

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

6 October 2022

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

RE: Application for Parking CUP Approval, Tax Map 107, Lot 50, 111 State Street

Dear Chair Chellman and Planning Board members:

On behalf of Coventry Realty, LLC, we submit herewith the attached package for a Parking Conditional Use Permit at the site. In support thereof, we are submitting plans and associated exhibits. The property is located at 111 State Street and is depicted on Portsmouth Tax Map 107 as Lot 50. The lot is in the CD 4 District and is also within the Historic District; but not in the Downtown Overlay District. Lot 50 is owned by Coventry Realty, LLC, and is developed with buildings and currently has no parking provided. The Lot was recently the subject of a merger, where former Lot 51 (formerly 107 State Street) was merged with Lot 50. The new lot size is 4,530 square feet. Prior to merger, the two lots contained congruent 3-story brick buildings. The plans for the addition have been approved by the Director of the Planning Department, the Chief Building Inspector and the Fire Department in accordance with the attached Memorandum from the Director of Planning. The addition has been ruled to be in conformance with Section 10.323 and to not require any additional site approvals, except a **Parking CUP**, the subject of this application.

We request that this application be placed on the agenda for the October 20th Planning Board Meeting.

For some time the Agave Mexican Bistro was located in the first and second floors of the west side of existing building and was used as a restaurant. Mr. Kim's Restaurant was in the first and second floors of the east side of the building. The third floor of the west side was utilized for an office and the third floor of the east side was a residential unit. Accordingly the lot itself is steeped in historical restaurant uses. As a result of the merger of the lots, the intent of the Applicant is to renovate the two buildings in order that they act as one complete building. The renovation will result in the removal of a restaurant use within the east side of the second floor of the building, where the second-floor dining room for Mr. Kim was previously located. That space will be converted to two residential units. The second floor west side restaurant will be *reduced* in size to accommodate the elevator and access code improvements. This results in a change to the second floor west side restaurant space. The third floor west side office space as well as some east side attic space are being converted to create three residential units on the third floor. The five proposed residential units are intended to support workers for the restaurant within the building post-renovation.

The renovations will involve updating portions of the building to comply with the Americans with Disabilities Act (the ADA) and the International Building Code requiring a new egress staircase tower and a new elevator to meet and address handicapped accessibility requirements. The existing staircase system within the building is considered non-conforming, and the full complement of ADA bathrooms is not present. In order to update the building to meet these life safety and code requirements, the structure proposed on the enclosed plans is necessary to provide these improvements.

The renovation will also reduce the intensity of the required parking for the property with the removal of the restaurant dining use on the second floor of the east side of the building. The change to residential units, pursuant to the City's own parking metric, reduces the need for parking spaces for this change in use. The total parking metric for the property, under this proposal, is decreased by 11 spaces. There is no parking on-site, and there is no room to create parking on site, and this situation has existed for many years. City of Portsmouth staff did however determine that a **Conditional Use Permit** from the **Planning Board** is required for this change, even with the reduction in parking proposed. The required parking needs to be provided, per the Ordinance, for the uses created by: changes in the square foot of use (2nd floor restaurant) as well as the changes in use from restaurant / office to residential (added residential units).

Planning Staff Comments were issued in a letter to the developer, a section reads:

Staff has reviewed your parking calculations related to the removal of the restaurant use on a portion of the second floor and the conversion of the space to a residential use. Staff has conferred with the City Attorney and finds that the change of use, which is allowed in this zoning district, would trigger a Parking Conditional Use Permit. Although the change will bring the parking into greater conformance, the Zoning Ordinance clearly states that any change must be brought into conformity. A lawful nonconforming use may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance. The proposed change of use will require a Parking Conditional Use Permit.

Therefore we hereby submit for your approval this application for a Parking Conditional Use Permit as allowed in Article 11 *Site Development Standards* Section 10.1112 *Number of Required Parking Spaces* from of the Portsmouth Zoning Ordinance. The request for this approval is pursuant to Section 10.1112.14 where 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 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. Our request is to allow the property to revise the uses as described above and to provide no parking where 35 off-street parking spaces would otherwise be required to accommodate the additional dwelling units and change in the size (*reduction*) in the second floor restaurant use.

The proposed renovation will result in a decreased demand for parking over the current building use and configuration. The attached Area Program Parking Analysis outlines the Ordinance Requirements and details that the parking demand for the site is currently 80 parking spaces where the revised parking demand will be 69 parking spaces. The property is one block from the Memorial Bridge public parking lot and there is on street parking in the vicinity. There are additional private surface lots within easy walking distance that provide additional parking, if necessary. The site use is also not changing significantly from the existing use; where the bulk of the parking is for the restaurant uses. The property is very close to the Downtown Overlay District; where 4 spaces would be automatically waived. The property also has easy pedestrian and bicycle access to a variety of services and attractions in the Downtown. Also long term storage of vehicles in off site locations, for the residential use, is a possible alternative.

Regarding Section 10.1112.142, where an application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, we submit that the use change and reduction in total parking demand meets the criteria that measures are being taken to reduce parking demand. Therefore we ask that the Planning Board grant the Conditional Use Permit finding that the reduction in the number of required off-street parking spaces conforms to the intent of the Ordinance provisions.

The following plans are included in our submission:

- Standard Boundary Survey – This shows the existing boundary of the parcel. The plan shows the extent of the development on the parcel.
- Existing and Proposed Floor Plans PB 0.0 to 1.3 – These plans show the existing and proposed floor plans (with areas) consistent with the proposed building renovations.
- Exterior Elevations and Rendered Views P 2.1 to P 3.2 – These plans show the proposed building exterior views and renderings of the proposed construction.

