

MINUTES

**PLANNING BOARD
WORK SESSION**

PORTSMOUTH, NEW HAMPSHIRE

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

APRIL 14, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; David Allen, Deputy City Manager; David Moore, Assistant City Manager; William Gladhill; Colby Gamester; Dexter Legg and Jody Record, Alternate

ALSO PRESENT: Jessa Berna, Associate Planner; Nick Cracknell Principal Planner

MEMBERS ABSENT: Jay Leduc; Rick Taintor

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I. WEST END ZONING

A. Revised Draft to amend Zoning Ordinance and Zoning Map.

Nicholas Cracknell, Principal Planner, presented an overview of the proposed West End Character-Based Zoning modifications. The proposed updates were based on comments they received from the Portsmouth Listens Study Circles presented last month, public comment and feedback from the Planning Board. He said that at the March 17, 2016 Planning Board meeting, they presented nine or ten amendments from the January version, and he listed those made from the January 14, 2016 draft.

He said he would focus on the key regulatory issues they had prioritized from the Portsmouth Listens groups, including land use; building heights; building footprints; ground floor uses; universal design; chain stores; liner buildings and parking; sidewalk width; design review; decoupling the West End from downtown.

Building heights were an ongoing conversation, he said they were taking a third pass at ground floor uses, and they planned to revisit universal design. Comments on chain stores came from members of the public, so they proposed an amendment to that. Liner buildings and the percentage of parking that would be required was modified. Sidewalk widths next to a taller building would require a wider width.

He said that Portsmouth Listens was concerned that the Historic District Commission (HDC) would have jurisdiction in the West End. He suggested they amend the ordinance to include a minor

clarification stating that the HDC did not have any intention of doing design reviews in the West End. He added that they made an effort to decouple the West End from the downtown area.

Mr. Cracknell showed Part 2 amendments from the March 17, 2016 draft, and he displayed a map of 120 acres of the West End. He said they studied the Frank Jones Center initially, saying that most of that had been pulled out of the Character Based Zoning. Regarding business district uses, he stated that with some exceptions, most of the West End was in the business district. He said they provided an allowance for townhouse and multifamily uses, and they wanted veterinarian and gas station uses to be allowed. Adjustments were made to the B District Uses.

Regarding building height, the brewery area was originally a 60 foot height allowance. With the Overlay District allowing the addition of a story, it was possible to have a 70 foot building in that district, so they dropped the maximum building height. Mr. Cracknell displayed an example of what recessed entryway allowable frontage would look like.

In the CD4-W, which was the West End, the primary issue was accommodating subsurface or at grade parking, so based on feedback, they went to a 15,000 sf revised maximum building footprint.

For ground floor resident uses for row houses, he said they would continue to allow the row house design, but would allow it to be residential use on the ground floor.

Mr. Cracknell stated that no architect design review would occur outside of the Historic District, and on Page 34 of the Architect Design Guidelines, they have changed wording to make it more clear what would be outside of the HDC jurisdiction.

That concluded the changes to the West End, and he said there were some changes, maybe four or five, that affected all districts.

Building footprints dropped from 20,000 sf to 15,000 sf, and he displayed a slide showing maximum building footprints for CD4-W, CD4 and CD5.

Floor area maximum for large commercial uses was meant to minimize large chain stores. They had recommended in March that 10,000 sf be the threshold, but since that didn't work for pharmacies, for example, they recommended as a compromise to allow up to 15,000 sf for any tenant on the ground floor. Wholefoods was proposing 40,000 sf, but they were grandfathered in. Mr. Cracknell said they had not heard any resistance to the proposed 15,000 sf maximum.

In addressing the ground floor parking requirement, since liner buildings were retail space, they proposed reducing the parking requirement on the ground floor to support larger liner buildings. They changed 60% to 50% of the ground floor as a revised minimum for a parking space requirement in order to make it flexible for liner buildings.

Mr. Cracknell said they created a wide pedestrian sidewalk option to address the wider sidewalk requirement for taller buildings. They wanted to make sure there was an offsetting benefit to the developer to count that as open space and/or community space requirements. Green Street was an

example. It was an equitable way or manner in which to address this issue. They learned that sidewalk width was important alongside tall buildings.

