

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

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

22 August 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 a Plans along with some 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. 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 51. 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 anything further except the Parking CUP.

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. Accordingly the lot itself is steeped in historical restaurant uses. The third floor of the building was utilized for an office and a residential unit. 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 existing interior of the building, where the second-floor dining room for Mr. Kim was previously located. That space will be converted to a residential unit, with the third floor being renovated entirely to a residential unit. Both 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 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 residential unit, 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 8 spaces. There is no parking on-site, and there is no room to create parking on site, this situation has existed for many years. Portsmouth staff determined that a Conditional Use Permit from the Planning Board is required for this change, even with the reduction in parking proposed.

Staff Comments:

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 36 off-street parking spaces would otherwise be required.

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 44 parking spaces where the revised parking demand will be 36 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 (33 of the 36 spaces) are 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; making long term storage of vehicles (for residential use) 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 itself is meeting 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 with 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.
- Exterior Elevation and Roof Plan Z 1.2 – This plan shows the proposed building improvements on the property.
- Floor Plans Z 1.1 – This plan shows the proposed floor plans with the building renovations.

Please also find the attached in support of this application:

111 State Street Area Program Parking Analysis

We request that this application be placed on the agenda for the September 6th TAC Meeting and the agenda for the September 15th Planning Board Meeting.

We look forward to your review of this submission and our in person presentation at the September 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 R. Chagnon, PE
CC: 111 State Street Team

**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

5.26.22

Phase 1 Existing							
Level	Occupancy	Occupied Floor Area (sf)	No. Residential Units	Unit size	Parking spaces per sf/unit 1 per	No Parking spaces required	Total occupied floor area per level
		to inside face of exterior walls					
3	vacant - previously residential apartment	636	1	636	1.0	1.0	1,421
3	Accessory - circulation	85	0		0.0	0.0	
3	B business office	700	0		350.0	2.0	
2	A2 Accessory - back-bar servery	172	0		0.0	0.0	2,503
2	A2 - restaurant dining (west)	1,026	0		100.0	10.3	
2	Accessory - bathrooms & circulation	330	0		0.0	0.0	
2	vacant - previously circulation (east)	72	0		0.0	0.0	
2	vacant - previously restaurant dining (east)	903	0		100.0	9.0	
1	vacant - previously accessory kitchen/servery	227	0		0.0	0.0	3,423
1	vacant - previously restaurant dining (east)	708	0		100.0	7.1	
1	vacant - previously circulation (east)	72	0		0.0	0.0	
1	Accessory - bathrooms & circulation	270	0		0.0	0.0	
1	A2 -commercial kitchen/back-bar servery	734	0		0.0	0.0	
1	A2 restaurant Dining (west)	1,412	0		100.0	14.1	
0	A2 Office, MEP, Storage & circulation (previous)	2,439	0		0.0	0.0	2,439
TOTAL existing/previous		9,786				43.5	9,786
						44.0	

Phase 2 - Proposed							
Level	Occupancy	Occupied Floor Area (sf)	No. Residential Units	Unit size		Parking required	Total occupied floor area per level
3	Accessory - circulation	400	0			0.0	
3	R3- apartment	1,818	1	1,818		1.3	2,218
2	A2 Accessory - back-bar servery	175	0			0.0	
2	A2 - restaurant dining (west)	1,102	0			100.0	
2	Accessory - circulation	1,688	0			0.0	
2	R3 - apartment	906	1	906		1.3	3,871
1	A2 - restaurant dining (east)	780	0			100.0	
1	A2 - restaurant dining (west)	1,412	0			100.0	
1	Accessory - circulation & bathrooms	800	0			0.0	
1	A2 -Accessory commercial kitchen/back-bar servery	775	0			0.0	3,767
0	A2 - Accessory commercial kitchen	536	0			0.0	
0	A2 - Accessory storage, mep, circulation	1,903	0			0.0	2,439
TOTAL proposed		12,295				35.5	12,295
						36.0	
Total reduction in required parking						-8.0	spaces

Dwelling Unit Floor Area Required Parking Spaces

- Less than 500 sq. ft. 0.5 spaces per unit
- 500-750 sq. ft. 1.0 space per unit
- Over 750 sq. ft. 1.3 spaces per unit

10.1112.312 In addition to the off-street parking spaces provided in accordance with Sec. 10.1112.311, any dwelling or group of dwellings on a lot containing more than 4 dwelling units shall provide one visitor parking space for every 5 dwelling units or portion thereof.