Please also find the attached in support of this application:

111 State Street Area Program Parking Analysis

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday September 6, considered this application for Conditional Use Permit approval. As a result of said consideration, the Committee voted to recommend **approval of this application** to the **Planning Board**. We look forward to your review of this submission and our in person presentation at the October Planning Board meeting. For the reasons stated, we respectfully request the Planning Board grant the Parking Conditional Use Permit. Thank you for your time and attention to this proposal.

Sincerely,

John Chagnon

John R. Chagnon, PE

CC: 111 State Street Team

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13 October 2022

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

RE: Application for Parking CUP Approval, Tax Map 107, Lot 50, 111 State Street

Dear Chair Chellman and Planning Board members:

On behalf of Coventry Realty, LLC, we add herewith to the submission of the **Parking Conditional Use Permit** at the site. Please find the following information in support thereof. The improvements involve updating portions of the building to comply with the Americans with Disabilities Act (the ADA) and the International Building Code (IBC) requiring a new egress staircase tower and a new elevator to meet and address handicapped accessibility requirements. We submit that the application conforms to the Portsmouth Ordinance Sections, repeated below with comments in **bold** text, as follows:

Section 10.1112.141: An application for a conditional use permit under this section shall include a parking demand analysis demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use. **The attached Parking Demand Analysis shows that the proposed improvements will decrease the parking demand at the property.**

Section 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/micro transit services or bike share 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. **The attached Parking Demand Analysis shows that the proposed improvements will decrease the parking demand at the property.**

Section 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. **Since parking supply is currently sufficient for the existing use, and the proposed improvements will decrease the parking demand at the property, we submit that the available parking is adequate.**

Section 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. **Due to the nature of this particular request, where no parking is provided, this section is not applicable to this project.**

The renovation will reduce the intensity of the required parking for the property with the removal of the restaurant dining use on the second floor on the east side of the building. The change to residential units, pursuant to the parking metric, reduces the demand for parking spaces for the proposed site improvements.

The proposed renovation will result in a decreased demand for parking over the current building use and configuration. Denial of the Parking CUP would present a distinct hardship to the applicant, since the use revision reduces parking demand, a stated goal of the Ordinance requirements. Therefore we ask that the Planning Board grant the Parking Conditional Use Permit finding that the reduction in the parking demand conforms to the intent of the Ordinance provisions.

Thank you for your time and attention to this proposal.

Sincerely,

John Chagnon

John R. Chagnon, PE
CC: 111 State Street Team

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12 October, 2022

Proposed Parking Demand Site Improvement 111 State Street Portsmouth, NH

The purpose of this calculation is to identify the existing and proposed parking demand expected to be generated by the site improvements at 111 State Street. Currently the lot has a three story building which has restaurant use with one residential unit. The proposed plan is to convert some of the restaurant use to residential use, for less restaurant space and five proposed residential units. This comparison is for the converted / added space only.

In developing the expected Parking Demand Ambit Engineering considered the standard Parking Demand rates and equations published in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition (2010). The land use category that best correlates with the proposed uses are Low / Mid Rise Apartment (ITE Land Use Code 221) and Quality Restaurant (ITE Land Use Code 931). Please note that the ITE Rates are for non-overlapping peak periods of demand; the residential being 10:00 PM to 5:00 AM and the restaurant 7:00 to 8:00 PM. This makes the total numbers more conservative. The parking demand, based upon the number of dwelling units in the building and GFA of the restaurant is summarized below for the **Average Peak Period of Parking Demand**:

Parking Demand Summary - EXISTING

Peak Period of Demand

Low / Mid Rise Apartment (1.2 vehicles per dwelling unit)

$$\underline{1.2 \times 1 \text{ units} = 1.2 \text{ vehicles}}$$

Quality Restaurant (16.41 vehicles per 1,000 SF GFA)

$$\underline{16.41 \times 3,486 \text{ KSF} = 57.2 \text{ vehicles}}$$

Total Parking Spaces required

58 vehicles

Parking Demand Summary - PROPOSED

Peak Period of Demand

Low / Mid Rise Apartment (1.2 vehicles per dwelling unit)

$$\underline{1.2 \times 5 \text{ units} = 6.0 \text{ vehicles}}$$

Quality Restaurant (16.41 vehicles per 1,000 SF GFA)

$$\underline{16.41 \times 2,827 \text{ KSF} = 46.4 \text{ vehicles}}$$

Total Parking Spaces required

52 vehicles

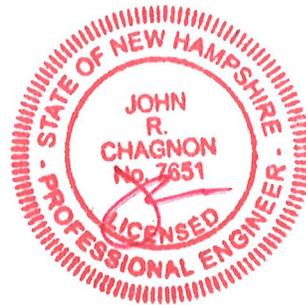
Based on the calculation there is an anticipated reduction in parking demand of 6 vehicles with this project.

Please feel free to call if you have any questions or comments.

