

# Findings of Fact | Parking Conditional Use Permit

## City of Portsmouth Planning Board

Date: April 18, 2024

Property Address: 180 Islington Street

Application #: LU-24-27

Decision:  Approve     Deny     Approve with Conditions

### Findings of Fact:

Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

### Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	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.	Meets  Does Not Meet	The project was reviewed at the April 2, 2024 Technical Advisory Meeting. The number of off-street parking spaces supplied at this site is sufficient for this use. Pursuant to the submitted parking demand analysis, there is ample nearby public parking for this use.
2	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 rideshare/microtransit services	Meets  Does Not Meet	The applicant is providing parking for two-wheeled vehicles and a bicycle rack for bikes. A COAST bus stop is located within 100 feet of the property.

	<b>Parking Conditional Use Permit 10.1112.14 Requirements</b>	<b>Finding</b> (Meets Criteria/Requirement)	<b>Supporting Information</b>
	or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.		
<b>3</b>	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.	<b>Meets</b>  <b>Does Not Meet</b>	The number of off-street parking spaces supplied at this site is sufficient for this use. Pursuant to the submitted parking demand analysis, there is ample nearby public parking for this use.
<b>4</b>	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.	<b>Meets</b>  <b>Does Not Meet</b>	
<b>5</b>	<b><u>Other Board Findings:</u></b>		
<b>6</b>	<b><u>Additional Conditions of Approval:</u></b>		



**John K. Bosen**  
Admitted in NH & MA

**Christopher P. Mulligan**  
Admitted in NH & ME

**Molly C. Ferrara**  
Admitted in NH & ME

**Austin Mikolaities**  
Admitted in NH

**Bernard W. Pelech**  
1949 - 2021

March 7, 2024

Mr. Rick Chellman, Chair  
Planning Board  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

***RE: 180 Islington Street - Tax Map 137, Lot 19  
REQUEST FOR PARKING CONDITIONAL USE PERMIT***

Dear Mr. Chellman:

This office represents ZJBV Properties, LLC, the owner of the above referenced property. The property presently consists of a building with mixed residential and commercial uses on a .09 acre lot.

The property currently consists of a single dwelling on the second floor and a piercing parlor comprising approximately 800 square feet of the first floor. The remaining approximately 1100 square feet of existing vacant retail space is proposed to be leased to an antiques dealer.

The applicant requires a Conditional Use Permit pursuant to 10.1112.14 to provide less than the minimum number of off-street parking spaces otherwise required under Section 10.1112.30. There are three, non-compliant parking spaces on site, where nine are required. It is unknown how long the property has been home to first floor commercial uses, but the structure itself dates back to 1840 according to city tax records.

Submitted herewith are site plan and parking demand analysis.

The applicant maintains that the approval criteria set forth in Section 10.1112.14 are met:

10.1112.141. The number of off-street parking spaces supplied at this site is sufficient for this use. Pursuant to the submitted parking demand analysis, there is ample nearby public parking for this use.

10.1112.142. As the submitted parking demand analysis indicates, the applicant will install bike racks and scooter striping on the site to reduce the parking demand.

