

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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June 23, 2021

HAND DELIVERED

Juliet T.H. Walker, Planning Director
City of Portsmouth
One Junkins Ave.
Portsmouth, New Hampshire 03801

Re: Bow St. Brew, LLC, Applicant
Property: 121 Bow Street, Unit C-1
Tax Map 105, Lot 1
Character District and Downtown Overlay District

Dear Ms. Walker:

On behalf of Applicant Bow St. Brew, we are pleased to submit the following in support of a request for a Change in Use and Parking Conditional Use Permit to allow conversion of an office condominium to a residential condominium with less than the minimum number of parking spaces:

- Portsmouth Land Use Applications (submitted via Viewpoint on 6/23/2021).
- Owner's Authorization.
- 6/23/2021 Memorandum in Support of Parking Conditional Use Permit.

We will pay the fee via Viewpoint. We ask that this application be referred to the Technical Advisory Committee for comment pursuant to PZO §10.1112.141, hopefully to be considered at the July 13, 2021 TAC work session and if not, at the August 3, 3031 TAC meeting. Assuming the former, we would like to be considered by the Planning Board at its July 15, 2021 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

cc: Eric J. MacDonald
Ambit Engineering

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	DUNCAN A. EDGAR
R. TIMOTHY PHOENIX	JOHN AHLGREN	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	SAMUEL R. REID
STEPHEN H. ROBERTS	KEVIN M. BAUM	JACOB J.B. MARVELLEY	

Monica Kieser

From: Eric MacDonald <ejmacdonald603@gmail.com>
Sent: Wednesday, June 23, 2021 10:32 AM
To: Monica Kieser
Subject: 121 Bow St conversion

Monica,

I authorize Hoefle, Phoenix, Gormley & Roberts, PLLC to execute all applications before Portsmouth Land Use Boards and to take any and all actions necessary throughout the application and permitting process related to my property at 121 Bow Street Unit C-1 (Tax Map 105, Lot 1) including but not limited to attendance and presentation at public hearings.

Bow St. Brew, LLC

Eric J. MacDonald, Manager

MEMORANDUM

TO: Portsmouth Planning Board
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: June 23, 2021
RE: Conditional Use Permit Application
Bow St. Brew, LLC, Applicant
Property Location: 121 Bow Street, Unit C-1
Tax Map 105/Lot 1
Character District 4 and Downtown Overlay District

On behalf of Bow St. Brew, LLC (“Bow St.”), we are pleased to present the following in support of Applicant’s request for a parking Conditional Use Permit (“CUP”) to be considered by the Planning Board at its July 15, 2021 meeting.

I. EXHIBITS

- A. Elevation Study by Ambit Engineering, Inc.
- B. Site Photographs
 - Satellite
 - Street view
- C. Tax Map 103.

II. PROPERTY/ PARKING ANALYSIS

121 Bow Street, Unit C-1 is a Brewery Condominium containing a 1,736.4 s.f. commercial condominium most recently used as an office (the “Property”). The Office has been available for lease since September 2020 and vacant since February 2021. Interest in the space for commercial use is minimal with only three showings in nine months. Accordingly, Bow St. intends to convert to a two-bedroom residential condominium and will be submitting a Change of Use request. Currently the Brewery Condominium Building contains the following other uses: Four upper level residential condominiums, the Seacoast Repertory Theatre (“Theatre”) seating approximately 200, the Ale House Inn containing 10 hotel rooms, and a 254 s.f. entrance area that physically connects to the Riveredge Condominiums at 117 Bow Street (Map 106, Lot 57).

In the Downtown Overlay District (“DOD”), the residential parking requirements are the same as provided in PZO §10.1112.30 while hotels require 0.75 spaces for each guest room; other non-residential uses have no requirement. PZO §10.1115.21. Under this analysis, the 10-room Ale House Inn requires 8 (rounded from 7.5) on-site parking spaces, but no on-site spaces are provided. Each of the four upper level condominiums exceeds 750 s.f. and requires 1.3

spaces for a total of six spaces (rounded from 5.2). Those units share three dedicated on-site tandem spaces accommodating six cars. (Exhibit B). The Theatre, the Ale House Inn, and instant office condominium occupied until February 2021, have no on-site parking and have historically utilized a combination of on-street parking, municipal and private facilities, discussed in greater detail below.

Despite the absence of a parking requirement for the former commercial office condominium in the DOD, the actual parking demand of an office supporting 15-20 employees and customer traffic is greater than the demand for a residential use of the same space. For those reasons, the proposed residential use close to various municipal and private parking facilities is appropriate, even if no further on-site parking is available.