Sincerely,

John Chagnon

John R. Chagnon, Project Manager



**CITY OF PORTSMOUTH
PLANNING DEPARTMENT MEMORANDUM**

To: Francis X Bruton
601 Central Avenue,
Dover, NH 03820

Subject: 111 State Street

Dated: June 24, 2022

RE: Request for Exemptions

From: Beverly Mesa-Zendt, Director of Planning

CC: Peter Stith, Principal Planner
Shanti Wolph, Chief Building Official
Peter Stith, Principal Planner
Jane Ferrini, Assistant City Attorney

Variance Request for Lot Coverage

In your email, dated, June 1, 2022, you requested that the city waive requirements for a variance for proposed improvements at 111 State Street in Portsmouth, New Hampshire, depicted on the Portsmouth City Tax Maps as Map 107, Lot 50. Improvements are identified and detailed in your June 1, 2022 submittal to the Board of Adjustment (LU-22-125) along with a request for a variance for Section 10.5A41.10C maximum building coverage. Your request was that we review improvements, identified in your submittal, and determine if improvements are exempt from additional zoning conformance and meet the criteria set forth in Section 10.323 of the Zoning Ordinance which provides the following:

*Notwithstanding the preceding paragraphs, the following modifications to a **lawful nonconforming building or structure** may enlarge or expand the nonconformity, provided that the modification is the minimum necessary to comply with the applicable code:*

*10.323.10 Installation or replacement of components required for egress purposes pursuant to the **Building Code**; or*

10.323.20 Installation or replacement of accessible egress components.

The structure, while conforming to lot coverage requirements, does not conform to setback requirements and is subject to the aforementioned exemption as a non-conforming structure.

Staff has reviewed proposed plans and consulted with the City's Chief Building Official and the Deputy Fire Chief. Staff finds that the proposed improvements, specifically, improvements needed to comply with the Americans with Disabilities Act (hereinafter the "ADA"), the International Fire Code, and the International Building Code, which require a new egress stair tower and a new elevator, meet the requirements set forth in Section 10.323 and therefore do not require further relief from zoning.

Parking Requirements

Your second request was for a variance from the requirements set forth in Sections 10.112.311 and 321 of the Zoning Ordinance related to parking requirements. Staff has reviewed your parking calculations related to the removal of the restaurant use on a portion of the second floor and the conversion of the space to a residential use. Staff has conferred with the City Attorney and finds that the change of use, which is allowed in this zoning district, would trigger a Parking Conditional Use Permit. Although the change will bring the parking into greater conformance, the Zoning Ordinance clearly states that any change must be brought into conformity.

*A lawful nonconforming use may continue, but may not be extended, enlarged **or changed** except in conformity with this Ordinance.*

The proposed change of use will require a Parking Conditional Use Permit.

Site Plan Review

Staff finds that the proposed changes related to improved conformance with the Americans with Disabilities Act (hereinafter the "ADA"), the International Fire Code, and the International Building Code meet the exemption requirements set forth in section 1.2.2 of the Site Plan Review Regulations.

Should you have any questions, please contact the Planning Department using the information provided below.

Thank you,

Beverly Mesa-Zendt

Planning Director

Email: bmzendt@cityofportsmouth.com



111 State Street
Area Program Parking Analysis

10/6/2022

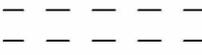
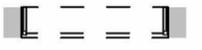
Existing						
Level	Occupancy	Occupied Floor Area (sf)	Qty Residential Units	Unit size	Parking spaces per area or unit	Parking spaces required
3	Residential apartment	423	1	423	0.5	0.5
3	Restaurant office	785	0	0	100.0	7.7
2	Restaurant	3,486	0	0	100.0	34.9
1	Restaurant	3,626	0	0	100.0	36.3
TOTAL existing		8,303				79.3
						80.0

Phase 2 - Proposed						
Level	Occupancy	Occupied Floor Area (sf)	Qty Residential Units	Unit size	Parking spaces per area or unit	Parking spaces required
3	Apartment 303	757	1	757	1.3	1.3
3	Apartment 302	532	1	532	1.0	1.0
3	Apartment 301	444	1	444	0.5	0.5
2	Restaurant	2,827	0	0	100.0	28.3
2	R2 - Apartment 202	491	1	491	0.5	0.5
2	R2 - Apartment 201	535	1	535	1.0	1.0
1	Restaurant	3,626	0	0	100.0	36.3
TOTAL proposed		9,212				68.8
						69.0

11.0

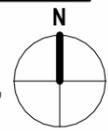
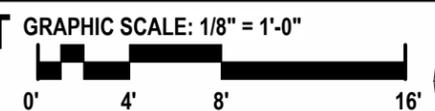
Parking Calculation	Spaces Required	
	actual	round up
Revised spaces needed for proposed floor plans		
5 Dwelling Units	4.3	5
Visitor: 1 space per 5 units	1	1
Restaurant, 2nd floor (reduced from existing)	28.3	29
Total		35

