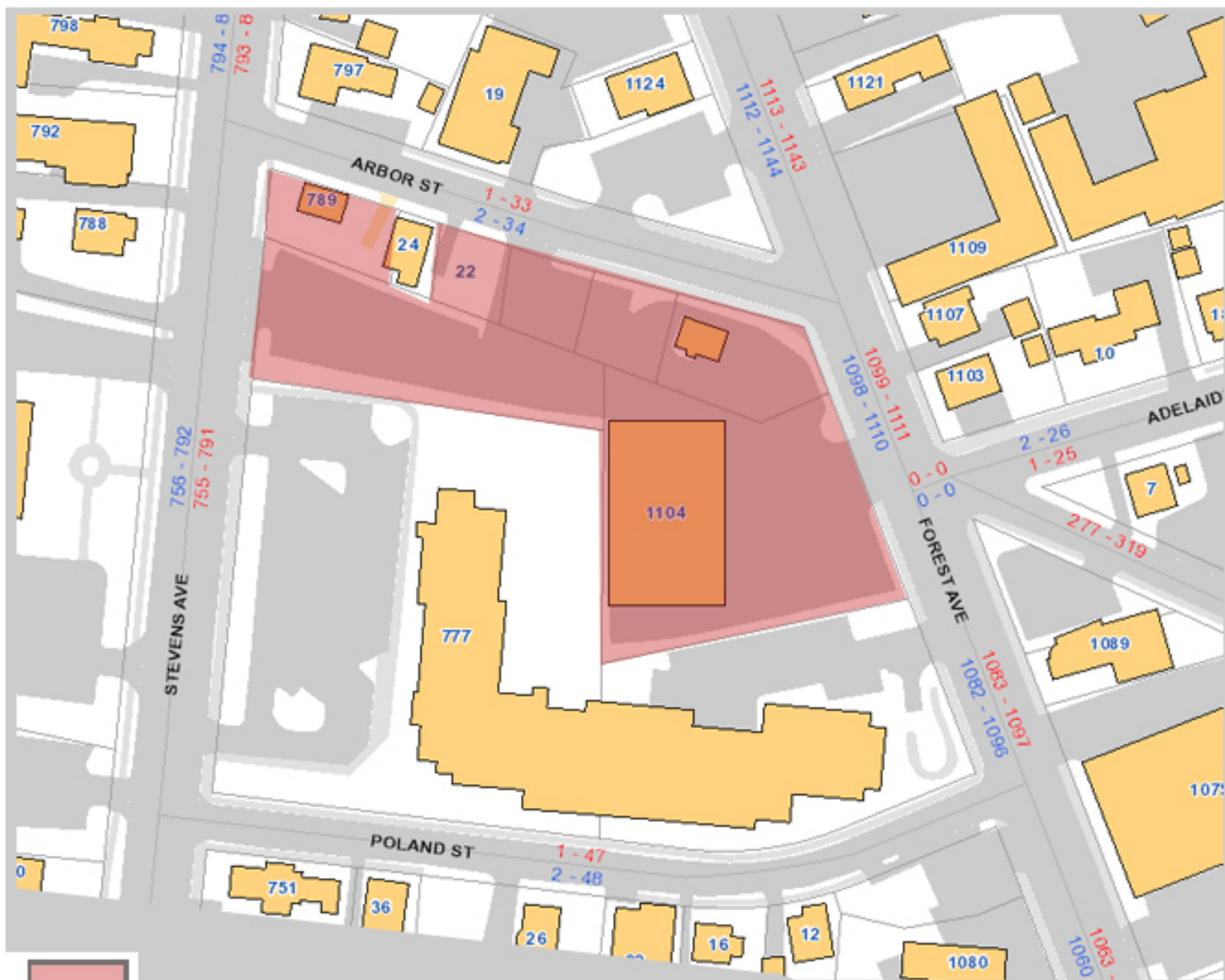
LODGE

Starbucks

The Park Danforth

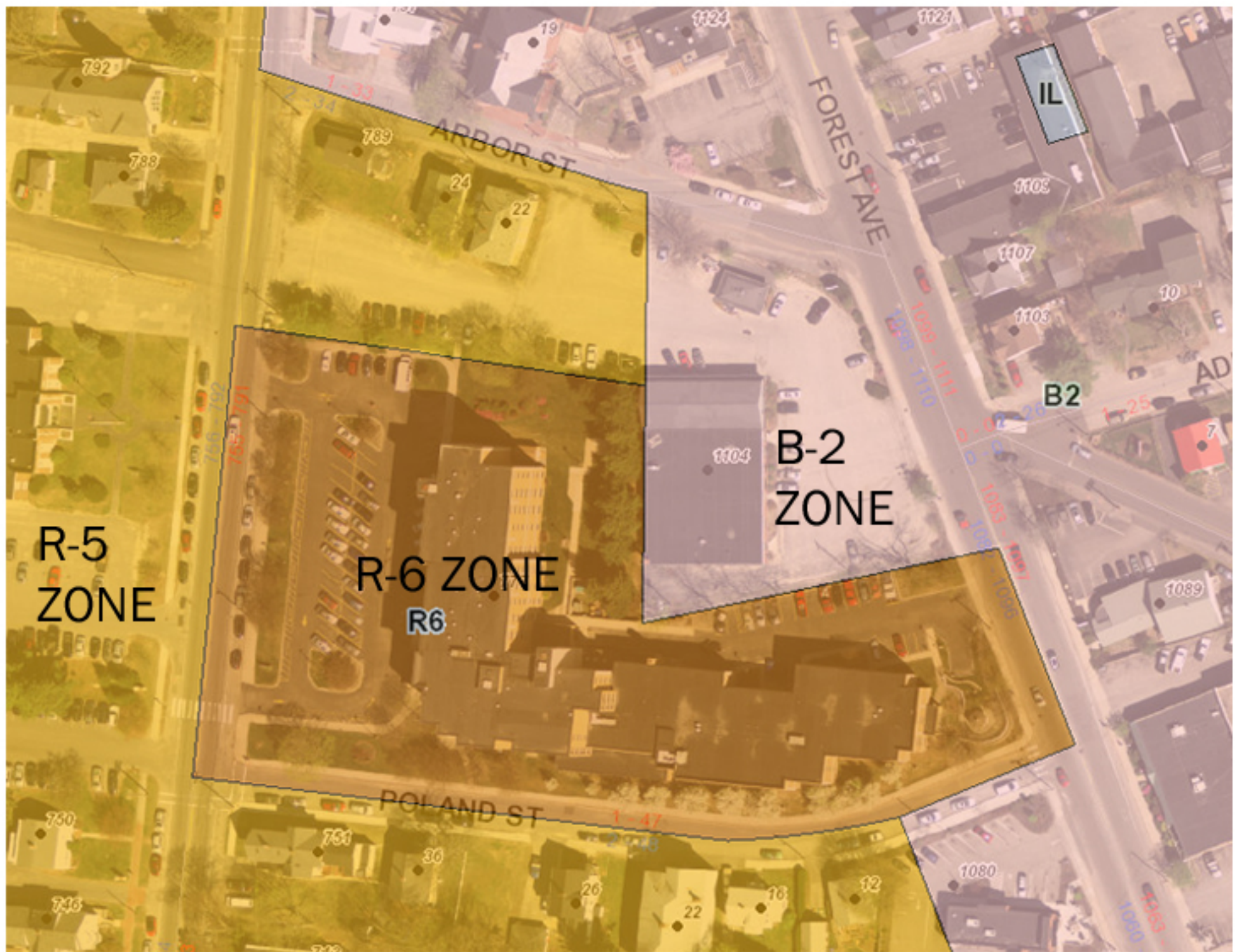
Context Map





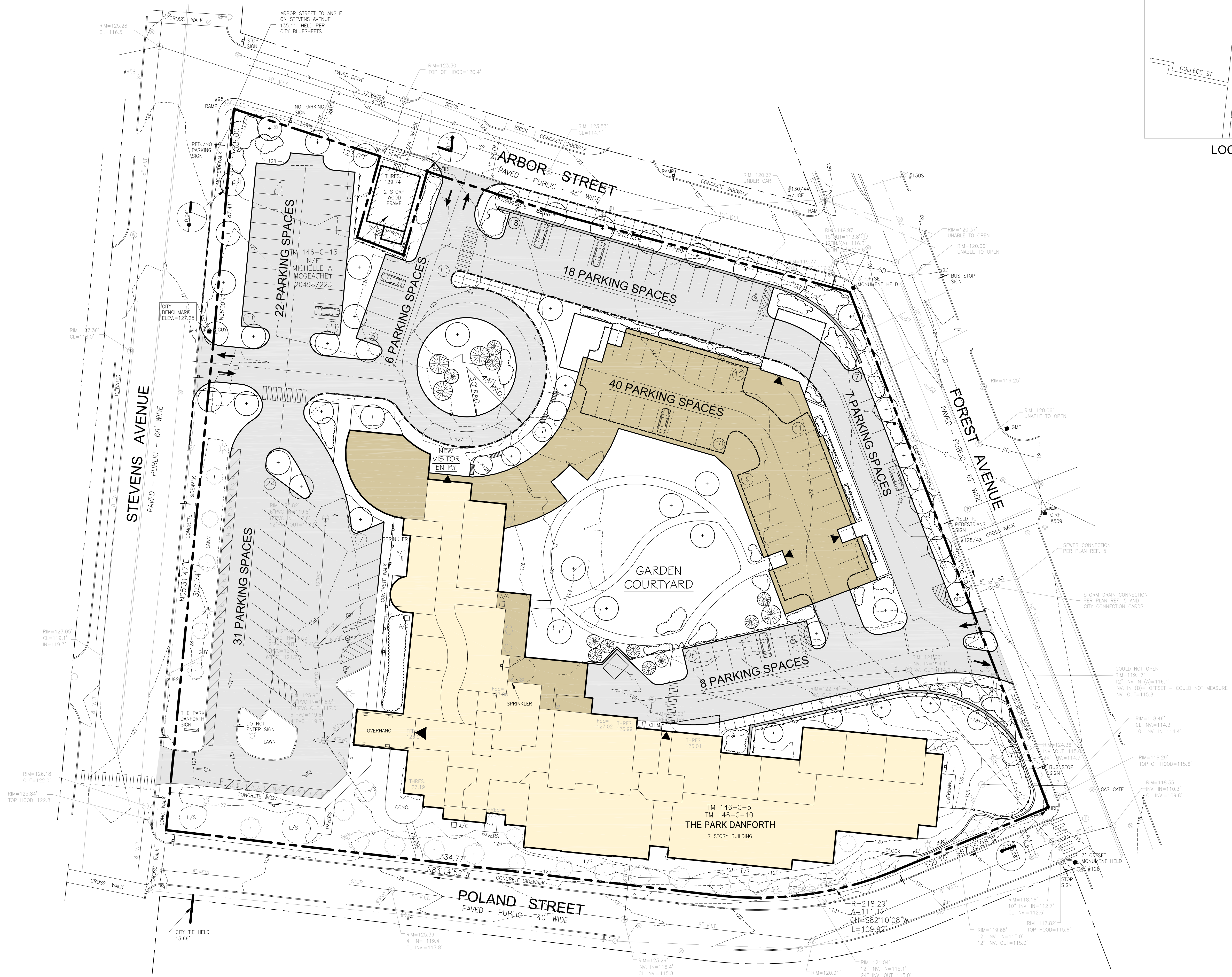
Proposed zone change parcels

City of Portland, Parcel Map



City of Portland, Zoning Map





Prepared For:  
 Owner:  
 Home For The Aged  
 777 Stevens Avenue  
 Portland, Maine 04103  
 Tel.: 207-797-7710

Applicant:  
 The Park Danforth  
 777 Stevens Avenue  
 Portland, Maine 04103  
 Tel.: 207-797-7710

Prepared By:  
 MITCHELL & ASSOCIATES  
 Landscape Architects  
 The Staples School  
 70 Center Street  
 Portland, Maine 04101  
 Tel.: 207-774-4427

