



City of Portsmouth
Planning Department
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Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: January 30, 2023
Re: Recommendations for the January 30, 2023 Planning Board Meeting

Public Hearing

- A. Hold a public hearing and consider a recommendation to City Council to adopt amendments to Article 8 Supplemental Use Standards: Section 10.440 Table of Uses, Section 10.814 Accessory Dwelling Units, and Section 10.815 Garden Cottages; Article 11 Site Development Standards: Section 10.1110 Off-Street Parking; and Article 15 Definitions related to Accessory Dwelling Units and Garden Cottages.

Project Background

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. As part of the first package of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on February 27, 2022 and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUS) with context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Regulatory Amendment Work Plan and Phase 1 Amendments

On April 9, 2022, the Land Use Committee approved transmittal of the draft 2021 Regulatory Amendment Work Plan to City Council. The City Council approved the Regulatory Work Plan on April 18, 2022. The work plan consists of three phases:

1. **Phase 1: Code Clean-Up – Building Height Standards. Adopted**
Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.
2. **Phase 2: Accessory Dwelling Unit Amendments (ADUs) Under Consideration**
Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.
3. **Phase 3: Incentive Amendments Anticipated Drafts in 2023**
Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.

Phase 2 Public Involvement Summary Report

On July 11, 2022, staff presented a Public Involvement Summary Report to City Council. The Summary Report provided an overview of outreach that had taken place in the spring of 2022 and was developed to inform regulatory amendments. The report identified the first two phases of outreach summarized below.

1. **Small Focus Group Meetings.** Four meetings took place over the course of two weeks from June 9th to June 15th when staff and a representative/moderator from the Land Use Committee met with representatives from four groups of stakeholders:
 - Previous applicants,
 - Architects,
 - Engineers, and
 - Neighborhood representatives.
2. **ADU Direct Abutter Survey.** A survey was distributed to over 200 direct abutters of approved ADUs built within the last five years.

Key Themes

The following key themes were identified in response to public outreach and were summarized in the Public Involvement Summary Report.

1. Process navigational support is needed.
2. Dimensional relief is both an obstacle and a protection.
3. There is considerable cost and risk in the process and this is a deterrent.
4. Regulations for ADUs need to be clear and implementable.
5. Foremost among abutters concerns are: parking, short term rentals, neighborhood character, and buffering and separation.
6. Abutters were generally positive about ADU's.

The third phase of public involvement will take place through public meetings and public hearings. This phase includes public input provided in the Land Use Committee.

Phase 2 Amendments Timeline | Land Use Committee Review and Recommendation

The Land Use Committee reviewed public input provided in the Public Involvement Summary Report on July 1, 2022, the product of outreach to stakeholders, ADU abutters, and subject matter experts. On August 5, 2022, the Land Use Committee began their work to develop draft ADU amendments to address City Council adopted goals. Between August and November, the Land Use Committee received significant public input and has continued to work with consultant Rick Taintor to respond to public input in the refinement of ADU regulations. On November 4, 2022, the Land Use Committee finalized recommended amendments and forwarded those to City Council for referral to the Planning Board.

- On November 14, the City Council referred draft regulations to the Planning Board for a recommendation.
- At their January 19, 2023 meeting, the Planning Board set the date for the Public Hearing for January 30, 2023.

Planning Department Recommendation

- 1) *Vote to recommend approval of the zoning ordinance amendments to City Council.*
- 2) *Vote to recommend approval of the zoning amendments to City Council as amended.*
- 3) *Vote to continue the Public Hearing to February 16, 2023.*

VII. ADJOURNMENT