III. **RELIEF REQUIRED**

PZO §§10.1112.14.141-144 and §10.1112.321, Table of Uses, §10.112.311 & §10.1112.312 – to allow 0 on-site parking spaces where 3 (2 off street parking spaces and 1 guest space for every five dwelling units) are required.

IV. **CUP REQUIREMENTS**

PZO §10.1112.14: The Planning Board may grant a Conditional Use Permit to allow a building or use to provide less than a minimum number of off-street parking spaces required by Section 10.1112.30, as applicable, or to exceed the number of parking spaces allowed by Section 10.1112.51.

PZO §10.1112.141: An application for a Conditional Use Permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off street parking spaces is sufficient for the proposed use.

Response:

The existing office condominium as well as the 10-room hotel and 200-seat theatre have no on-site parking available, though the office and Theatre have no parking requirement in the DOD. The Ale House Inn with 10 rooms must provide 8 on-site spaces. Its website offers access to 5 dedicated parking spots across the street at St. John's Church on Chapel Street, but also directs customers to nearby public parking options such as metered on-street parking, High-Hanover Garage, the Memorial Bridge Lot, the Parrott Avenue Lot, and other small private parking lots. The Theatre's website directs patrons to the existing street and public parking facilities and offers validated parking at High-Hanover Garage for its sustaining members. We

note that demand for theatre parking is episodic in nature and, when required, is limited to the duration of a scheduled production. Hotel parking demand is similarly required for the duration of a short stay, and well met by the spaces at St. John's and at High-Hanover Garage as guests enjoy all the amenities within walking distance of the Inn. The existing four residential units are served by three on-site tandem spaces accommodating six cars dedicated to their use. Their guests are accommodated by street and municipal parking areas. Nearby municipal and private facilities also afford opportunities for leasing of spot(s) to serve the proposed residential unit. The previous use of the condominium as an office with 15-20 employees and customer traffic placed greater parking demand on the area than the proposed single family condominium unit proposed. For these reasons, sufficient off-street parking opportunities exist which would support an additional single family residential unit in a vibrant, thickly settled area of the City.

PZO §10.1112.142: An application for a Conditional Use Permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to, provision of ride share/micro transit services or bike share station(s) servicing the property, proximity to public transit, car/van pool incentives, alternative transit subsidies, provisions for tele-working and shared parking on a separate lot subject to the requirements of 10.1112.62.

Response:

While no other parking is available on-site, only three spaces are required. Accordingly, we question whether evidence-based measures supporting the reduction of parking demand akin to that required by an intensive commercial use or multi-unit residential property is necessary for three spaces. In any event, the surrounding area offers on-street parking as well as numerous options for covered or uncovered off-street parking. The episodic demand presented by the Inn and Theatre is accommodated by these facilities, as was the Monday-Friday parking demand related to the previous office use. The proposed single family condominium use will require less parking than the previous office use. Several off-street parking facilities can serve future residents and guests of the unit and include opportunities for a future owner to procure parking via a lease arrangement. Accordingly, the intent for parking, including the shared parking provision of this section, is met.

PZO §10.1112.143: The Planning Board may grant a Conditional Use Permit only if it finds that the number of off street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the Applicant's parking demand analysis.

A residential use of this condominium requiring three parking spots is less intensive than the previous office use accommodating 15-20 employees and customer traffic. The addition of a fifth single residential condominium unit without on-site parking where three parking spaces are required will still be served by adequate and appropriate parking where: dedicated parking serves the other four residences; other compatible commercial uses on the parcel result in episodic demand of limited duration; and ample access to on-street parking, municipal parking and private parking facilities exist.

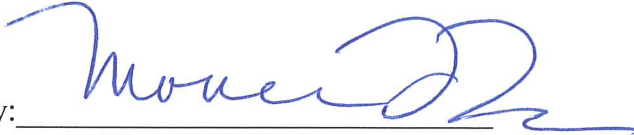
PZO §10.1112.144: At its discretion, the Planning Board may require more off street parking spaces than the minimum number requested by the Applicant, or may allow fewer spaces than the maximum number requested by the Applicant.

The Property has been available for office lease for the past nine months with little interest and has therefore remained vacant. Meanwhile demand for residences in the City continues to rise and this Property offers a beautiful spot for a residence in the City's thickly settled Urban Core. While no parking requirement exists for an office use in the Downtown Overlay District and the previous office condominium did not provide on-site parking, it is likely that the parking demand associated with Applicant's proposal is less than the demand associated with the previous use of this condominium unit and additional spaces need not be required.

