

ADJUSTING THE DENSITY BONUS PROVISIONS IN THE CHARACTER DISTRICTS IN PORTSMOUTH, NH

- 1. Density Bonus for Building Footprint if Underground Parking**
- 2. Density Bonuses within the Overlay Incentive Districts**
- 3. Density Bonus for Large Parcels Over 1 Acre in Lot Area**

- Updated Draft Amendment -

PORTSMOUTH LAND USE COMMITTEE

May 5, 2023

1. Density Bonus for Building Footprint if Underground Parking

10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building or structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development standards** and is integrated into a **parking structure** through the provision of **community space** or shared access.

10.5A43.43 For a **building** that contains **ground floor parking**, a **parking garage or underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

(a) No **story** above the **ground floor parking** shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.

(b) All **ground floor parking areas** shall be separated from any public or private **street** by a **liner building**.

(c) At least 50% of the **gross floor area** of the **ground floor** shall be dedicated to parking.

(d) At least ~~3~~10% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.

(e) At least 10% of the **dwelling units** within a **building**, or at least two units, shall be **workforce housing units** for either: 1) **rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household) or sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household)**. Such units shall be at least 600 sq. ft. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.

(e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.

10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

2. Density Bonuses within the Overlay Incentive Districts

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the **development** shall provide **community space** equal to 20% of the **lot area** that includes a continuous public **greenway** at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to abutting **street(s)** and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board. The **greenway** shall include legal and physical access to abutting **lots** or public ways. When access is not available due to current conditions on an abutting **lot**, provisions shall be made for future access in a location determined by the Planning Board.

10.5A46.22 For a **lot** that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the **development** shall include ~~either both~~ a **community space** ~~or and~~ **workforce housing** as specified below:

- (1) **Community space** option – All of the following criteria shall be met:
 - (a) The **community space** shall be a **community space** type that is permitted within the applicable Character district.
 - (b) The **community space** shall constitute at least ~~21~~20% of the gross area of the **lot** and shall not have any dimension less than 15 feet.
 - (c) The **community space** shall adjoin the public **sidewalk** and shall be open on one or more sides to the **sidewalk**.
 - (d) The **community space** shall include trees and other **landscaping** to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other **street** furniture.
 - (e) The **community space** shall be located on or **adjacent** to the same **lot** as the **development**, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed **community space** to be located on a different **lot** than the **development** if it finds that all of the following criteria will be met:
 - (i) An appropriate **community space** cannot feasibly be provided on the same **lot** as the **development**.
 - (ii) The proposed **community space** is within the same Incentive Overlay District as the **development**.
 - (iii) The proposed **community space** is suited to the scale, density, **uses** and character of the surrounding properties.
- (2) ~~**Workforce housing option**~~ – One ~~or more~~ of the following criteria shall be met:
 - (a) At least ~~32~~30% of the **dwelling units** within a **building**, but no less than three units, shall be **workforce housing units** for sale

(**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-**person** household).

Such units shall be at least ~~the average gross floor area of the proposed units in the building or 1,000~~600 sq. ft., ~~whichever is greater~~. The **workforce housing units** shall be distributed

throughout the **building** wherever **dwelling units** are located; or

(b) At least 10% of the **dwelling units** within a **building**, or at least two units, shall be **workforce housing units** for rent

(**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-**person** household).

Such units shall be at least ~~the average gross floor area of the proposed units in the building or 8~~600 sq. ft., ~~whichever is greater~~. The **workforce housing units** shall be distributed

throughout the **building** wherever **dwelling units** are located.

3. Density Bonus for Large Parcels Over 1 Acre in Lot Area

1. Amend Section 10.5A43.33 to modify the text as follows:

10.5A43.33 For a development that is not located in an incentive overlay district and that contains at least one acre of **lot area** the Planning Board may grant a conditional use permit to allow an additional **story** in height (up to 150 feet) and a building footprint of up to 50,000 SF if both of the following requirements are met:

- a) **Community Space** – The development shall have at least 2050% of the property ~~is~~ assigned and improved as a **community space**. Given the large scale of the development Such the community space shall include a Plaza or Square of at least 5,000 SF per acre, a Pedestrian Passageway, Wide Pedestrian Sidewalk, and or a Pedestrian Arcade, and a Pocket Park or Playground or Public Observation Deck. Such community space shall count toward the required open space listed in Figures 10.5A41.10A-D (Development Standards). The size, shape, location and type of the community space shall be determined by the Planning Board and be based on the proposed land use and the size and location of the buildings within the development, and the proposed and adjacent uses and public amenities.

- b) **Workforce Housing** - The development shall have either: 1) 10% of any proposed for sale dwelling units within a development, or at least three units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household); 2) 5% of any proposed for rent dwelling units within a development, or at least two units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household); or, 3) if the development does not contain any dwelling units, a payment-in-lieu based on \$10/SF of all new gross floor area shall be made to the City's Affordable Housing Trust.¹ Any workforce housing units shall be at least 600 sq. ft. in gross floor areas and be distributed throughout the building wherever dwelling units are located.

2. Amend Section 10.1530 to modify the text as follows:

Building footprint

Except for areas where community space is uncovered and located immediately above the story below the grade plane ~~The~~ the total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

¹ Note that the statutory authority for the payment in-lieu option is currently under review by the Legal Department and may need to be revised or removed prior to submission to the City Council.

3. Amend Section 10.5A45.10 to modify the text as follows:

Pedestrian Passageway

A covered pedestrian passageway (a minimum of 8 feet in width) located on the ground floor with street level access to the storefronts and connects to **community space** areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Public Observation Deck

An open or covered observation deck that provides public access and amenities on either a waterfront boardwalk or deck or, on the roof of a building. The minimum size shall be 500 SF.

Permitted Districts: All Districts

Pedestrian Arcade

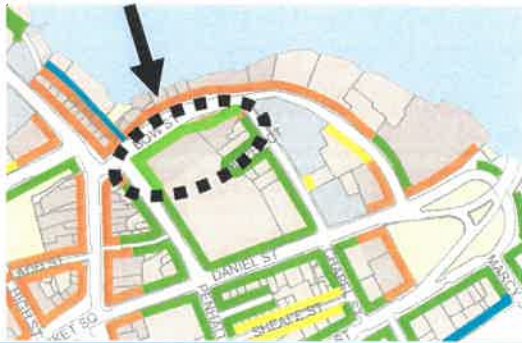
A covered pedestrian arcade within the ground floor or street level of a building that provides public access to the storefronts and connects to **community space** areas within the development and to adjacent public ways.

Permitted Districts: All Districts

4. Amend Section 10.5A21.B Building height Standards Map as follows:



Existing Building Height: 2-3 stories (short 4th) / 45'



Proposed Building Height: 2-3 stories / 40'