# The Park Danforth

Portland, Maine

Stevens Avenue

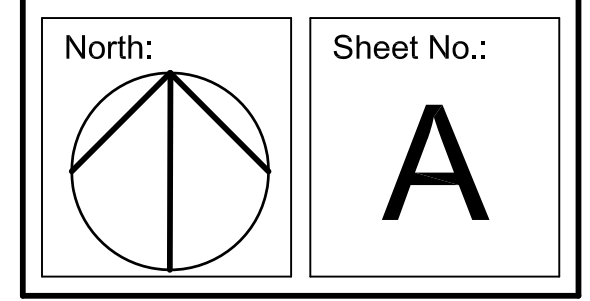
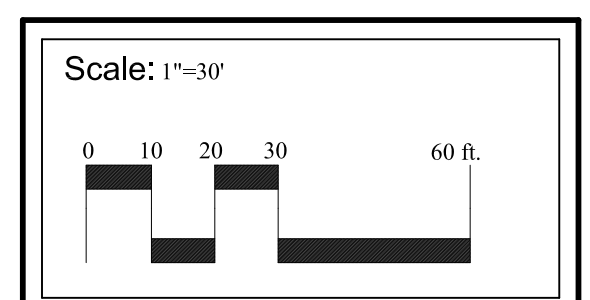
Date: JUNE 24, 2014

Issued For:

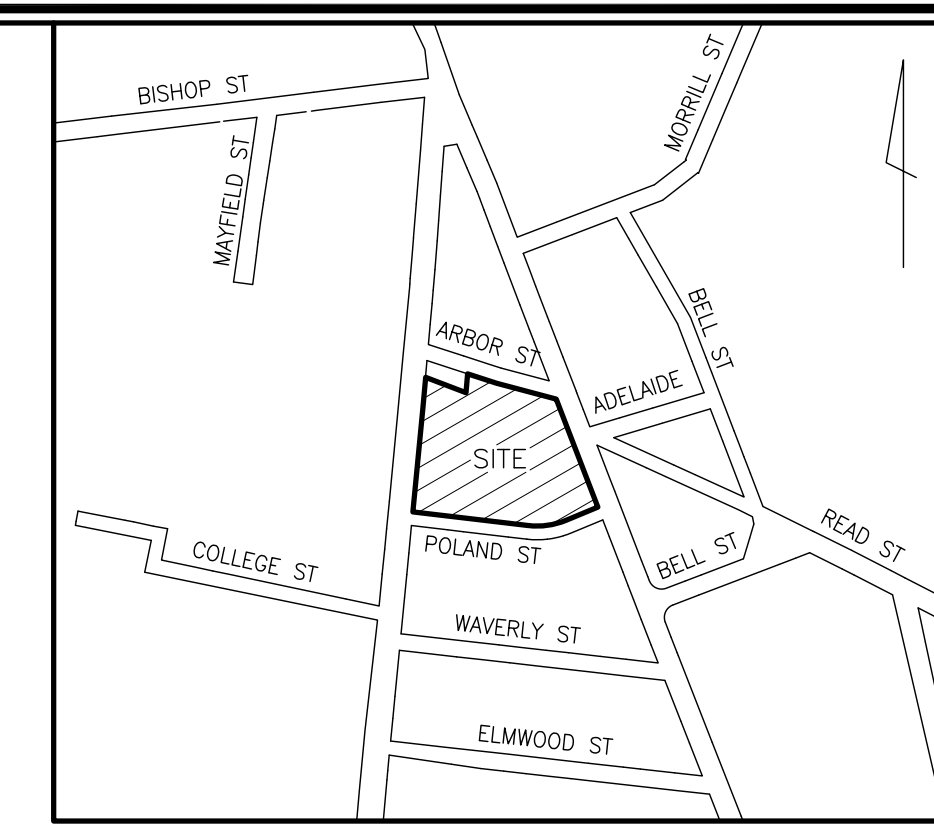
Revisions:

