



City of Portsmouth  
Planning Department  
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Portsmouth, NH  
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP  
Planning Manager

Date: September 26, 2024

Re: September 26, 2024 Planning Board Work Session on Zoning Amendments

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### I. Co-Living

The applicant for 21 Congress Street proposed a zoning amendment for consideration at their Preliminary Conceptual Consultation at the August Planning Board meeting. The proposal is below from their application:

#### PROPOSED ZONING CHANGE:

One Market Square, LLC respectfully requests the Planning Board provide a recommendation to the City Council to change the Zoning Ordinances to permit a residential Co-Living Use in the CD4 and CD5 Zones with the following Sections of the Zoning Ordinances modified:

Modify **Section 10.440 Table of Uses** by addition the following use and associated definition:

#### Co-Living Units:

Residential use providing a private or shared sleeping unit and access to communal areas for cooking (kitchen), bathroom, laundry, living, working, arts, recreation, and wellness spaces. The sleeping unit may or may not include a private bathroom or cooking facilities. There are no defined rental periods thereby allowing people the ability to rent daily, weekly, monthly, or longer.

Modify **Section 10.1110 Off-Street Parking**:

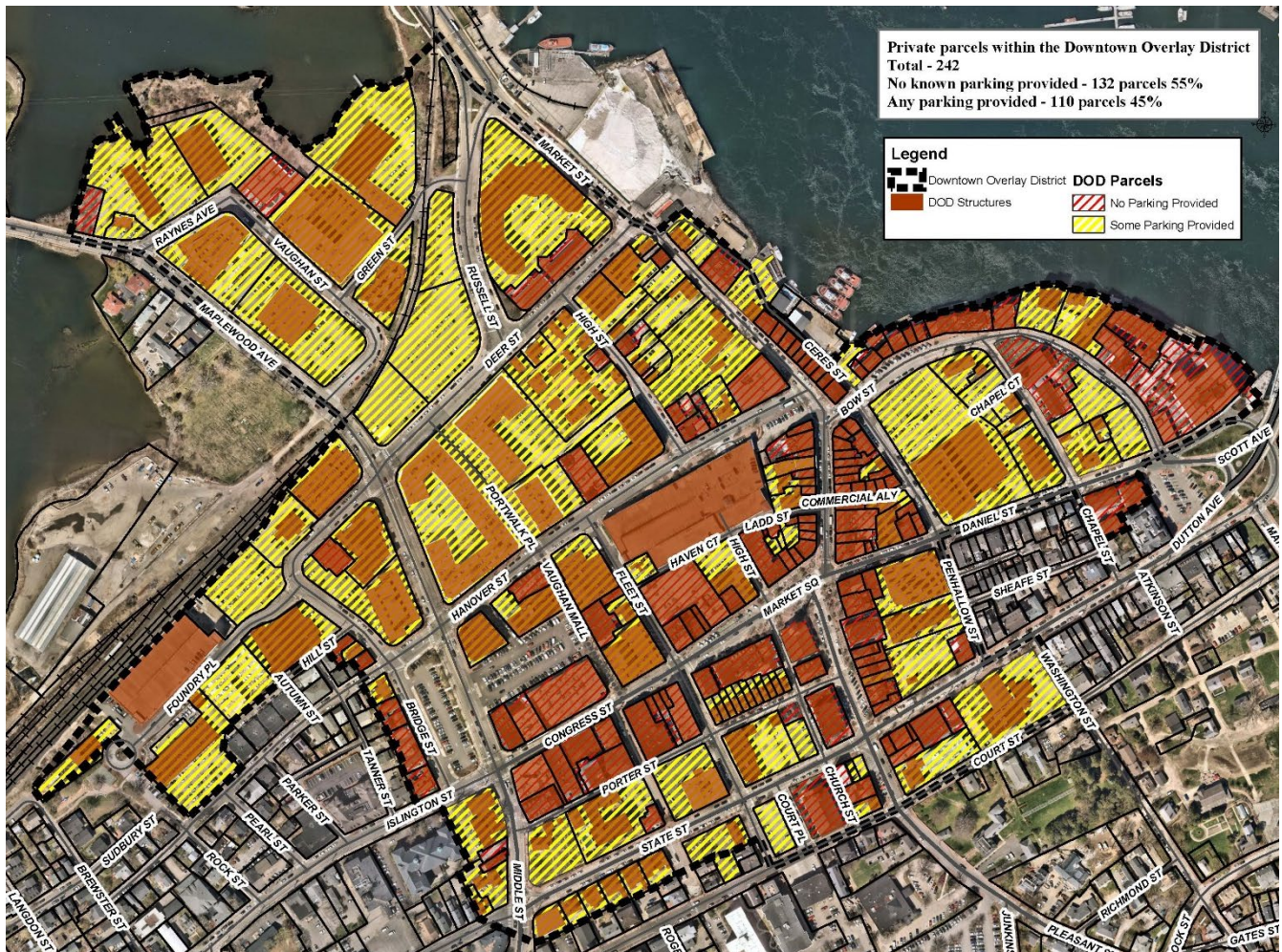
Eliminate parking requirement for residential uses in the CD4 and CD5 Zones