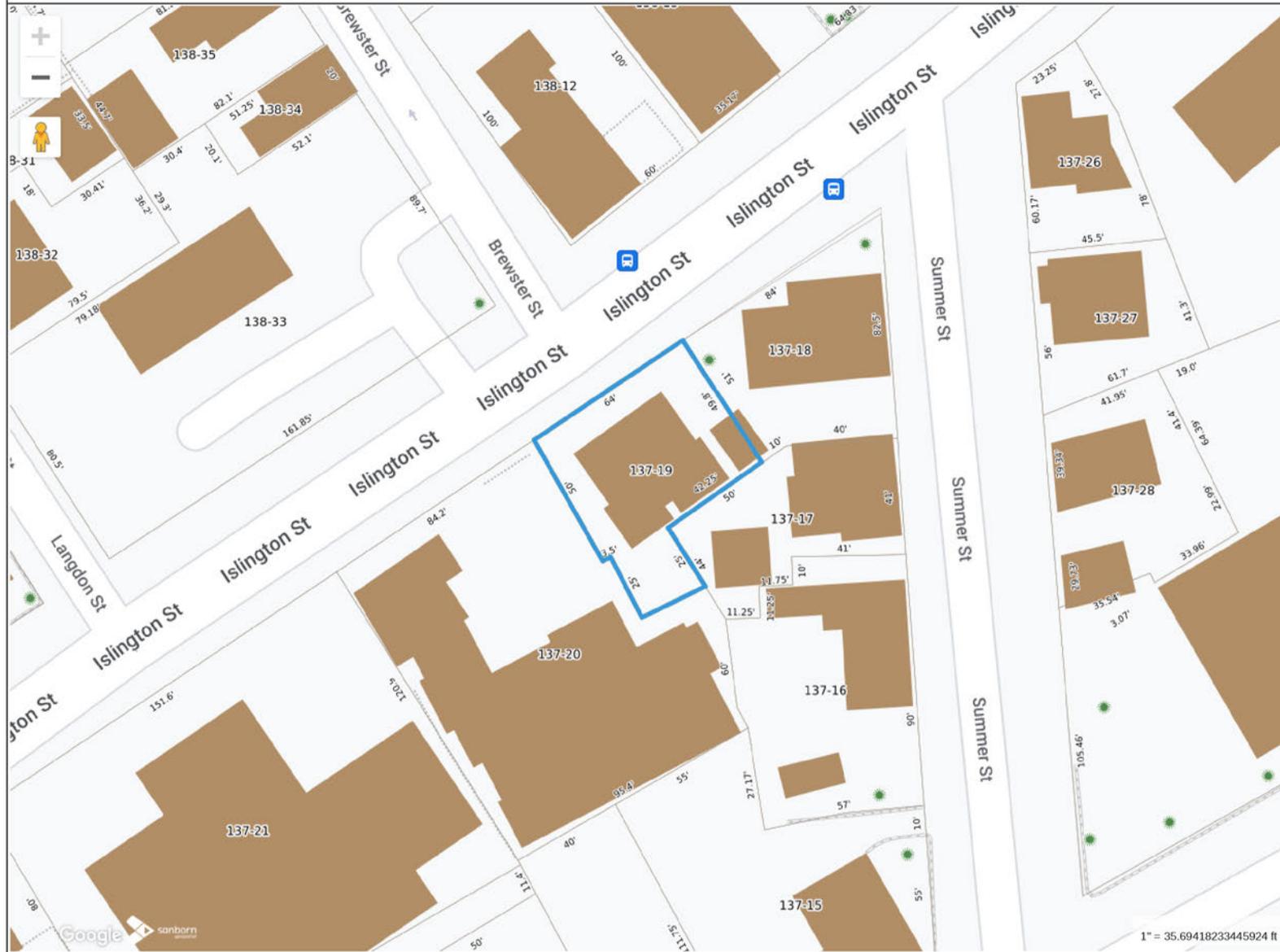
10.1112.143. The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above.

Thank you for your attention.

Sincerely,

*John K. Bosen*

John K. Bosen



**Property Information**  
**Property ID** 0137-0019-0000  
**Location** 180 ISLINGTON ST  
**Owner** ZJBV PROPERTIES LLC



