

**SITE PLAN REVIEW TECHNICAL ADVISORY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

2:00 PM

May 2, 2023

MINUTES

MEMBERS PRESENT:

Peter Stith, Chairperson, Principal Planner; Patrick Howe, Deputy Fire Chief; Shanti Wolph, Chief Building Inspector; Peter Britz, Director of Planning & Sustainability; Nicholas Cracknell, Principal Planner; Zachary Cronin, Assistant City Engineer, Eric Eby, Parking and Transportation Engineer; Mike Maloney; Deputy Police Chief

MEMBERS ABSENT: David Desfosses, Construction Technician Supervisor;

ADDITIONAL

STAFF PRESENT: Stefanie Casella, Planner II; Kate Homet, Associate Environmental Planner

[0:58] The meeting began at 2:00 p.m.

I. APPROVAL OF MINUTES

- A.** Approval of minutes from the April 4, 2023 Site Plan Review Technical Advisory Committee Meeting.

[1:17] P. Howe made a motion to approve the April minutes as presented. P. Britz seconded. The motion passed unanimously.

II. NEW BUSINESS

- a. The request of **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where 11 spaces are required. Said property is shown on Assessor Map 125 Lot 3 and lies within the Character District 4 (CD4) District. (LU-20-238)

[1:25] Chairman Stith introduced this application.

SPEAKING TO THE APPLICATION

[1:52] John Chagnon of Ambit Engineering along with Mark Gianniny and Richard Desjardins of McHenry Architecture and Stewart Mitchell, the project manager, came to present this application. Mr. Chagnon explained their request for a re-approval of a conditional use permit for parking where 7 spaces were required and no spaces were proposed/provided. He noted the lot was already small with limited parking availability along with a large building which will be maxed out. This application proposed 21 micro-housing units in the building.

Staff Comments:

1) The ITE code used in the Parking Demand Analysis is for below market rate units. The appropriate calculation would use 1 space per unit. Unless waived by the Planning Board, the analysis should be corrected.

[3:45] Mr. Chagnon noted that the City's requirement was for 0.5 spaces per unit (10.5), 1 space per five-visitor units (4.2) with the total required as 15, reduced by 4 which would mean 11 are required. He noted that utilizing other parking demand summaries from different sources such the ITE land use code volume 3 would require between 7 and 8 spaces when using Land Use Code 223 for affordable housing, of which Mr. Chagnon believed a micro-unit could be defined as since it would be listed at market rate.

[7:16] Z. Cronin asked the applicant how they would meet subcategories 1 and 2 within Land Use Code 223 which state the need for income limitations to make it affordable. Mr. Chagnon responded that they would not be restricting it in that way and would not be meeting those subcategories.

[8:18] P. Britz asked if there was any limit to the number of people allowed per unit. Mr. Chagnon responded that there would not be.

PUBLIC HEARING

[9:06] Chairman Stith opened the public hearing.

[9:23] Elizabeth Bratter, property owner of 159 McDonough Street, came to speak. Ms. Bratter noted that the required parking spots should be included somewhere on the design plans and brought up that the downtown overlay district would require even more on-site parking. Ms. Bratter would like to see the committee ask for new plans showing designs for the minimum required parking.

[13:22] Chairman Stith closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

[13:28] E. Eby clarified to the committee the importance of distinguishing between parking requirements and a parking demand analysis. He mentioned that the first floor will have a use in it which will require parking which the applicant has not shown, additionally noting that the Land Use Code selected was not applicable and that Land Use Code 221 was more applicable, with demand being more than 21 spaces.

[14:55] Mr. Chagnon responded that they did not want to include the additional parking space demands within their submission to the Planning Board as they did not want it to make the need for spaces look more inflated compared to the City's requirements.

[15:51] E. Eby noted that the application has to have the correct parking demand analysis included within it. The actual demand of the project would be over 21 spaces.