5. Office Uses, Non-Medical

- 5.10-5.30 Professional, business and financial services 1 per 350 sf GFA

9. Eating and Drinking Places

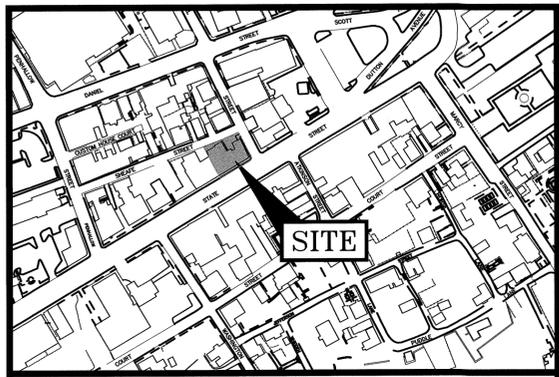
- 9.10-9.50 All eating and drinking places 1 per 100 sf GFA

19.1 Accessory use to a permitted principal

use (not otherwise specified in this section), but not including any outdoor storage No requirement

20.60 All accessory storage uses No requirement

Gross Area (measured to outside face of exterior walls)		
level	use	size (sf)
3rd	1 apartment	2,364
2nd	1 apartment & restaurant	4,107
1st	restaurant	4,107
Basement	kitchen & support	3,011
total		13,589



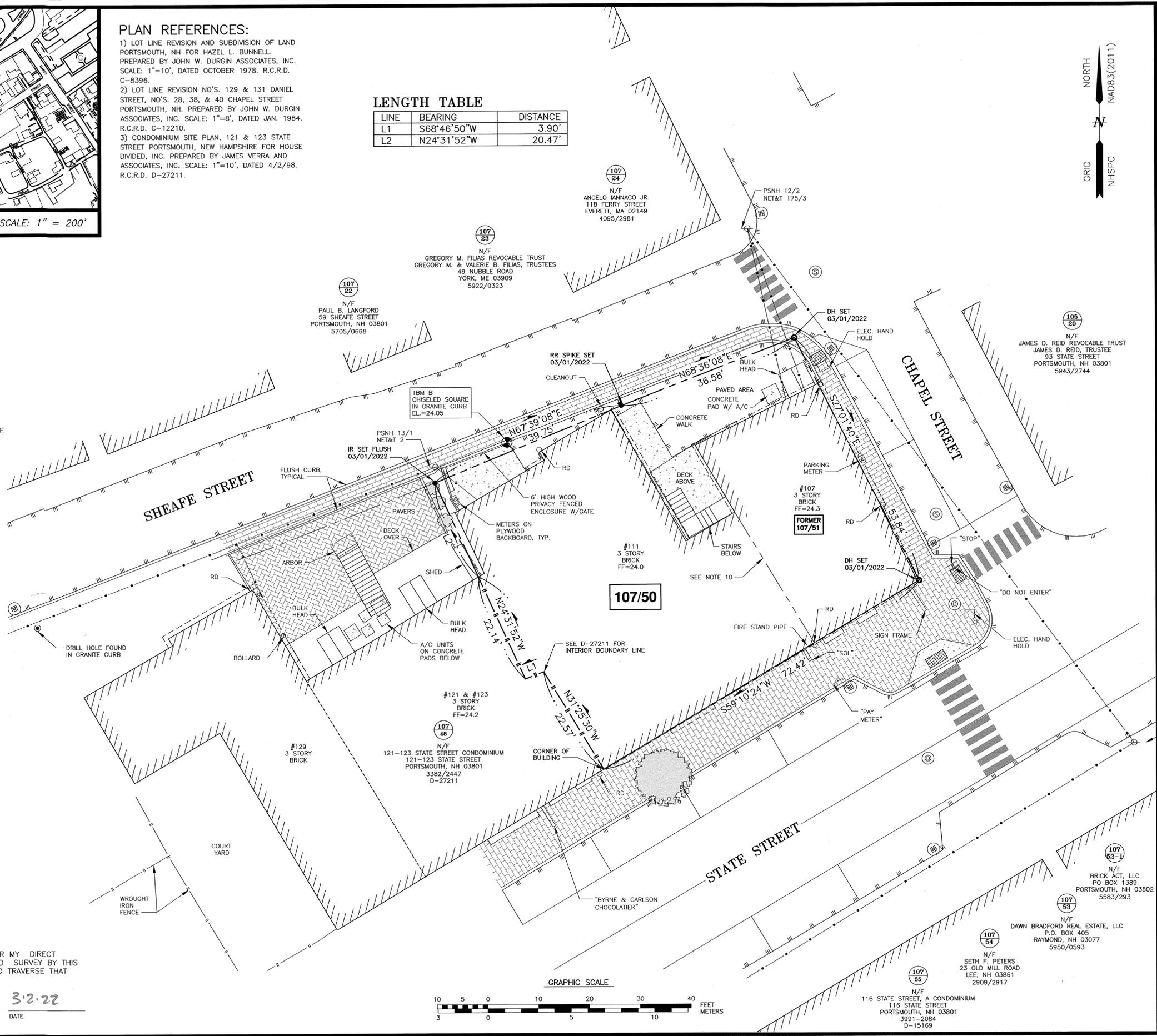
LOCATION MAP SCALE: 1" = 200'