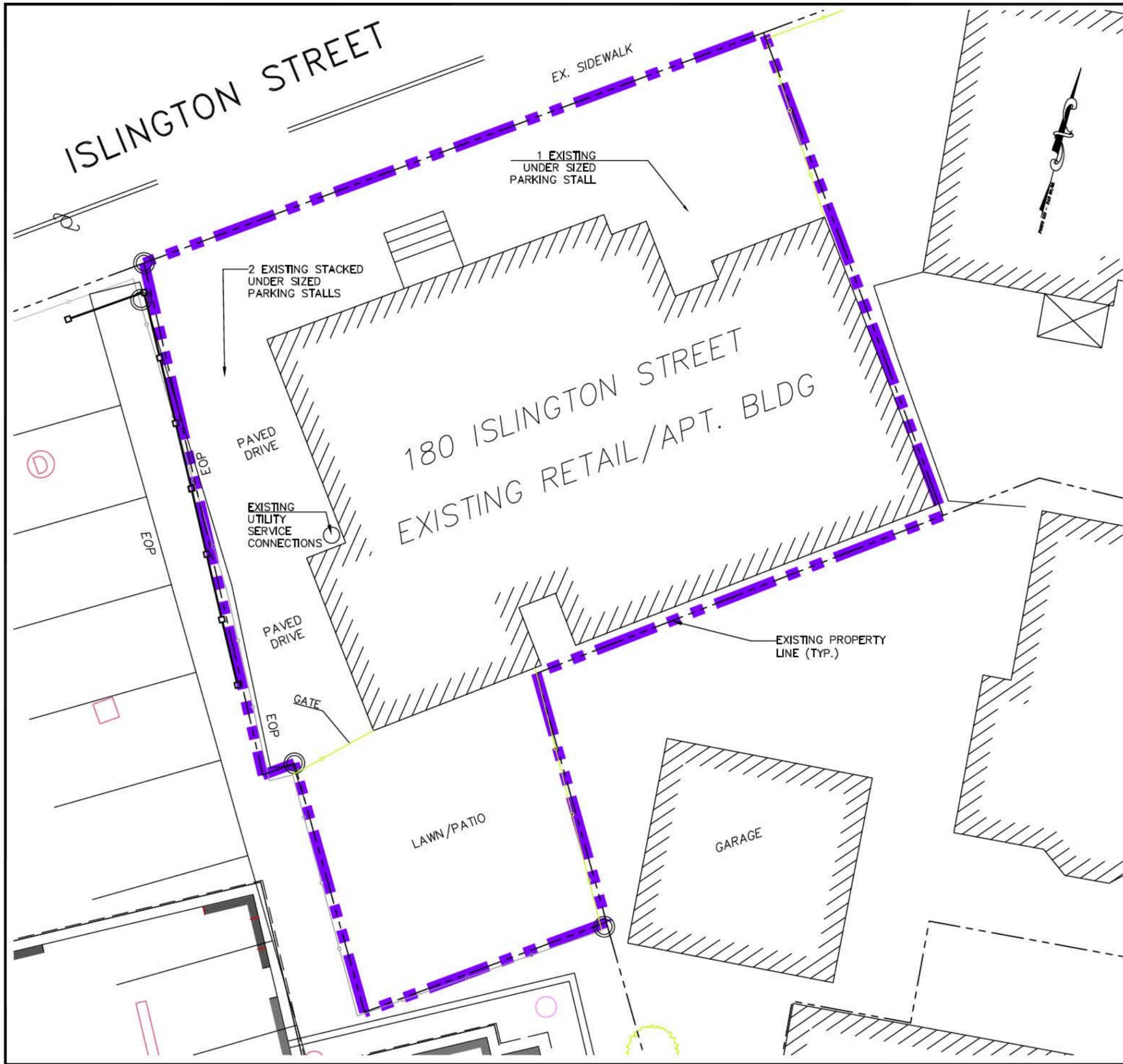
**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/24/2023  
 Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