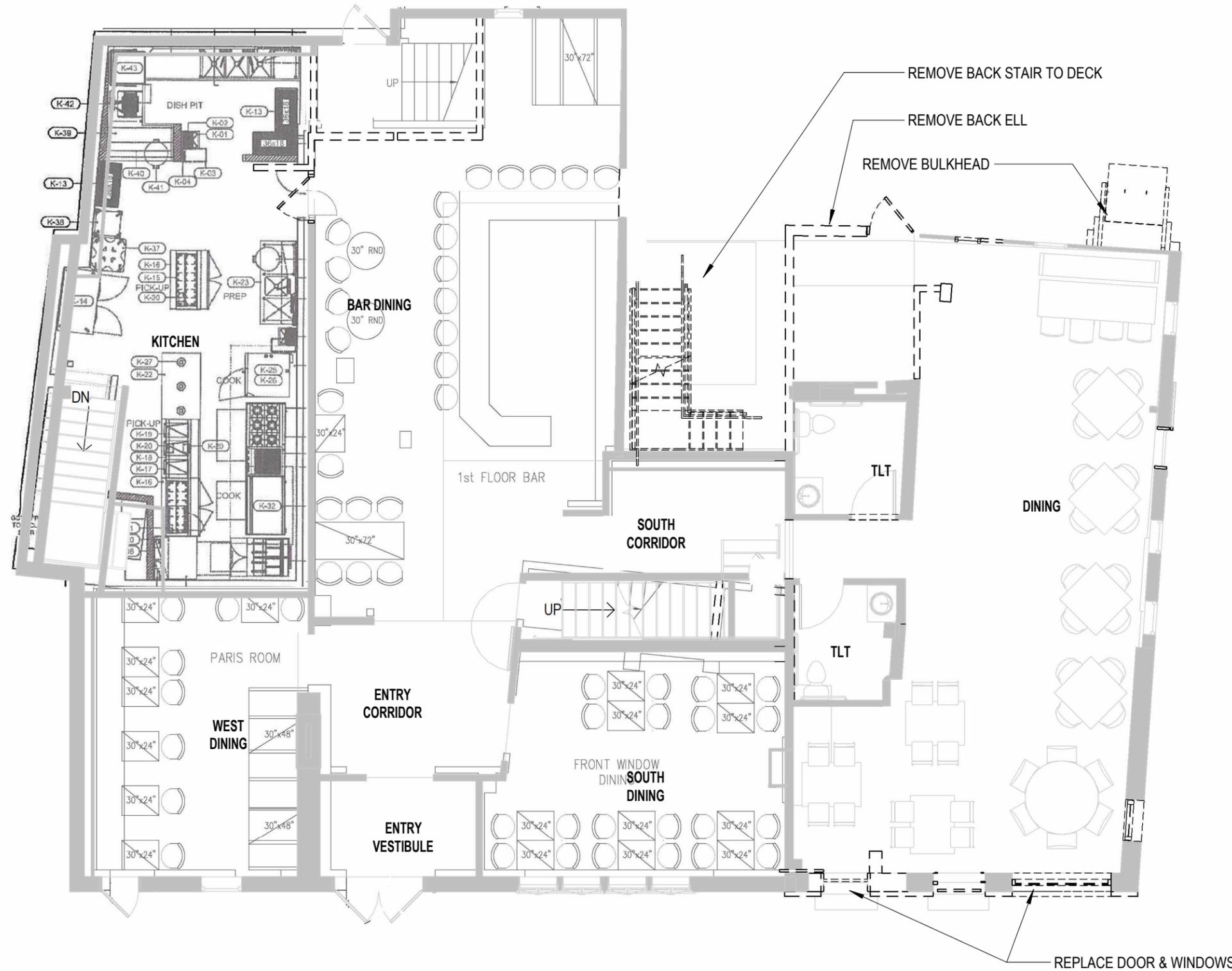


DEMOLITION LEGEND	
	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	EXISTING WINDOW & FRAME TO BE REMOVED
	EXISTING DOOR TO REMAIN
	EXISTING DOOR AND FRAME TO BE REMOVED
	AREA NOT IN SCOPE

PB0.0 EXISTING BASEMENT PLAN
111 STATE STREET

SCALE: As indicated
 10/06/22

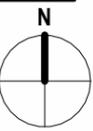
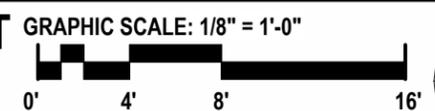


