

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: 11 January 2023

Property Address: 132 – 134 Middle Street

Application #: LU 22-232

Decision: Approve Deny Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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 (provided by applicant)
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 application was reviewed at the Technical Advisory Committee meeting on December 6, 2022. The Committee voted to recommend approval of the CUP subject to one condition: <i>1. Applicant will update plans to reflect the addition of an extra bike rack</i>
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/micro transit services	Meets Does Not Meet	The location of the proposed dwelling unit, in close proximity to public transportation and urban core amenities, with current work at home available infrastructure, complies with this section.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
	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.		Bike racks (expanded) are being provided. The trend for at home work is increasing still as reflected in the rise from 5.4% (2010 Census) to 11.2% (2020 Census). Coast Bus stops are in close proximity.
3	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.	Meets Does Not Meet	Since the existing parking supply is currently sufficient for the existing residential use, and the conversion of the commercial unit to residential use only adds one unit, the available parking is appropriate and adequate.
4	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.	Meets Does Not Meet	The application seeks to add one unit to the housing supply. This is a minimal increase and is supported by the supplied parking.
5	<u>Other Board Findings:</u>		
6	<u>Additional Conditions of Approval:</u>		