1" = 35.69418233445924 ft



**SITE NOTES**

1. DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT THE EXISTING PARKING SPACES AS DESCRIBED IN THE PARKING DEMAND ANALYSIS OF THE SITE.
2. APPROXIMATE LOT AREA: 0.09 AC.± (PER CITY GIS)
3. ZONE: BUSINESS & SINGLE RESIDENCE
4. PARKING REQUIREMENTS:  
 1 APARTMENT - 750 SF GROSS FLOOR AREA  
 BUSINESSES - 1,900 SF GROSS FLOOR AREA (2 UNITS)  
 APARTMENT GREATER THAN 750 SF = 1.3 SPACES PER UNIT  
 PERSONAL SERVICES = 1 SPACE PER 400 SF GFA  
 RETAIL TRADE = 1 SPACE PER 300 SF GFA
5. PARKING STALLS REQUIRED: -  
 APARTMENT = 1.3 SPACES  
 1,916 SF RETAIL TRADE = 6.4 SPACES  
 TOTAL PARKING REQUIRED = 9 SPACES REQUIRED <sup>1</sup>
- 1 SEE SECTION 10.1112.22: "WHERE THE COMPUTATION OF REQUIRED OFF-STREET PARKING SPACES RESULTS IN A FRACTIONAL NUMBER, THE COMPUTATION SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER."  
 ALTHOUGH THE COMPUTATION OF SPACES FOR THE PROJECT AS A WHOLE WOULD BE ROUNDED UP TO 8 SPACES, WE HAVE ROUNDED UP THE COMPUTATION FOR EACH INDIVIDUAL USE OUT OF AN ABUNDANCE OF CAUTION.
6. OVERALL AREA OF DISTURBANCE UNDER 100,000 S.F., NHDES ALTERATION OF TERRAIN PERMIT NOT REQUIRED.
7. AREA OF DISTURBANCE OVER 43,560 SF. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT REQUIRED (NOI TO BE PREPARED AND SUBMITTED BY CONTRACTOR, SWPPP AND INSPECTIONS TO BE PREPARED AND PERFORMED BY CONTRACTOR). NOT REQUIRED FOR THIS PROPERTY.
8. PARKING DEMAND ANALYSIS RECOMMENDS INSTALLING A 4-BICYCLE RACK & STRIPING 3-SPACES FOR MOPEDS OR SIMILAR VEHICLES. LOCATION TO BE DETERMINED BY OWNER SHALL BE ENTIRELY ON THE PROPERTY.

**ALTUS**  
ENGINEERING

133 Court Street Portsmouth, NH 03801  
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR: PARKING DEMAND ANALYSIS

ISSUE DATE: FEBRUARY 27, 2024

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	02/27/24

DRAWN BY: SAM

APPROVED BY: EDW

DRAWING FILE: 5554-180 Islington.dwg

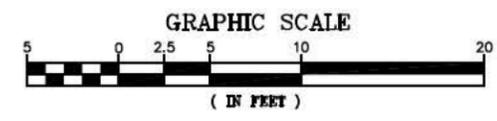
SCALE:  
 1" = 5' (22" X 34")  
 1" = 10' (11" X 17")

OWNER:  
 ZJBV PROPERTIES, LLC  
 300 GAY STREET  
 MANCHESTER, NH 03103

APPLICANT:  
 ZJBV PROPERTIES, LLC  
 300 GAY STREET  
 MANCHESTER, NH 03103

PROJECT:  
 PARKING DEMAND ANALYSIS  
 180 ISLINGTON STREET  
 TAX MAP 137, LOT 19

TITLE:  
 SITE PLAN  
 SHEET NUMBER:  
**S-1**





**Civil  
Site Planning  
Environmental  
Engineering**

133 Court Street  
Portsmouth, NH  
03801-4413

**PARKING DEMAND ANALYSIS  
180 ISLINGTON STREET  
PORTSMOUTH, NH**

March 6, 2024

ZJBV Properties, LLC owns the property located at 180 Islington Street. The 0.09-acre (per City GIS) has two retail store front businesses on the first floor and an apartment on the second floor. The owner is not proposing any changes to the site nor the use of the property. Altus prepared this Parking Demand Analysis based on the following:

1 apartment in excess of 750 SF Gross Floor Area  
1,900 SF gross floor area (2 units)

Parking spaces required for the City of Portsmouth Zoning Ordinance Section 10.1110 Off Street Parking

Apartment greater than 750 SF	1.3 spaces per unit
Personal Services	1 space per 400 SF GFA
Retail Trade	1 space per 300 SF GFA

Altus recognizes that the spaces could be rented to either a personal services or as a retail concern. Since retail has a greater demand for parking, Altus chose to use Retail Trade.