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Title: CONCEPT MASTER PLAN







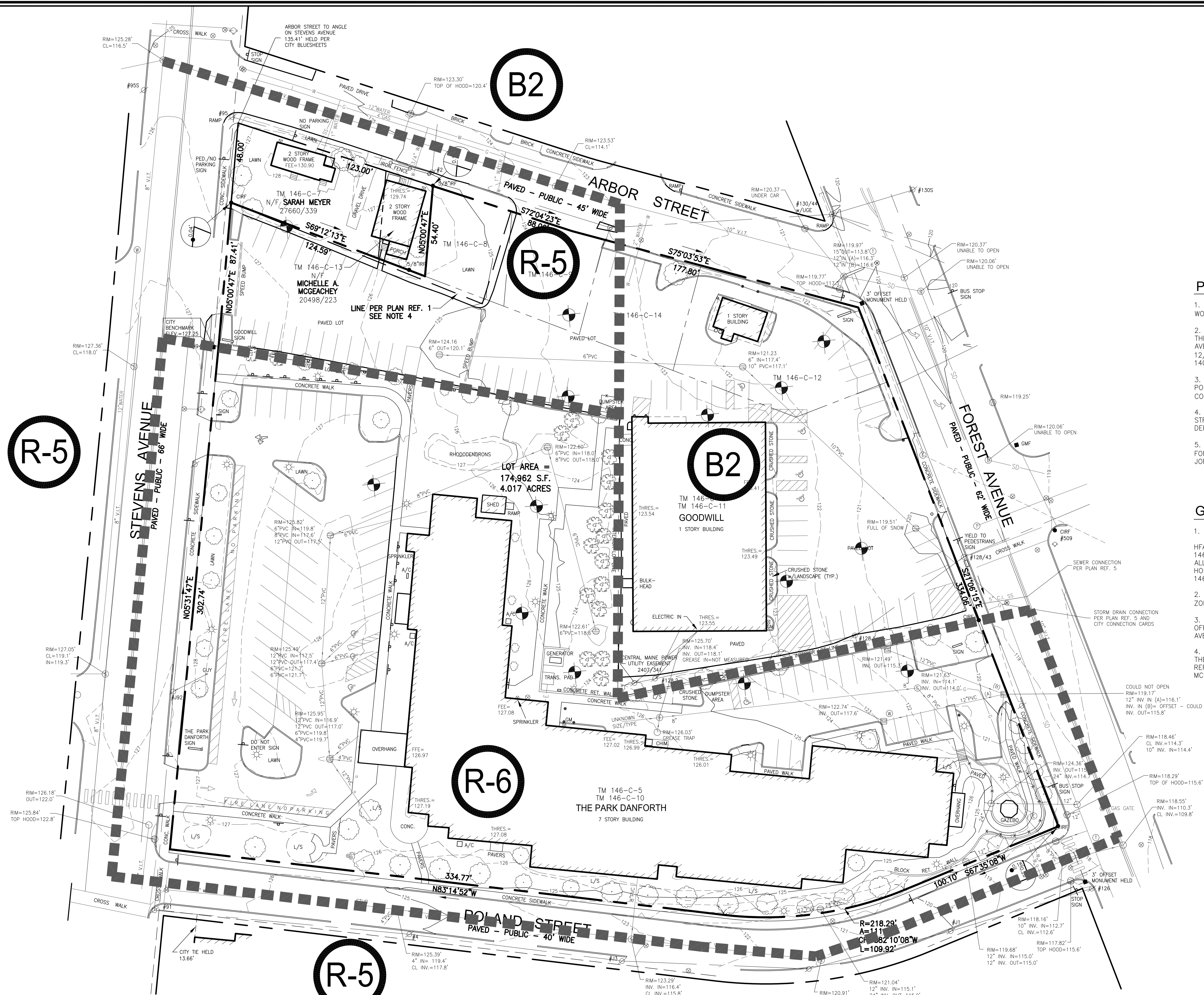
LOCATION MAP  
N.T.S.

**PLAN REFERENCES**

- "PLAN OF PROPERTY IN PORTLAND, MAINE FOR DR. LLOYD B. WOLF AUG. 1973 H.I. & E.C. JORDAN - SURVEYORS"
- "PARK-DANFORTH CONDOMINIUM PLANS SITE PLAN HOUSING FOR THE ELDERLY, A CONDOMINIUM SITUATE AT: STEVENS AND FOREST AVENUES AT POLAND STREET, PORTLAND, CUMBERLAND, MAINE 12/7/83 LARRY SLAUGHTER -SURVEYOR" RECORDED IN PLAN BOOK 140 PAGE 37
- "THE PARK-DANFORTH CONDOMINIUM 777 STEVENS AVE PORTLAND, MAINE RECORDED PLAT 09-23-97 LAND USE CONSULTANTS, INC." RECORDED IN PLAN BOOK 197 PAGE 515
- BLUE BOOK SHEETS FOR STEVENS AVE., FOREST AVE., POLAND STREET, AND ARBOR STREET, FROM THE PORTLAND ENGINEERING DEPARTMENT
- "FOREST AVENUE DEVELOPMENT PORTLAND MAINE SITE PLAN MADE FOR HANNAFORD BROS. CO. SOUTH PORTLAND, MAINE" BY E.C. JORDAN CO. CONSULTING ENGINEERS DATED JAN 6 1986.