PLAN REFERENCES:
 1) LOT LINE REVISION AND SUBDIVISION OF LAND PORTSMOUTH, NH FOR HAZEL L. BUNNELL. PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. SCALE: 1"=10', DATED OCTOBER 1978. R.C.R.D. C-8396.
 2) LOT LINE REVISION NO'S. 129 & 131 DANIEL STREET, NO'S. 28, 38, & 40 CHAPEL STREET PORTSMOUTH, NH. PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. SCALE: 1"=8', DATED JAN. 1984. R.C.R.D. C-12210.
 3) CONDOMINIUM SITE PLAN, 121 & 123 STATE STREET PORTSMOUTH, NEW HAMPSHIRE FOR HOUSE DIVIDED, INC. PREPARED BY JAMES VERRA AND ASSOCIATES, INC. SCALE: 1"=10', DATED 4/2/98. R.C.R.D. D-27211.

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S68°46'50"W	3.90'
L2	N24°31'52"W	20.47'

- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCDR ROCKINGHAM COUNTY
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET
 - RR SPK SET RAILROAD SPIKE SET
 - NHHB NHDOT BOUND FOUND
 - TB TOWN BOUND
 - BND w/DH BOUND WITH DRILL HOLE
 - ST BND w/DH STONE BOUND WITH DRILL HOLE



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

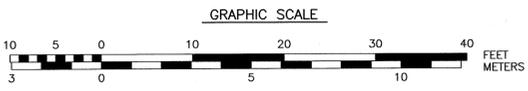
- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 107 AS LOT 50.
 - 2) OWNER OF RECORD:
 COVENTRY REALTY, LLC
 3 PLEASANT STREET, SUITE 400
 PORTSMOUTH, NH 03801
 5229/2271
 6362/2635
 - 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4).
 - 4) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
 - 5) FORMER LOT AREAS: MAP 107 LOT 50 1,764 S.F. 0.0405 ACRES
 MAP 107 LOT 51 2,766 S.F. 0.0635 ACRES
 NEW COMBINED LOT AREA (MAP 107 LOT 50): 4,530 S.F. 0.1040 ACRES
 - 6) PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021.
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY ON TAX MAP 107 LOT 50 IN PORTSMOUTH, NH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBS.
 - 9) FORMER PORTSMOUTH ASSESSOR'S MAP 107 LOT 50 IS SUBJECT TO LAND USE RESTRICTIONS. SEE DECLARATION OF LAND USE RESTRICTIONS AT RCRD 3626/600.
 - 10) ASSESSOR'S MAP 107 LOTS 50 AND 51 HAVE BEEN VOLUNTARILY MERGED. SEE RCRD 6381/1530. MERGED PARCEL RETAINS MAP 107 LOT 50 DESIGNATION.