Parking Stalls required	
Apartment	1.3 spaces
1,916 SF retail trade	<u>6.4 spaces</u>
	9 spaces required <sup>1</sup>

The area between Islington Street right-of-way and the building is paved. However, it does not provide adequate space for a zoning compliant parking stall. Facing the building, the area on the left side has been historically used as a parking stall.

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<sup>1</sup> See Section 10.1112.22: “Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.”

Although the computation of spaces for the project as a whole would be rounded up to 8 spaces, we have rounded up the computation for each individual use out of an abundance of caution.

Facing the building, the area to the right of the building is fully paved and is undersized by the Zoning Ordinance. However, the area is used as 2 stacked parking stalls.

Thus, there are three on-site functional, but non-compliant parking stalls.

The COAST Route runs on Islington Street with stops both inbound and outbound within 100 feet of the front door of the building.

Under Section 10.1116.10, providing bicycle parking spaces can help meet the requirements of the parking requirements. Altus recommends that a 4- rack bicycle stand be provided.

In the Zoning Ordinance, motorcycle/moped/scooter parking spaces do not count towards the required parking. Altus recommends that 3 spaces in front of the building be striped to accommodate two wheeled vehicles.

The Foundry Garage is less than 1,000 feet from the property. It is much closer to the site than many of the downtown businesses whose employees currently use it.

There is on-street parking on the north side of Islington Street and on Brewster Street which is opposite the site.

It is reasonable for two small retail/professional service businesses to continue to operate at 180-Islington Street with an apartment on the second floor without creating an undue hardship on the City streets or on the abutting properties.

Providing a friendly environment that promotes pedestrian and alternative transportation will reduce the traffic demand for traditional parking.

Thus, it is Altus' opinion that 3 on-site non-compliant parking stalls will be more than adequate for the expected demand.

Wde/5554 parking demand analysis - 3-6-24.docx



**Civil  
Site Planning  
Environmental  
Engineering**

133 Court Street  
Portsmouth, NH  
03801-4413

**PARKING DEMAND ANALYSIS  
180 ISLINGTON STREET  
PORTSMOUTH, NH**

Revised April 2024

ZJBV Properties, LLC owns the property located at 180 Islington Street. The 0.09-acre (per City GIS) has two retail store front businesses on the first floor and an apartment on the second floor. The owner is not proposing any changes to the site nor the use of the property. Altus prepared this Parking Demand Analysis based on the following:

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Altus recognizes that the spaces could be rented to either a personal services or as a retail concern. Since retail has a greater demand for parking, Altus chose to use Retail Trade.

Parking Stalls required

Apartment	1.3 spaces
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The area between Islington Street right-of-way and the building is paved. However, it does not provide adequate space for a zoning compliant parking stall. Facing the building, the area on the left side has been historically used as a parking stall.

<sup>1</sup> See Section 10.1112.22: "Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number."

Although the computation of spaces for the project as a whole would be rounded up to 8 spaces, we have rounded up the computation for each individual use out of an abundance of caution.

Facing the building, the area to the right of the building is fully paved and is undersized by the Zoning Ordinance. However, the area is used as 2 stacked parking stalls.

Thus, there are three on-site functional, but non-compliant parking stalls.

The COAST Route runs on Islington Street with stops both inbound and outbound within 100 feet of the front door of the building.

Under Section 10.1116.10, providing bicycle parking spaces can help meet the requirements of the parking requirements. Altus recommends that a bicycle rack be provided.