V. CONCLUSION

For all of the foregoing reasons, Bow St. Brew respectfully requests that the Planning Board grant the requested Parking Conditional Use Permit authorizing a residential single-family condominium unit with no on-site parking.

Respectfully submitted,
BOW STREET BREW

By: 
R. Timothy Phoenix
Monica F. Kieser

ELEVATION STUDY

PROPERTY LOCATION: 121 BOW STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

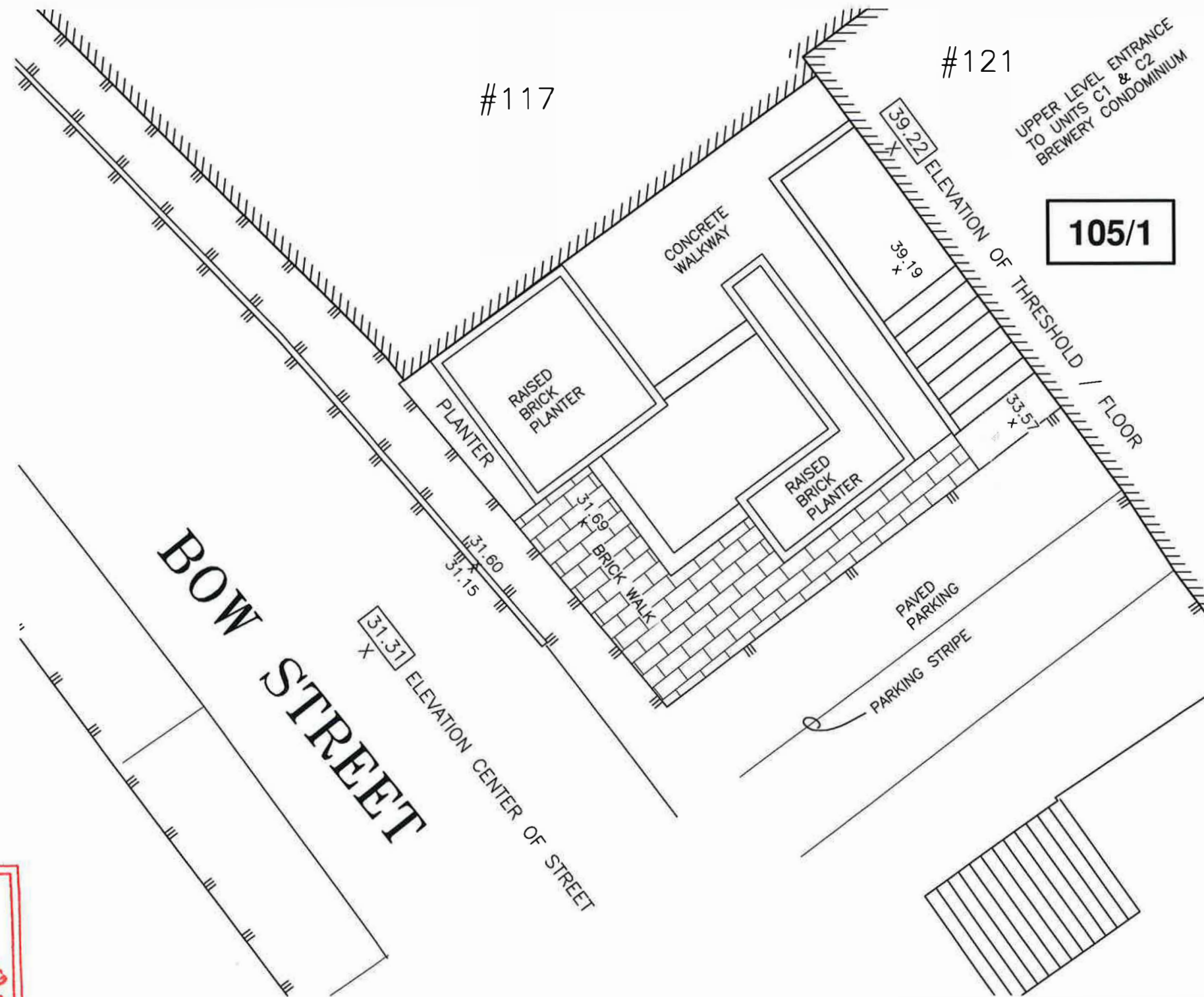


EXHIBIT A

SCALE: 1" = 10'

5 MARCH 2021



GRAPHIC SCALE



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

121 Bow St



Imagery ©2021 Google, Imagery ©2021 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 50 ft