NO.	DESCRIPTION	DATE
1	ADD MONUMENTS SET	3/2/22
0	ISSUED FOR COMMENT	2/17/22

**STANDARD BOUNDARY SURVEY
 TAX MAP 107
 LOT 50**
 OWNER OF RECORD:
COVENTRY REALTY, LLC
 PROPERTY LOCATED AT:
 107-111 STATE STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

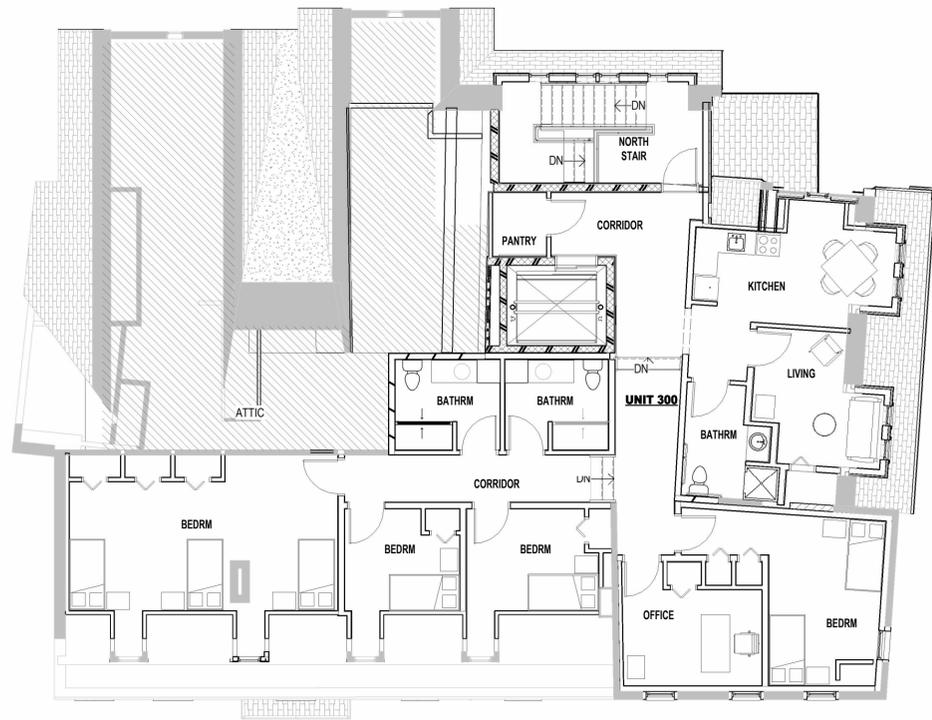
John R. Chagnon
 JOHN R. CHAGNON, LLS 738
 DATE 3.2.22