In the Zoning Ordinance, motorcycle/moped/scooter parking spaces do not count towards the required parking. Additionally, we recommend a building mounted sign allowing moped parking. We do not believe striping is necessary as mopeds do not take a lot of space and it is unlikely that the striping will be maintained or respected.

The Foundry Garage is less than 1,000 feet from the property. It is much closer to the site than many of the downtown businesses whose employees currently use it.

There is on-street parking on the north side of Islington Street and on Brewster Street which is opposite the site.

To determine the expected parking that will be generated by the existing/proposed uses, Altus normally utilizes the ITE Parking Generation Manual, 5<sup>th</sup> Edition. It is our opinion that the setting/location falls under the Dense Multi-Use Urban category. However, the manual has limitations when it comes to small traffic generators and unique end users like antique shops and tattoo studios as well as a single apartment. Additionally, ITE states that "it contains information that can also easily be misinterpreted without sound professional judgement..."

As such, a common sense approach to developing the parking needs to be utilized.

A small urban apartment in downtown Portsmouth at the most will have two residents with a maximum of two vehicles. The residence will have designated stacked parking on the west side of the building. Thus, the demand for the residential unit is met with the stacked parking stalls.

There are two small commercial/retail/professional office spaces on the first floor of the building. Each unit will most likely have a maximum of two employees per shift or at shift change over. It is reasonable to believe that the employees will either walk to work, use bicycles or mopeds parking in front. Otherwise, the staff will park in the Foundry parking garage. Thus, the staff will have no impact on parking in the general area of the site. Thus, it can be expected at peak demand, the first-floor staff aspect of the building will have a peak demand of 4 parking spaces.

On the consumer side, two small businesses in an urban area will attract customers on foot, bicycle and moped. However, during inclement weather, it is expected that the majority of the customers will utilize automobiles. Conservatively, it is highly unlikely that each business will

have more than 2 individual unrelated customers at a time. Thus, conservatively, it can be assumed that the first-floor occupants will have a demand for 4 parking spaces.

In summary, the parking demand for the property conservatively is:

2 residential spaces  
4 employee spaces  
4 customer spaces  
10 spaces total

It is reasonable for two small retail/professional service businesses to continue to operate at 180-Islington Street with an apartment on the second floor without creating an undue hardship on the City streets or on the abutting properties.