Google Maps 121 Bow St

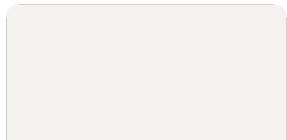


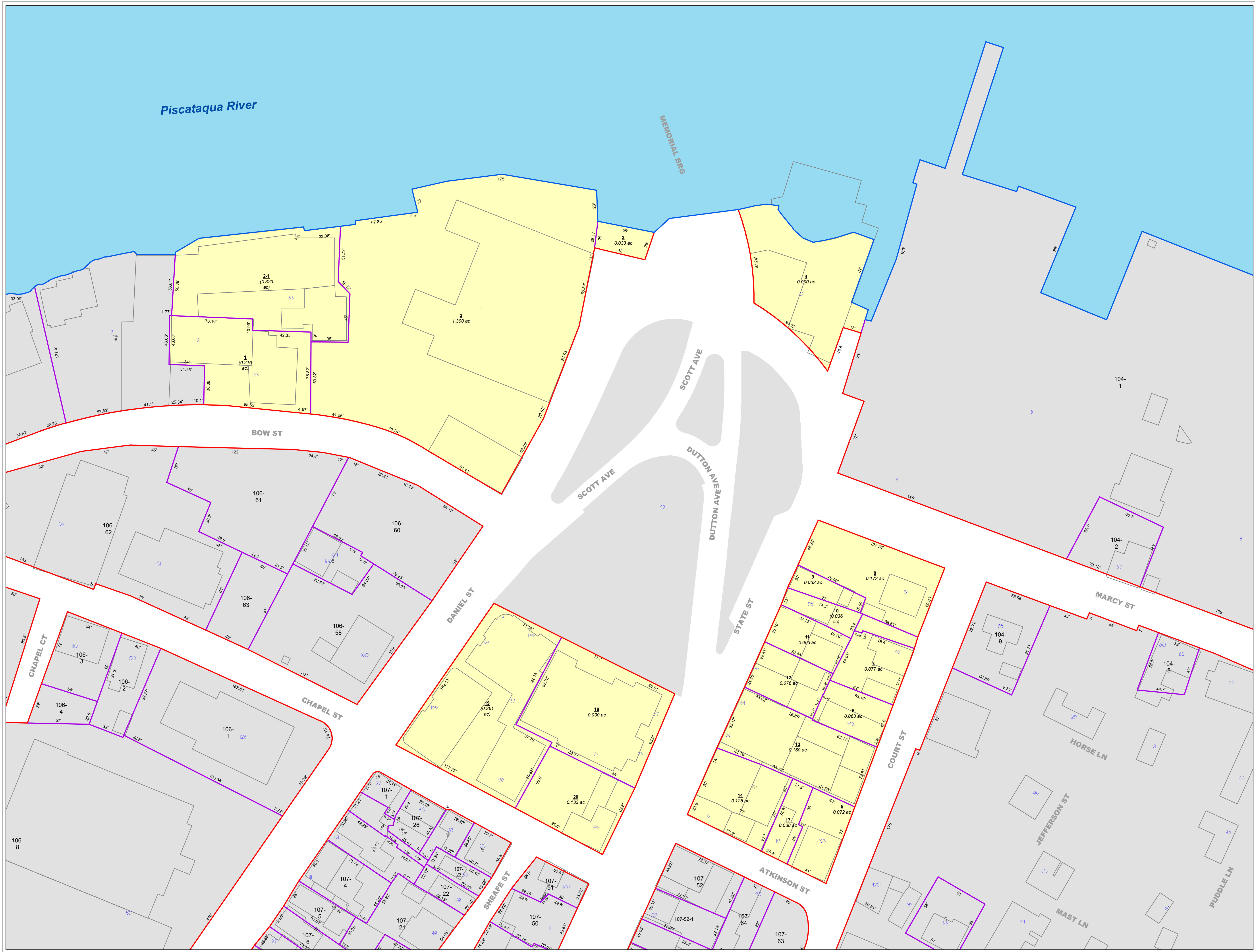
Image capture: Sep 2019 © 2021 Google

Portsmouth, New Hampshire



Street View



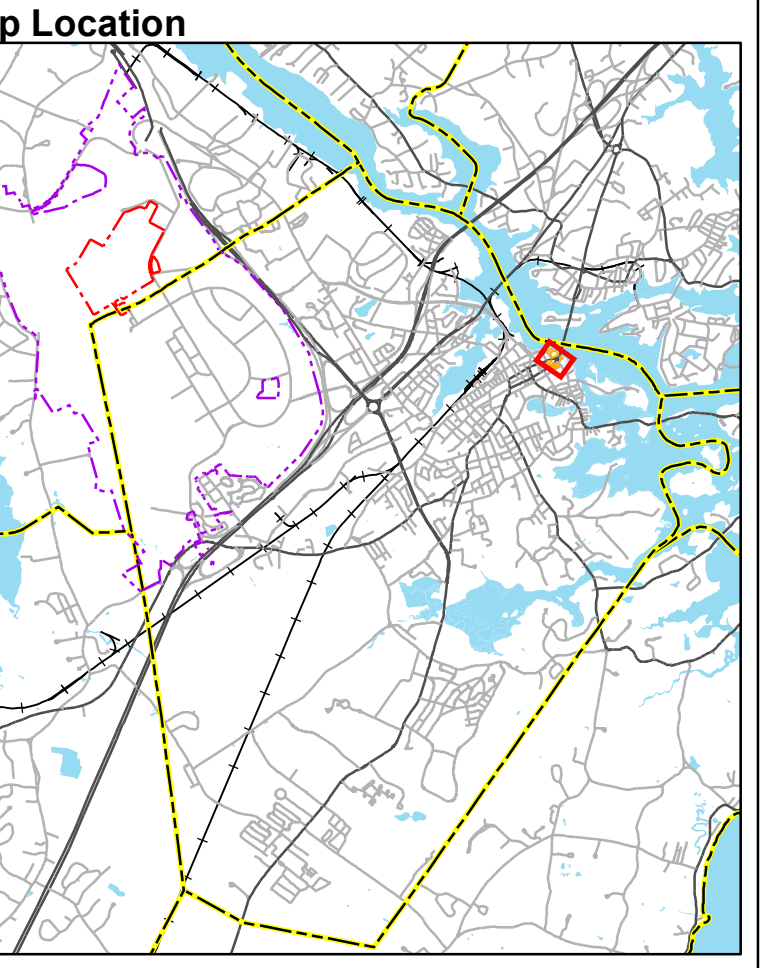
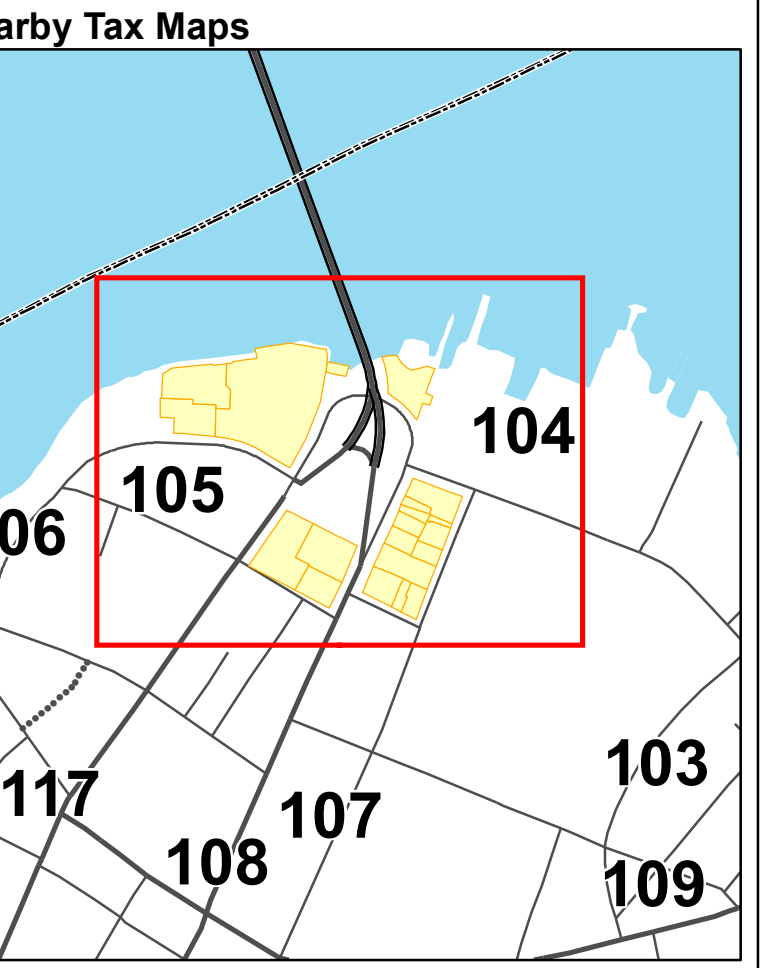


- Partial Legend**
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 75 Address number
 - 233-137 Parcel number from a neighboring map
 - 68' Parcel line dimension
 - SIMS AVE** Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

EXHIBIT C



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
 2020
Tax Map 105