He said that the half story or penthouse exemption needed a clarification to address if attic space counted as a story or a half story. There was confusion on how to treat living space in an attic. If the usable space was less than 50% of the floor space below, then it would not count as a story. For instance, Gable, Hip, Hip Mansard and Gambrel were the examples of a half story designation, and they would not count as a story. They wanted to make it clear that a half story was not a story, as they did not want all flat roofs constructed. The wording on penthouse exemption was clear, and now the attic space wording was also clear.

Mr. Cracknell said that was a summary of the 11 amendments.

Ms. Berna gave an update on the process. She said they were looking for feedback from the Planning Board on the changes they made based on Portsmouth Listens and other feedback. They wanted Board input on what they may have missed before they held the public hearing on April 21st, feedback on the City wide changes, and maybe which of those they might want to be brought forward separately to the City Council. Since so much had changed, they wanted to make sure their process was very clear, and she said the City Council was planning to replace the existing ordinance with a new second reading of the updated plan to give everyone more time in the process.

Ms. Berna said the Portsmouth Listens feedback was very helpful, and a lot of the Portsmouth Listens comments went beyond zoning. On this ordinance they focused on the zoning issues, but she said they may incorporate some of those other comments in the Master Plan and the CIP. So there would be a place for those other comments that didn't apply to the zoning ordinance.

Mr. Gladhill said in the West End Overlay District, a few lots were within the HDC area and asked if the map could clarify that. Mr. Cracknell said the map was the same as for the north end, and he thought it was clear. Mr. Gladhill said as long as the developer knew the requirements up front, and Mr. Cracknell said they would. Ms. Berna said the HDC was a layer over that map.

Mr. Gamester asked for clarification regarding the building height standards and asked if the West End Overlay District incentive plus one story was outside of the ranges, and Mr. Cracknell said yes.

Vice Chairman Moreau said in considering building footprints, there were buildings broken up by firewalls, so that should be treated separately, and she suggested a more exact definition was needed regarding firewalls. She was concerned about losing the character of downtown.

Mr. Cracknell said they evaluated where they were in 2014 regarding the building footprint requirements; the definition of a building separated by fire walls; inconsistency with vision plans; and inconsistency with existing building footprints. So they added in numbers, looked at the Popovers area, which everyone liked, and considered input from the public. The Franklin Block was well liked. A year later they were addressing the north end, but they missed the fact that a building could not be built within the existing code, and it became clear that they had an issue with the building footprint. He said that if you read the definition of a "building", it was not adjusted for the character based building, and firewalls were treated as separate buildings. This was not known until the north end zoning was

adopted. He said the definition had a loophole and conflicted with the intent of what was meant to be adopted. It would not be possible to build many of the buildings that people wanted with a footprint of 10,000 sf – 15,000 sf, since there were inconsistencies with the code. He stated that the existing definition of a building footprint said that a firewall would be a separate structure. So they wanted to fix the loophole by doing analysis of downtown likable and successful buildings to see what they should be doing in the West End. Merchants Row, for example, was built all at once, but most buildings in Portsmouth were not built at the same time. The Piscataqua Bank used to be next to City Hall and was built in 1830 all the way down to the Rusty Hammer, and it was all one building. There have been adjustments to make that less noticeable, but that was one building. Most of the successful parts of Portsmouth were large building masses built years ago, and these were buildings that people liked, like Merchants Row and where Popovers was. Mr. Cracknell showed pictures of successful buildings that would not be allowed under the current code, and said there were a lot of good buildings that did not meet the current code, so they wanted to get away from that. It was about design, not about the numeric quantities that came with volume, height and footprint. Hanover Garage was an example of a less successful structure. He stated that the current great spots were currently non-conforming should someone wanted to build them today. He displayed building footprints shown on the North End Vision Plan and said that most of the square foot numbers did not match up with the current code. So there was a conflict between what has been applied and what the vision was. In looking at the West End Vision Plan, he said it was less easy to calculate what the building footprint sizes were. If people built liner buildings around parking garages, it could not be done in less than 30,000 sf.

To summarize, he said they proposed to go to 20,000/30,000 sf for CD4-W, they have fixed the definition of building footprint regarding firewall, and there was a new proposed definition of building footprint. He added that a forecourt building had to be in the 25,000 sf – 30,000 sf range.