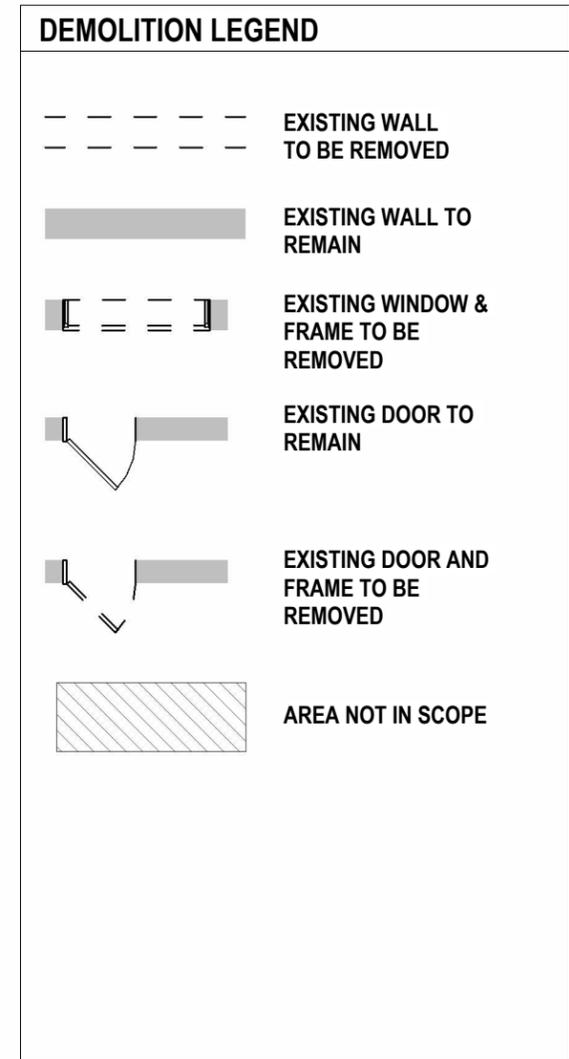
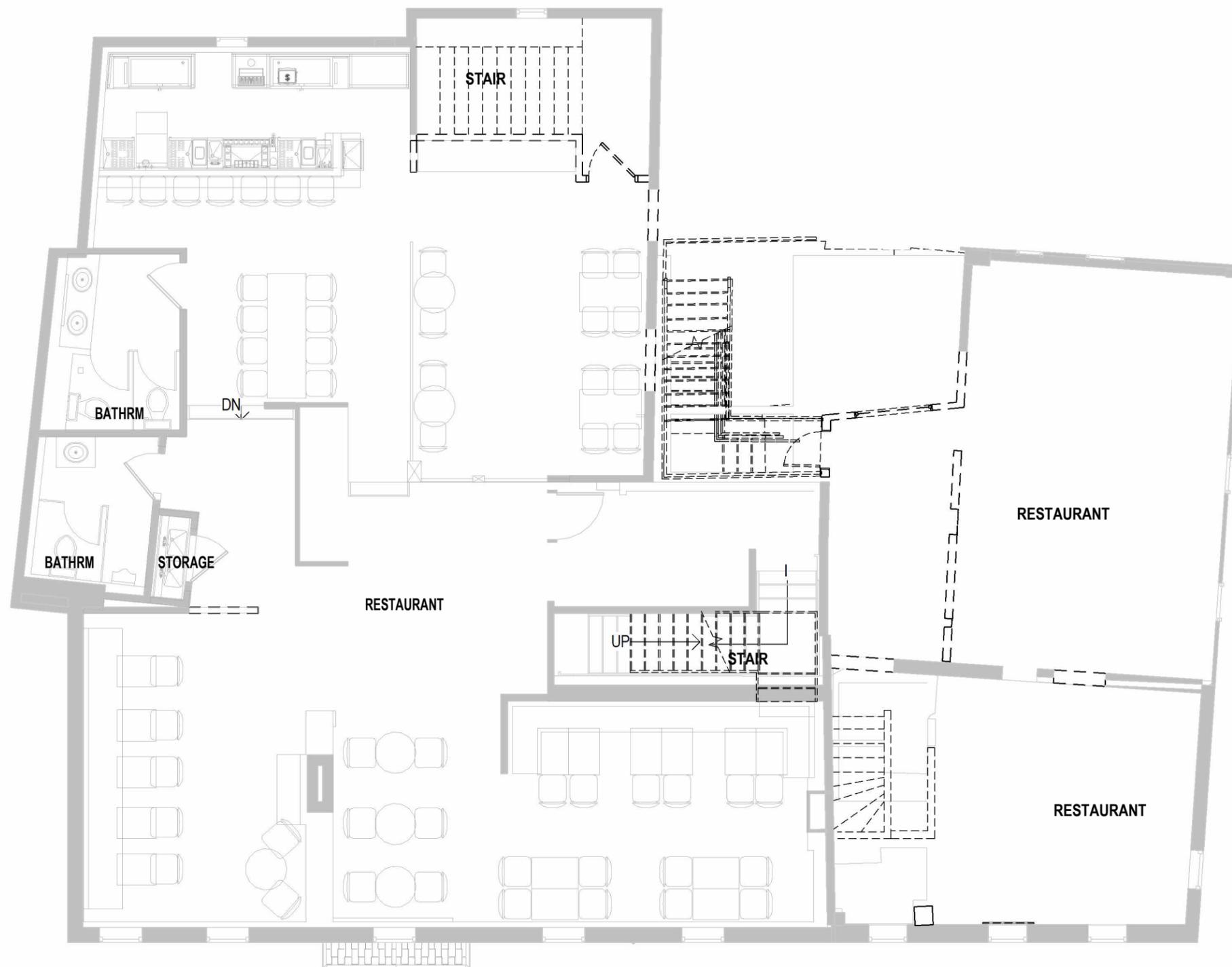


DEMOLITION LEGEND	
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	EXISTING WALL TO REMAIN
	EXISTING WINDOW & FRAME TO BE REMOVED
	EXISTING DOOR TO REMAIN
	EXISTING DOOR AND FRAME TO BE REMOVED
	AREA NOT IN SCOPE

PB0.1 **EXISTING FIRST FLOOR PLAN**
111 STATE STREET

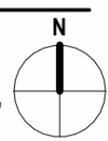
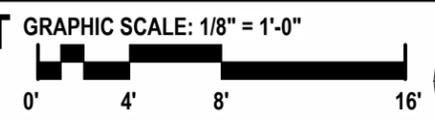
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 10/06/22