At the preliminary conceptual meeting, there was concern for short term rental use with the proposed definition. Staff would suggest revising the proposed definition as follows:

Co-Living Units:

Residential use providing a private or shared sleeping unit and access to communal areas for cooking (kitchen), bathroom, laundry, living, working, arts, recreation, and wellness spaces. The sleeping unit may or may not include a private bathroom or cooking facilities. **Co-living units shall be rented no less than 30 days.** There are no defined rental periods thereby allowing people the ability to rent daily, weekly, monthly, or longer.

Below is Section 10.1115.20 for parking requirements in the Downtown Overlay District (DOD). The request is to remove parking requirements for residential in the DOD. Staff did a preliminary analysis of parcels in the DOD that currently provide parking on site, however staff did not confirm that the parking meets the minimum requirements for the existing uses on a particular parcel. Of the 242 parcels in the DOD (excluding municipally owned parcels), 55% do not have space to provide any parking. 45% of the parcels were identified to have some parking on the lot, either surface or covered.



**10.1115.20 Number of Required Off-Street Parking Spaces**

10.1115.21 The following requirements shall apply in the Downtown Overlay District in lieu of the requirements in Section 10.1112.30:

Use	Required Parking Spaces
Residential <b>use (dwelling)</b>	Same as Section 10.1112.30
<b>Hotel or motel</b>	0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities
Other nonresidential <b>use</b>	No requirement

10.1115.22 The requirements in Section 10.1115.21 shall be applied to all **uses** on a **lot**, and not to individual **uses**.

10.1115.23 For any **lot**, the number of **off-street parking** spaces that would be required by applying the ratios in Section 10.1115.21 shall be reduced by 4 spaces. (Therefore, any **lot** that would be required to provide 4 or fewer **off-street parking** spaces shall not be required to provide any spaces.)

10.1115.24 The provisions of Section 10.1112.50, Maximum Number of Parking Facilities, shall not apply to **buildings** and **uses** within the Downtown Overlay District.

DOD Background

The Downtown Overlay District (DOD) was adopted by the City Council on October 25, 2004 to “promote continuing economic vitality in the Central Business District by preserving and promoting active street-level retail and commercial uses, while continuing to encourage residential uses to occupy the upper floors”.


In 2012, the Planning Board recommended expanding the DOD to include areas zoned Central Business B that were not originally part of the 2004 DOD proposal. Included in the packet is a memo from the Planning Director with a map of the area under consideration. This change was recommended by the Planning Board to City Council in 2012, however the Council only changed the Connie Bean parcel in the DOD and did not include the others recommended by the Planning Board.