Ms. Perkins said that while they were attempting to be responsive to feedback from residents, the Planning Board had technical expertise, and she asked if the Board agreed with changing the footprints. Vice Chairman Moreau said she did agree, now that she had seen the details. She added that all the changes had the possibly of working.

Chairman Ricci said he did not support them, as he thought this was emotionally based. He appreciated the input from the public, but that input was less technically based versus emotionally based. He thought Portwalk did a great job for its purpose and said he liked taller buildings, if done responsibly. He did not support this because property values, people's rights, and interest in the City needed to be taken into account

Mr. Cracknell said what had been presented in the January draft was based on math and analysis, and the Vision Plan had other input which was meaningful as well. He saw this as technically based, because the analysis showed what successful buildings were. He said he had initially resisted some comments, but the data shored up the numbers. It was the numbers, not the emotions, he said, that were driving this.

Ms. Record referred to a 20,000 sf footprint in CD5 and asked if someone could have a 60 foot building if there were firewalls in between. Mr. Cracknell answered no, not with the change in building definition.

Mr. Legg said the slides helped show the mass and size of the buildings. He did not think the proposed sizes were too big, and it seemed that the changes made by staff were the right ones.

Ms. Perkins agreed, and thanked Mr. Cracknell for presenting. She added that following the data and best practices would lead the City to where it wanted to be. She supported the changes from the January draft.

Chairman Ricci stated that they should give staff direction as to what the Planning Board thought regarding height issues. Certainly, the City Council would have the last say, and it was important this be a living document for the City Council.

Mr. Cracknell said the proposed Islington Street / Jewel Court intersection building height was being reduced to 50 feet, saying they could go to 60 feet, and Mr. Legg said he would support that because with the Overlay District, they would get back to the original height.

Mr. Gladhill supported this and added it would be nice to have the Frank Jones as the tallest building in the area.

Mr. Gamester said he liked height, especially with incentives, and he would keep it to the original. Ms. Record concurred with Mr. Gamester. Vice Chairman Moreau agreed with both. If there were more height with more incentives, she would support that.

Chairman Ricci referred to the number of parcels that could support this. In looking at the Rockingham, it was 75 feet tall, but the numbers did not tell the whole story, so he preferred more flexibility. That extra story gave the developer ability to do something better.

Mr. Legg said there was an issue that outside of the HDC area, they were using mass, height and footprint to ensure that no big bad buildings were built.

Chairman Ricci inquired what the definition of a successful building was. Mr. Cracknell said they spoke to a lot of people. Portwalk was a 'maybe'. Most people, he said, liked the same buildings. Chairman Ricci said that was all subjective, so the "not successful" building determination was subjective. When Popovers went in, people didn't want that building, but now that it was in, it was an example of what people wanted. This can be applied to workforce housing too, where a definition of a "successful" building might be that they did not tax the school system, for example. Ms. Record said she would support this based on Chairman Ricci's comments.

Mr. Cracknell commented that the incentive Overlay District required they go up one level for workforce housing.

Chairman Ricci said people develop based on passion, and that it was not all about money. If a developer can build workforce housing with 100 units, people would support that. He added they needed to start moving forward with workforce housing. Bigger can be better if done correctly.

Mr. Gladhill said he supported the 50 foot, with the maximum 60 foot height with the Overlay District. He said that design can bring down a height, but the area was given a blank canvas without public input in the design. He would like to see more incentives and workforce housing but he wanted to consider the current residents so that a single family home was not right across the street from a 70 foot tall building.

Chairman Ricci said the ordinances never seemed to conform to each and every lot. He said there needed to be flexibility. Most people wanted to do a good job with quality construction. It was their investment. If this were a smaller community, he would feel differently.

Ms. Perkins said the middle ground was giving the flexibility up front. She didn't want too many strict design codes, and she preferred to make it higher.

Mr. Allen asked if the Board wanted to stay with the January proposal.

Mr. Legg said they heard from Portsmouth Listens that they did not want the West End to look like the downtown, they wanted a smaller, intimate setting. By keeping the January limits, they could go to 70 feet heights, and that would not be responsive to Portsmouth Listens. They might be able to get the workforce housing, but he felt strongly that the proposed changes still would get them workforce housing because the incentive was there, and it would be responsive to the community.