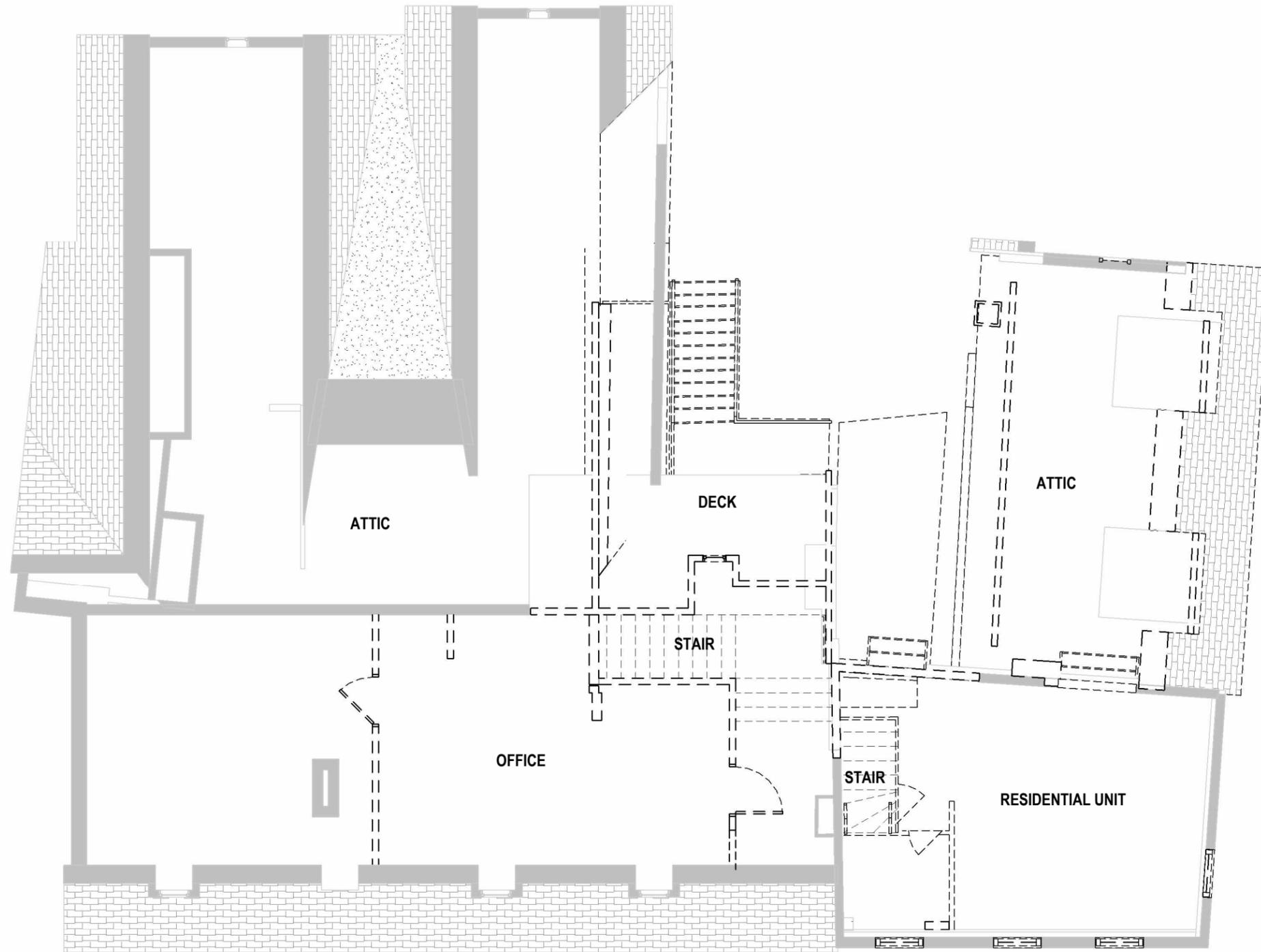




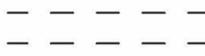
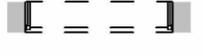
PB0.2 **EXISTING SECOND FLOOR PLAN**
111 STATE STREET

SCALE: As indicated
 10/06/22



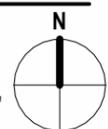
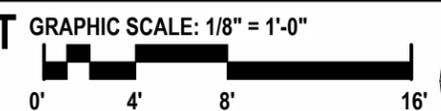