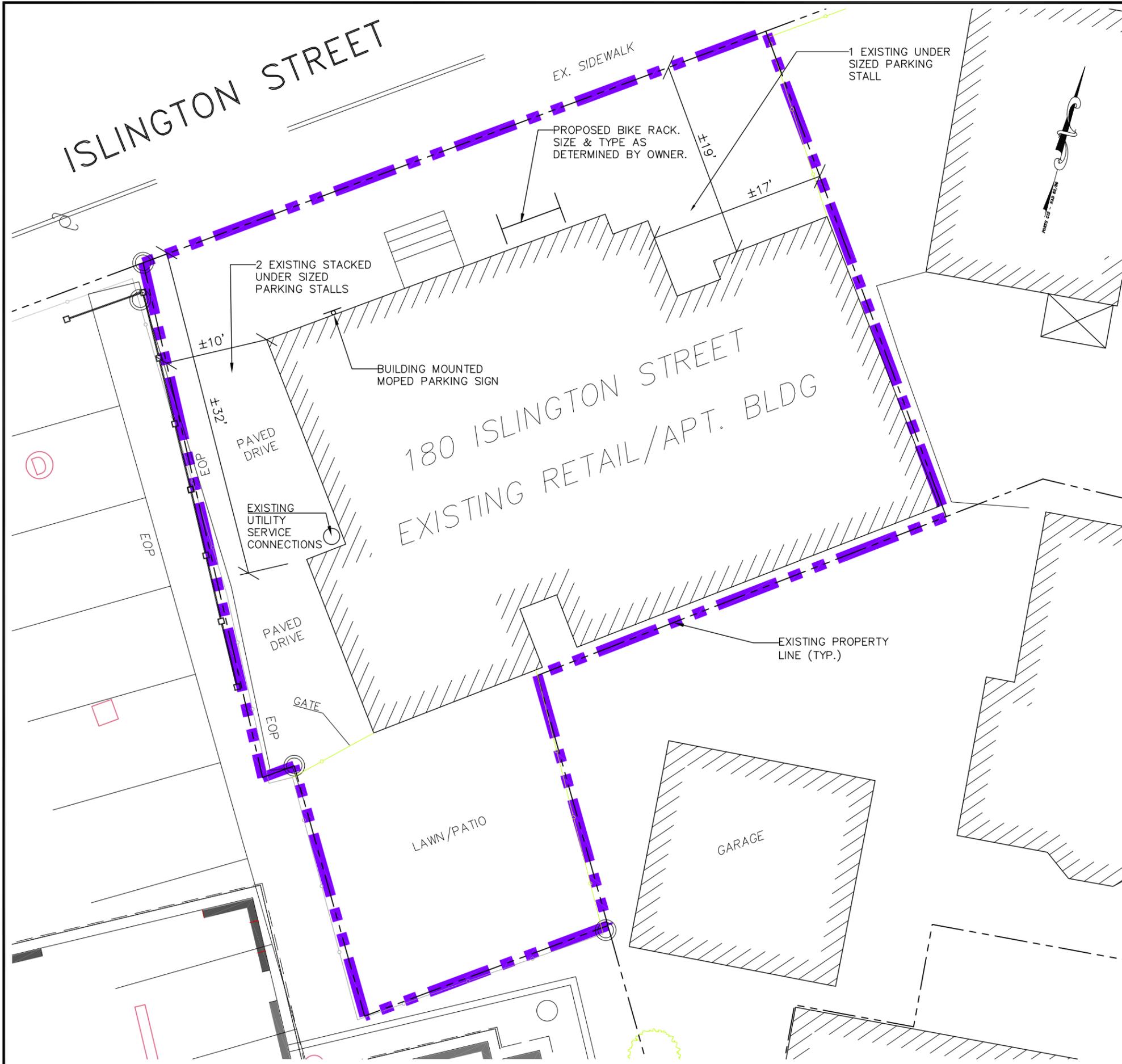
Providing a friendly environment that promotes pedestrian and alternative transportation will reduce the traffic demand for traditional parking.

Thus, it is Altus' opinion that the existing building can operate with two commercial units on the first floor and a residential unit on the second floor without an undue impact on the City's parking supply.

Wde/5554 parking demand analysis - rev 1.docx

# ISLINGTON STREET

## 180 ISLINGTON STREET EXISTING RETAIL/APT. BLDG



### SITE NOTES

- DESIGN INTENT – THIS PLAN IS INTENDED TO DEPICT THE EXISTING PARKING SPACES AS DESCRIBED IN THE PARKING DEMAND ANALYSIS OF THE SITE.
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133 Court Street Portsmouth, NH 03801  
 (603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:  
 PARKING DEMAND ANALYSIS

ISSUE DATE:  
 APRIL 5, 2024

REVISIONS		
NO.	DESCRIPTION	BY DATE
0	INITIAL SUBMISSION	EDW 02/27/24
1	PER TAC COMMENTS	EDW 04/05/24

DRAWN BY: \_\_\_\_\_ SAM  
 APPROVED BY: \_\_\_\_\_ EDW  
 DRAWING FILE: 5554-180 Islington.dwg

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PROJECT:  
**PARKING DEMAND ANALYSIS**  
 180 ISLINGTON STREET  
 TAX MAP 137, LOT 19

TITLE:  
  
**SITE PLAN**

SHEET NUMBER:  
**S-1**