Mr. Allen agreed with Mr. Legg. He said the zoning was a little more scientific, and the analysis showed what was in line with what the vision plan was. He was in favor of the modifications as presented. There was a certain feel to the West End, which was different than the downtown, and the slight modifications would keep that character.

Mr. Gladhill said there was still debate regarding incentives for Work Force housing and what they would have to offer. He suggested that Work Force housing become mandatory, but Ms. Berna said that was against NH state law, even though other states did impose that. Mr. Cracknell said he was not sure if they had a big enough incentive, but agreed they cannot mandate Work Force housing in NH.

Chairman Ricci said if they had a five acre parcel, they could sell Work Force housing. He said the West End provided the first real hope that it may happen, and it would be a great area to do it.

Vice Chairman Moreau responded to Mr. Legg and said that every Portsmouth Listens group wanted more affordable housing, but they would need taller buildings to make that happen. If the City can have taller denser buildings to implement that, the public would understand, she believed.

Ms. Perkins said she didn't feel that the message she got out of Portsmouth Listens was "small and intimate", rather, she heard "artistic and vibrant", and they would need a density to support that. She did not see that what was being proposed would mimic the downtown. It would be good to hear from developers on how that would work.

Mr. Moore asked what drove the proposed changes for building height in CD-4. Mr. Cracknell answered that the input came from the Portsmouth Listens presentations. He said there were also a lot of conflicting objectives. There was a consistency that the buildings were a little too tall. This would

not be a major reduction, and they were talking less than 50% of the buildings being affected. There was a strong consensus that the Frank Jones building should be the tallest building. He said most developers would use the overlay to get to the 60 feet. He said they should honor the Frank Jones building and respect the input from the Portsmouth Listens groups.

Mr. Moore said he was comfortable with the changes proposed by staff. They were consistent with the aesthetic goals of the area. Progress was requested based on Portsmouth Listens comments, but the scale was what was in the revisions.

Ms. Berna said when they made the revisions, it made sense to lower the gaps in heights with buildings in proximity.

The Chair asked for informal consensus on whether the Planning Board supported keeping the building heights as presented at the meeting that night. This was not a formal vote. Five supported keeping the building heights as presented.

Mr. Gamester asked if that included footprint, and the Chair said yes. And all agreed.

Ms. Perkins asked about building coverage, and what were the thoughts on that.

Mr. Cracknell said the CD4 L1-L2 was where they get the 60% coverage. He said when they collected data from the downtown area, they looked at dimensional controls of certain buildings that did not have coverage above 60%. The 60% was the Islington Street corridor, not really the West End, and they were not proposing more.

Ms. Berna asked for confirmation that the plan was to bring the proposed draft presented that night forward at the next meeting on April 21, 2016 at 7:00 pm for the public, and that there would be a work session prior to that at 6:00 pm, and the Board agreed.

Ms. Berna gave an update on the Master Plan. She said there would be two work sessions: one before the April 21st meeting, the other one would be held before the June 16th meeting. She said she made a Master Plan handout sheet that would have the Themes, Goals and Priorities identified, and that would be distributed to the Board. For the next week she thought they would get through the first few themes, and she would lay out a tentative schedule.

Ms. Berna also talked about the plan for public input on this draft. Portsmouth Listens had offered a quick turnaround, and they wanted to concentrate on the focus areas. There was a kickoff meeting planned for Portsmouth Listens, which would be the week after the Planning Board's 2nd work session which was scheduled for May 26th. She said Portsmouth Listens would have study circles the next two weeks, and they would provide input before the June 16th Planning Board meeting. Before the kickoff meeting for Portsmouth Listens, staff would work with the consultant, so if the Planning Board wanted to weigh in more on the focus areas, that would be an option. She added that the input had come from Portsmouth Listens and the Work sessions, which were both big time commitments. She said they would also create a short online survey to try to expand input, and they would look to get more input at Market Square day.

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II. ADJOURMENT

A motion to adjourn at 8:48 pm was made, seconded and passed unanimously.

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Respectfully Submitted,

Marian Steimke
Acting Secretary for the Planning Board

These minutes were approved at the May 19, 2016 Planning Board Meeting.