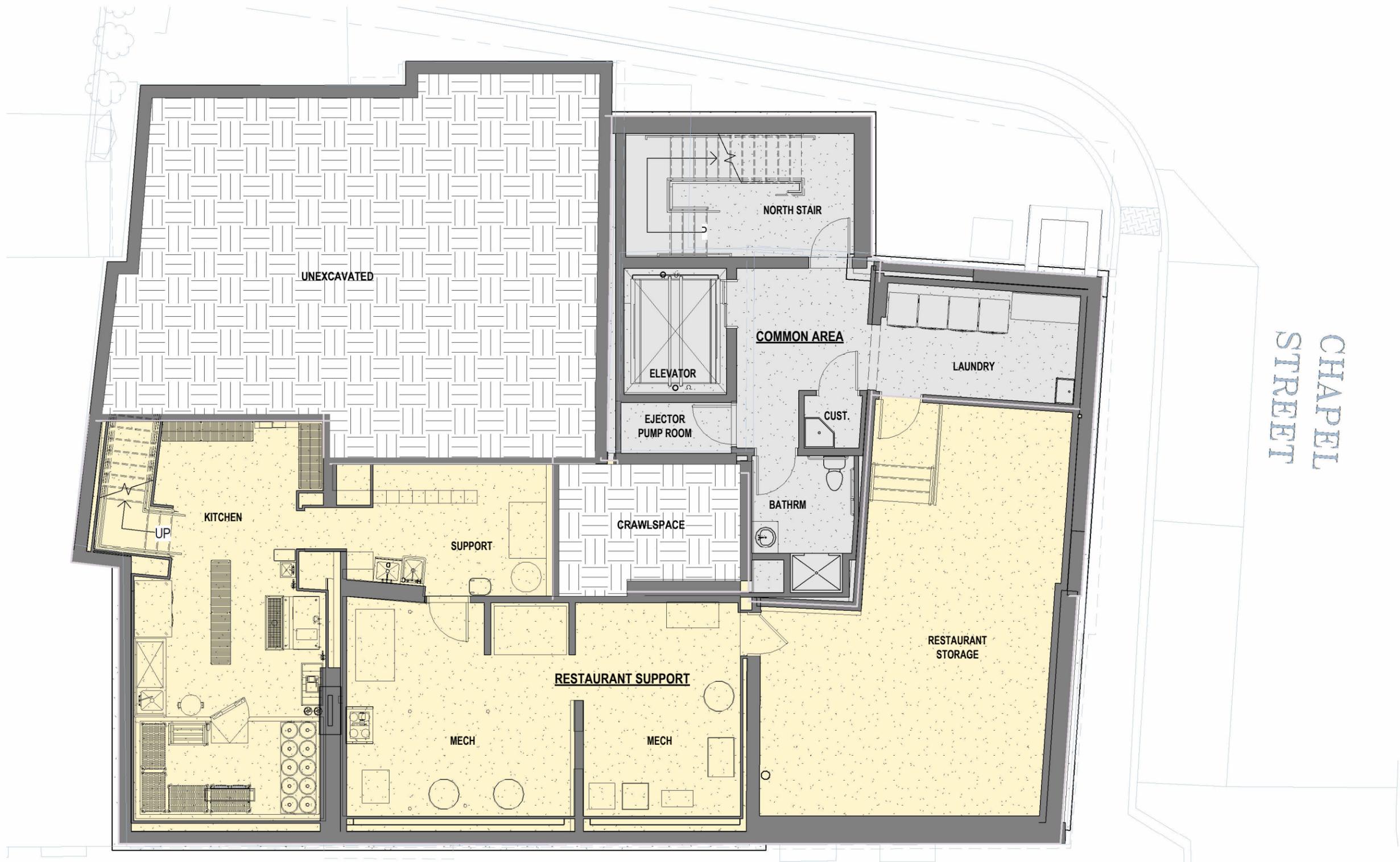
DEMOLITION LEGEND

- 
EXISTING WALL TO BE REMOVED
- 
EXISTING WALL TO REMAIN
- 
EXISTING WINDOW & FRAME TO BE REMOVED
- 
EXISTING DOOR TO REMAIN
- 
EXISTING DOOR AND FRAME TO BE REMOVED
- 
AREA NOT IN SCOPE

PB0.3 **EXISTING THIRD FLOOR PLAN**
111 STATE STREET

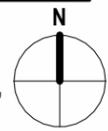
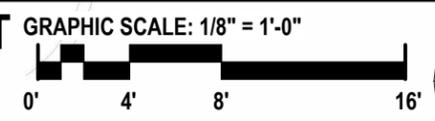
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PB1.0 BASEMENT FLOOR PLAN - PROPOSED
111 STATE STREET

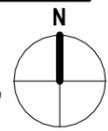
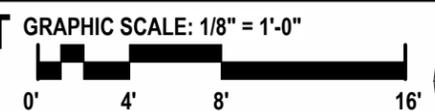
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 10/06/22