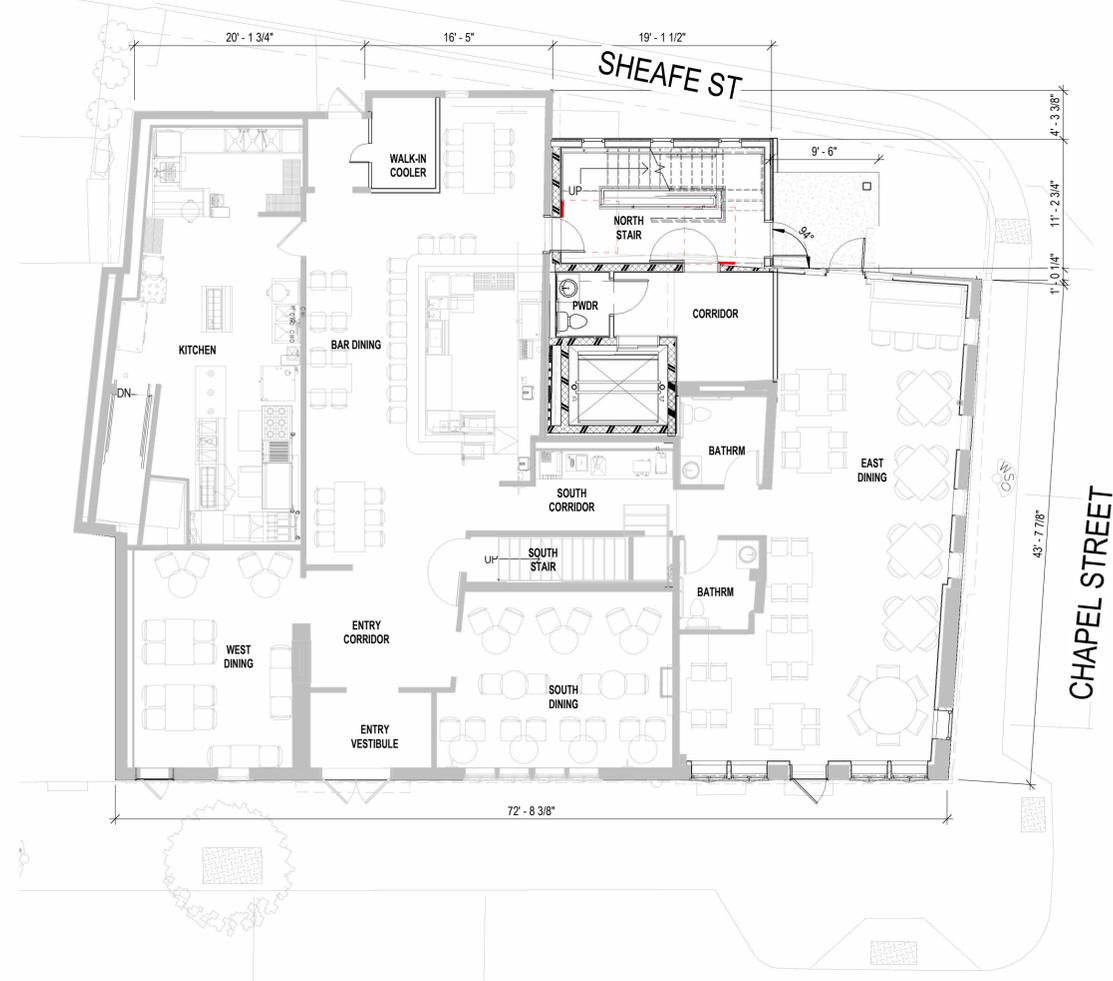
REVISIONS		
NO.	DESCRIPTION	DATE

FLOOR PLANS

A1.1

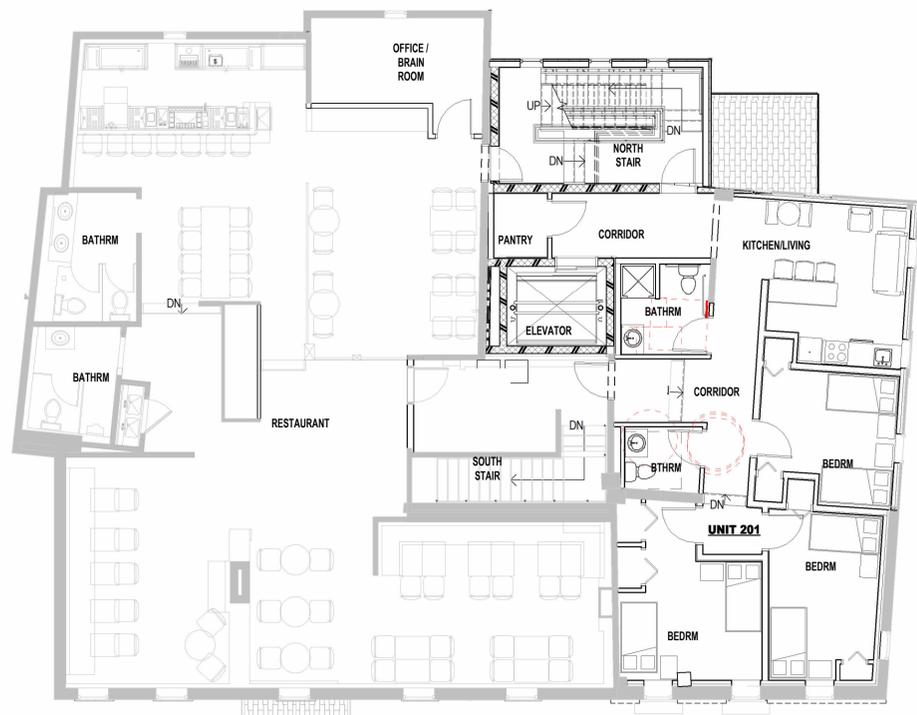


4 LEVEL 3 PHASE II
 1/8" = 1'-0"



2 Level 1 PHASE II
 1/8" = 1'-0"

STATE STREET



3 LEVEL 2 PHASE II
 1/8" = 1'-0"



1 BASEMENT PHASE II
 1/8" = 1'-0"

Gross Area		
level	use	size (sf)
3rd	1 apartment	2,364
2nd	1 apartment & restaurant	4,107
1st	restaurant	4,107
Basement	kitchen & support	3,011