**GENERAL NOTES**

- OWNER OF RECORD:  
HFA FOREST AVENUE PROPERTIES, LLC LOTS 146-C-6, 146-C-9, 146-C-11, 146-C-12, 146-C-14;  
ALL IN BOOK 29524 PAGE 325  
HOME FOR THE AGED LOTS 146-C-8 BOOK 30933 PAGE 330, 146-C-5, 146-C-10 BOOK 6354 PAGE 117.
- BEARINGS ARE BASED ON CITY DATUM, MAINE STATE PLANE WEST ZONE (NAD83).
- ELEVATIONS ARE ON CITY DATUM, BASED ON BENCH MARK AT 3' OFFSET MONUMENT UNDER COVER ON EASTERLY SIDE OF STEVENS AVENUE.
- THE LINES AROUND THE LAND OF MCGEACHEY ARE BASED ON THE DEED DIMENSIONS. THE DASHED LINES ARE AS SHOWN ON PLAN REFERENCE 1. A BOUNDARY AGREEMENT IS RECOMMENDED WITH MCGEACHEY AND MEYER.



- LEGEND**
- IRON PIPE OR ROD FOUND
  - MONUMENT FOUND
  - UTILITY POLE
  - MANHOLE
  - ⊗ EM/GM
  - ⊗ ELECTRIC/GAS METER
  - ⊗ SIGN
  - ⊗ CATCH BASIN
  - ⊗ HYDRANT
  - ⊗ WATER VALVE OR SHUTOFF
  - ⊗ LIGHT POLE
  - ⊗ IRRIGATION CONTROL VALVE
  - ⊗ BOLLARD
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - INTERIOR LOT LINE
  - FENCE
  - CURB
  - OVERHEAD WIRES
  - E UNDERGROUND ELECTRIC
  - W WATER LINE
  - G GAS LINE
  - SD STORM DRAIN
  - SS SANITARY SEWER
  - 100 1' CONTOUR

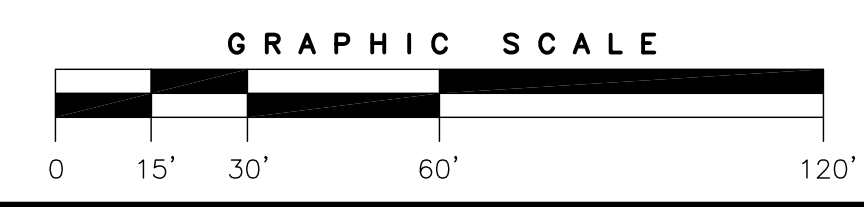
**UTILITY NOTE**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

**CERTIFICATE**

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE \_\_\_\_\_ JOHN C. SCHWANDA, PLS NO. 1252



**BOUNDARY & TOPOGRAPHIC SURVEY**  
ON  
STEVENS AVE., ARBOR ST., FOREST AVE. & POLAND ST.  
PORTLAND, MAINE  
MADE FOR  
**MITCHELL & ASSOCIATES**

**OWEN HASKELL, INC.**  
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424  
PROFESSIONAL LAND SURVEYORS

Drwn By	SDG	Date	Job No.
Trace By	JLW	JANUARY 2, 2014	2013-217P
Check By	JCS	Scale	Drwg. No.
Book No.	1123	1" = 30'	1





# The Park Danforth

Proposed New Construction

Conceptual Elevation - Arbor Street

SCALE: NTS

06/23/14

**LAVALLEE | BRENSINGER** ARCHITECTS



**The Park Danforth**  
Proposed New Construction

Conceptual Elevation - Forest Street

SCALE: NTS

06/23/14

**LAVALLEE BRENSINGER** ARCHITECTS