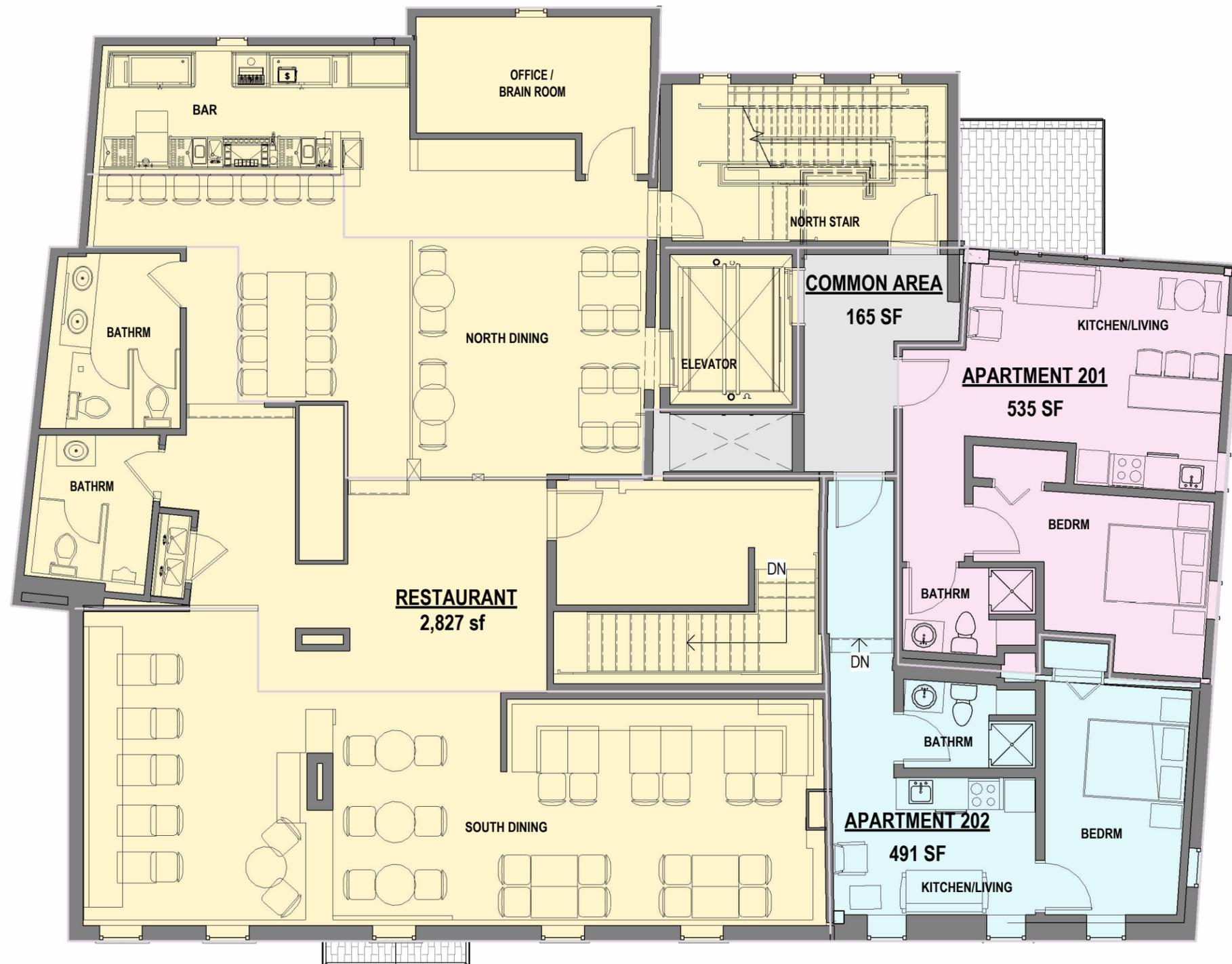




PB1.1 **FIRST FLOOR PLAN - PROPOSED**
111 STATE STREET

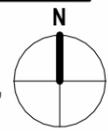
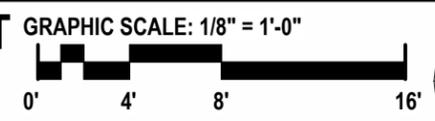
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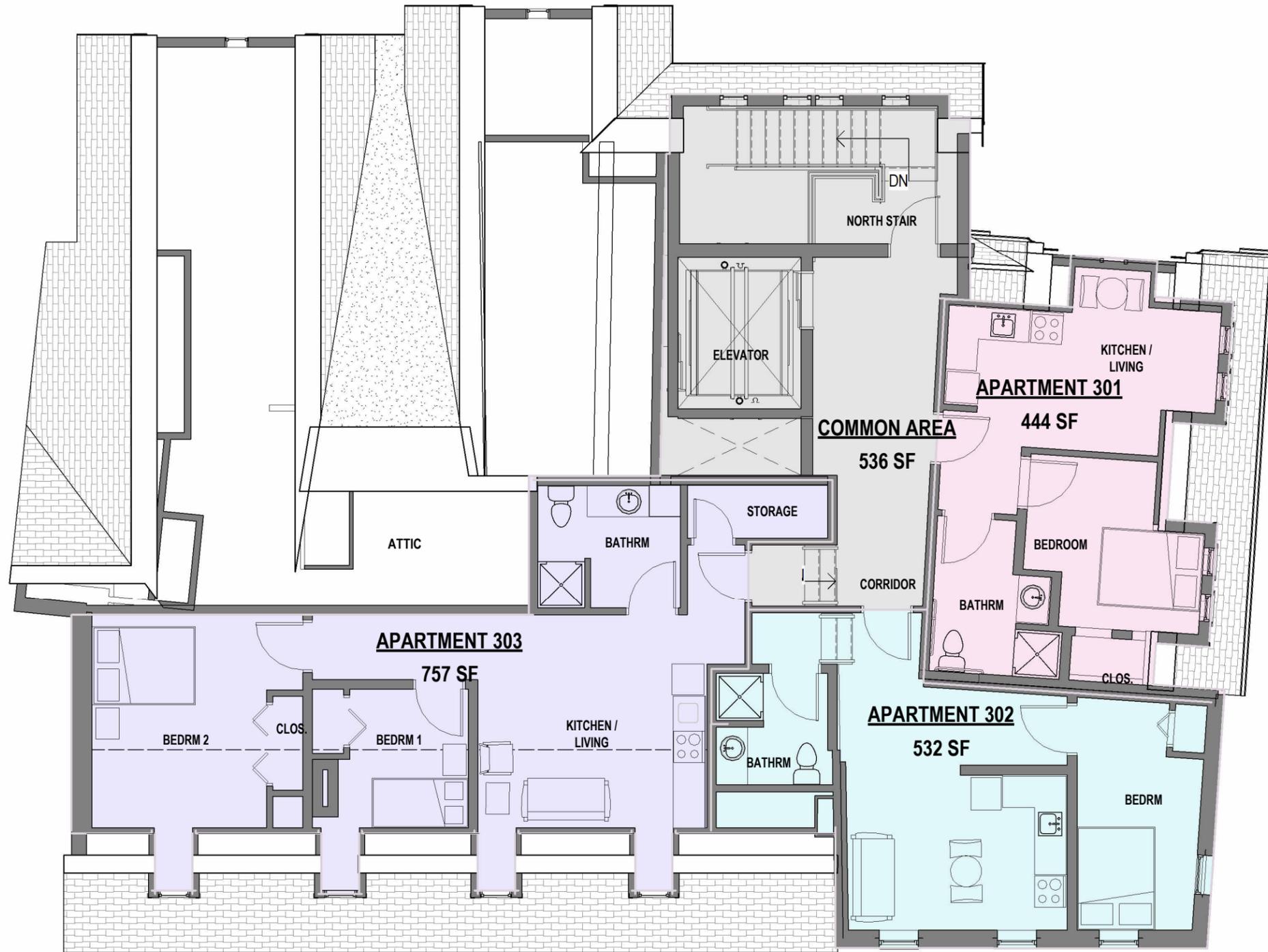




PB1.2 SECOND FLOOR PLAN - PROPOSED
111 STATE STREET

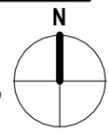
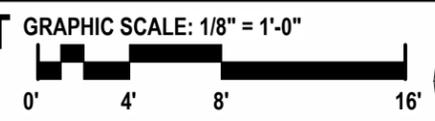
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 10/06/22





PB1.3 **THIRD FLOOR PLAN - PROPOSED**
111 STATE STREET

SCALE: 1/8" = 1'-0"
 10/06/22





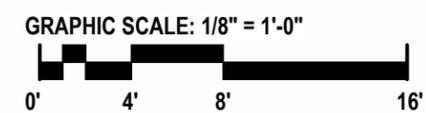
P2.1 SOUTH EXTERIOR ELEVATION
111 STATE STREET

SCALE: 1/8" = 1'-0"
9/27/22



P2.2 EAST EXTERIOR ELEVATION
111 STATE STREET

SCALE: 1/8" = 1'-0"
9/27/22





P2.3

NORTH EXTERIOR ELEVATION 111 STATE STREET

SCALE: 1/8" = 1'-0"
9/27/22



GRAPHIC SCALE: 1/8" = 1'-0"



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P3.1

**SOUTHEAST VIEW
111 STATE STREET**

SCALE:
9/27/22



P3.2 **NORTHEAST VIEW**
111 STATE STREET

SCALE:
9/27/22