total		13,589

111 STATE STREET

PORTSMOUTH, NH

COVENTRY REALTY
 LLC

Scale: 1/8" = 1'-0"
 Date: 8/22/22
 Project Number: 1004

REVISIONS		
NO.	DESCRIPTION	DATE

EXTERIOR
 ELEVATIONS &
 ROOF PLAN

A1.2



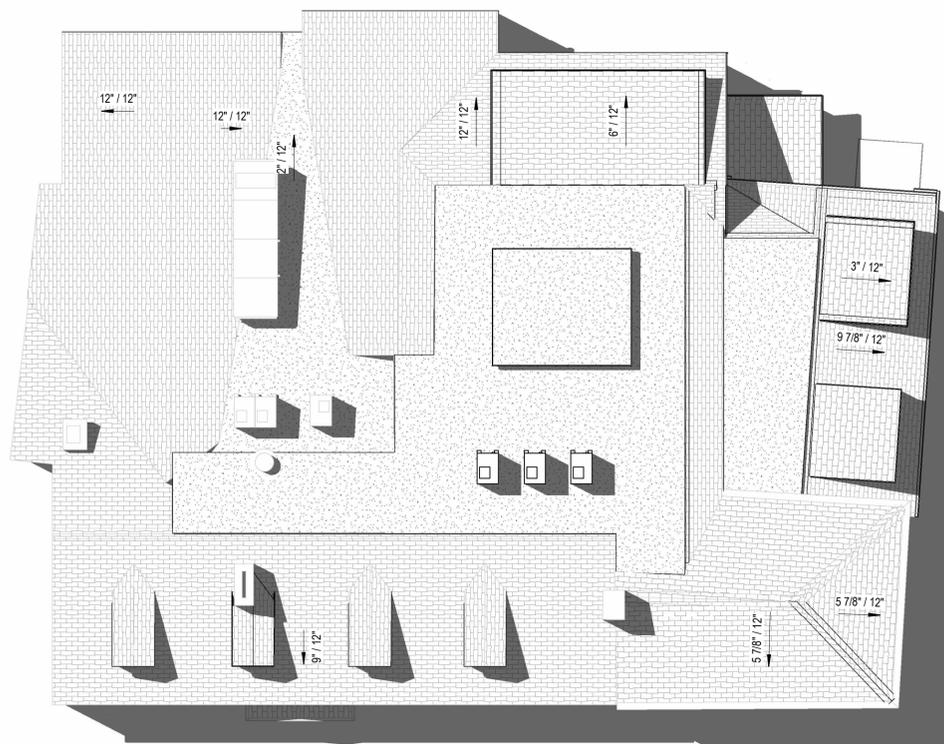
1 SOUTH ELEVATION Phase II
 1/8" = 1'-0"



2 EAST ELEVATION Phase II
 1/8" = 1'-0"



3 NORTH ELEVATION Phase II
 1/8" = 1'-0"



4 ROOF PHASE II
 1/8" = 1'-0"