[16:19] Mr. Chagnon responded that the Planning Board had previously approved this CUP for 7 spaces provided off-site. He did not want to enter into any more discussions on how to account for the retail spaces. Mr. Eby reiterated that it is required that a demand analysis is provided that is correctly calculated.

[17:45] N. Cracknell made a motion to approve the application as presented. P. Britz seconded the motion. Mr. Cracknell went on to read his reasoning behind his motion into the record:

1. Unlike all other properties in the North End, the lot size is extremely small at 6,000 SF with a width too narrow to support at-grade parking and no possibility to provide underground parking.
2. The Planning Board already approved this same project in 2021 which resulted in the applicant making a substantial investment in the design and permitting of this project with the PB and HDC. More recently, when an extension request was submitted the Planning Board discovered that they didn't have authorization to grant the extension for the CUP. Importantly however, several members suggested the applicant return with another application for a CUP and even consider removing the previous requirement to seek the 7 off-site spaces.
3. The HDC fully supports the proposed building and site design and would categorically not desire to see this project fail to gain the CUP for parking only to return with a sub-optimal design and reuse of the existing non-contributing and decrepit building. This building is well past its life expectancy and the replacement building is consistent with the quality and character of the surrounding new buildings.
4. This project provides a critically absent housing type – small micro units less than 500 SF – in the heart of our downtown business district. These units are nearly non-existent and their construction within the project will serve as well-below market priced housing options in what is increasingly becoming millionaires' row.
5. Future Development Potential – Only the Ferguson lot (which is nearly 30,000 SF (nearly 5x bigger) and Lot 4 on Deer Street (nearly 20,000 SF or 3.5x bigger) every other property has on-site parking for their existing or proposed residential uses. Thus, this project will not unnecessarily overburden the existing public parking facilities for unit owners or tenants that reside in this project. In fact, the absence of on-site parking is a key driver and inconvenience to the owner or tenant which will have a negative effect on value or rent. To the benefit of our existing and future residents who don't have or need cars.

In supporting this request, the TAC acknowledges that the parking requirement analysis results in a deficit of 11 spaces whereas a “best fit” of the proposed use to the ITE manual generates a traffic demand analysis of 21 spaces (1 space per unit). Additionally, although exempt under the Zoning Ordinance, the commercial ground-floor use of the building would create additional parking demand.

In summary, for the reasons stated above, the TAC unanimously supports the Planning Board approving a CUP for this project without a requirement for any on-site parking spaces.

[26:55] P. Britz spoke to the reasons he seconded the motion including the mixed retail and micro-units could indicate a potential for employees to live where they work and not need a car, it presented a great opportunity to incorporate micro-units, the Planning Board had previously approved it and the proximity of the Foundry Garage allows for nearby parking.

[28:00] E. Eby noted that in the previous approval, an ITE parking demand analysis was not provided, only a requirement analysis for the City. Now that a demand analysis had been provided, in order to properly review it, the analysis had to be correctly configured for TAC and the Planning Board to properly consider it.

[30:35] A stipulation was added to the motion to update the parking demand analysis using the Land Use Code 221 from Volume 5 of the ITE manual that will include demand according to the first floor retail space.

[31:48] E. Eby noticed that the Land Use Codes that had been handed out by Mr. Chagnon were from an outdated volume of the ITE manual and should not be used. A discussion ensued about the correct calculation needed for the demand analysis and the number of spaces required versus the number of spaces calculated for demand.

[39:45] Chairman Stith repeated the motion which was to recommend approval to the Planning Board with the condition that the applicant update the parking demand analysis to reflect the Land Use Code 221 from Volume 5 of the ITE manual. A vote commenced and the motion passed unanimously.

III. ADJOURNMENT

[40:36] Z. Cronin made a motion to adjourn.

The meeting adjourned at 2:40 p.m.

Respectfully submitted,

Kate E. Homet
Secretary for the Technical Advisory Committee