Since 2017, there have been 6 parking conditional use permits granted in the DOD, one of which has expired. See table below:

Address	Record Status	Detailed Description of Proposed Work
238 DEER ST	Active	0 parking where 11 are required
1 RAYNES AVE	Active	shared parking CUP for parking on separate lots. 138 spaces req. 138 provided
121 BOW ST, Unit C1	Expired	0 parking where 3 are required
2 RUSSELL ST	Active	Shared parking CUP on separate lots 334 where 334 are required
111 STATE ST	Active	0 spaces where 48 are required
165 DEER ST	Active	78 spaces where 83 are required

## II. 361 Hanover Street

On January 23, 2020, the Planning Board held a public hearing on zoning amendments related to properties along Hanover, Foundry Place, and Bridge Street. Below is a memo from the former Planning Director for that meeting.



CITY OF PORTSMOUTH  
PLANNING DEPARTMENT

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**MEMORANDUM**

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**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
 Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the January 23, 2020 Planning Board Meeting  
**Date:** 01/17/20

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**I. PUBLIC HEARING – ZONING AMENDMENT**

A. Proposed Zoning Ordinance Amendments to Article 4 and the Zoning Map for certain properties located along **Hanover Street and Foundry Place** to modify the location and boundaries of the North End Incentive Overlay District and the Downtown Overlay District, modify Building Height area requirements, and re-zone from Character District 5 to Character District 4 and Character District 4-L1. Properties directly impacted by these proposed amendments are 361 Hanover Street (Tax Map 138, Lot 63), 89-99 Foundry Place (Tax Map 138, Lot 62), 126 Bridge Street (Tax Map 125, Lot 16), 66 Rock Street (Tax Map 138, Lot 61) and Foundry Place property at Tax Map 125, Lot 17-1. Amendments are also proposed to Article 5A Incentive Overlay District requirements to require granting of a conditional use permit by the Planning Board.

Description  
 The owner of 361 Hanover Street (current Heinemann Property) previously submitted a request supporting zoning amendments related to the property. The request was to remove a portion of 361 Hanover Street from the Downtown Overlay District boundary to add a maximum building height of 4 stories (50') for properties located along Foundry Place.

The Planning Board held a public hearing on these proposed changes on August 22, 2019. At that time, the Board voted to refer the proposed zoning back to the Planning Department to review the potential impact on surrounding properties of the proposed increase in allowed building height and to also consider some of the feedback received from neighbors who spoke at the public hearing.

Following the public hearing, Planning staff have had follow-up conversations with some of the residents of the surrounding neighborhood who have prepared a list of additional amendments for consideration. A copy of their requests (dated 12/3/2019) is included in the Planning Board packet.

The proposed amendments advertised for this meeting include some additional revisions that address some (but not all) of the concerns raised by the neighborhood residents. Specifically, down-zoning the property fronting on Hanover Street from CD5 to CD4-L1 and down-zoning the properties on the southeast side of Foundry Place to CD4. In addition, the proposed height area for Foundry Place has been reduced to 3 stories (40')

Planning Dept. Staff Recommendations for the January 23, 2020 Planning Board Meeting

and the maximum height along Hill Street is proposed to be reduced from 4 stories (50') to 3 stories (40').

Another amendment proposed is to require that the additional height and building coverage allowed in the Incentive Overlay Districts be subject to a conditional use permit by the Planning Board. This would allow the Planning Board to evaluate each project on its merits to determine if the application of the additional incentives is appropriate for the location and whether the benefits to the community are adequate.

The Planning staff will make a presentation at the meeting to provide more detail on the proposed amendments.

At the conclusion of the public hearing, the Planning Board voted to schedule a public meeting and work session to discuss further revisions. That meeting was scheduled for March 26, 2020, however due to the pandemic, it was cancelled and never rescheduled.

Some changes have been adopted through other zoning amendments, including revising the definition of building height, changing the height for properties along Foundry Place (October 2022) and requiring a Conditional Use Permit for all incentives in the overlay districts (August 2023). Included in the packet is the original rezoning request from the Islington Creek Neighborhood, the legal notice for the proposed zoning changes for the Planning Board hearing in 2020, and a response from the owner of 361 Hanover. There is also a link to the meeting webpage for the January 2020 meeting [here](#) where you can find the related materials and minutes from the meeting.