

COMMITTEE ON BILLS ON SECOND READING

March 5, 2024 at 5:00 PM

Chairman Kantor called the meeting to order.

The Clerk called the roll.

Present: Aldermen Kantor, Levasseur, Morgan, Barry, Fajardo

Messrs.: J. Belanger, Alderman Terrio

1. Chairman Kantor advises that the first purpose of the meeting is organizational in nature, and requests the Clerk to provide a brief overview regarding typical issues addressed by the Committee.

Matthew Normand, City Clerk, stated this Committee shall have jurisdiction over policy regarding planning and zoning issues, and shall be responsible for the review and development of Ordinances and to ensure that proposed Ordinances are consistent with all federal, state and local laws and such other matters as may be referred by the Board of Mayor and Aldermen. The Committee shall review all such referrals and where required, after due and careful consideration, shall report back to the Board of Mayor and Aldermen.

2. Ordinance Amendment:

“An Ordinance amending the Zoning Ordinance, Chapter 155 of the Manchester Code of Ordinances, to increase from three (3) to four (4) the number of units permitted per lot without an increase in required lot area in zoning districts that permit multi-family uses; to reduce parking requirements for multifamily uses in the R-3, C-1, and RDV Zoning Districts; and to remove the requirement that accessory dwelling units receive a conditional use permit, among other amendments.”

Alderman Levasseur stated you would think this would be pretty routine, but I had some calls on this particular issue concerning the reduction in parking. People that I spoke with are nervous about the fact that you can go to a four-family building and cut the number from six parking spaces down to four parking spaces. The issue with parking obviously in the city, especially in some densely populated areas of the city like anywhere on the west side, you can't even drive two cars down some of these roads. Also, it is interesting that with the ADU's, you can build an extra unit but you still have to have parking on the property and not on the street. There seems to be a little bit of a...I don't want to use the word discrimination but a different standard for ADU's. They must have parking on the property, whereas if you add an extra unit...I have one question I want to ask. If you have a three-family that is already built now, can you add another unit to it?

Jeff Belanger, Director of Planning and Community Development, answered yes, you could.

Alderman Levasseur asked is that what is in mind for you guys, or are you talking about new builds.

Mr. Belanger replied both. Either from scratch or adding a new unit.

Alderman Levasseur asked there are no issues for the reduction of six parking spaces down to four. You don't think that will be a problem?

Mr. Belanger stated from the discussions that I've had with developers, I think they know their tenants well. They know what their tenants are looking for for the most part. They are incentivized to give their tenants the amount of parking that they want. They say that one and a half to two, depending on the district, is okay. For the C-1, it would be two and for the R-3 and the RDV it would be one and a half going down to one. A lot of times, the parking is more than they are looking for. Ultimately it is a question of priorities. Land is a scarce resource. We have to use it the way we want best to address the problems that we really want to address. Every square foot you allocate towards parking is a square foot you're not allocating towards housing. As you know very well, the city is facing a serious housing crisis. If we are picking priorities, we are leaning in favor of housing and away from parking.

Alderman Levasseur asked would you agree that there are definitely different areas of the city with different levels of parking from others where there is more parking. Ward 7 has wider streets; they have a mixed use of two- and three-families and a bunch of single-family homes. The parking for that is much different than other areas.

Mr. Belanger answered yes. I agree that there are differences in parking demand in different parts of the city. I have had a lot of people tell me about the challenges they are facing affording housing in the city. I haven't heard the same thing about parking. I'm not saying that it isn't an issue; it is an issue. Again, it is just we have to have priorities and this is an attempt to try to prioritize housing.

Alderman Levasseur stated I think the ADU portion of the ordinance change is fine, but I would like to see us do a case-by-case basis and it still staying either with the Zoning or Planning Board, whichever one. I don't know if it would go to the Zoning Board for a variance change. I think it should stay as a case-by-case basis. I agree that we can do it, but I think there are going to be some areas in the city where it is not going to be appropriate to cut down those parking spaces. I don't know if there is a method that you could implement that could take it on a case-by-case basis with the Planning Department, but I think that would put you guys in a bit of a bind because you guys would have way too much power. People don't like that. It should go back to the Board.

Mr. Belanger stated I agree. That is not discretion that state law would allow us to have. It is not discretion that we want. I can tell you that it is the Planning Board that reviews what are called conditional use permit applications for parking reductions. We took a look at the Planning Board's history on that. Since the start of 2019, the Planning Board has received 58 requests for parking reductions, 35 of which were in the districts that we were talking about – the R-3, the C-1, and the RDV. In all cases, the Planning Board granted those.

Alderman Levasseur asked all thirty-five.

Mr. Belanger responded yes. All 58 citywide and all 35 in those districts. If you're looking for a case-by-case basis, history shows that it is going to be granted 100% of the time. That was a strong signal that it was time to codify these sorts of things. There is no point in sending someone to a board, having them spend a month to two months to go through the process and pay the fees if they are just going to get a rubber stamp. It makes more sense to codify it so they can just do it.

Alderman Levasseur asked are there any studies that you could show us how the parking worked out for those 58 cases. Where were they located? Were they in less dense areas? Were they open areas? Do you have any information?

Mr. Belanger replied I didn't get into that level of detail. I know the districts they were in. They were in a wide smattering of districts including the ones that we were talking about here. How it worked out after the fact, that is not something I've gone into.

Alderman Levasseur asked for the 58, how many years does that involve.

Mr. Belanger stated starting in January 2019 up to today.

Alderman Levasseur stated that is good information to have. Thank you.

Alderman Fajardo stated it sounds like you are trying to apply a framework by saying two in some districts, one and a half in others.

Mr. Belanger stated just to be clear, it would go from two or one and a half depending on where you're starting from. The C-1 today requires two and the RDV and R-3 require one and a half. We would bring all of those to one. That is the proposed amendment; they all go to one.

Alderman Fajardo stated I understand. Thank you for clarifying that. We have other zoning districts, and I assume since you didn't include those you don't think that is an appropriate recommendation at this time.

Mr. Belanger replied correct. The ordinance proposal is to reduce the amount of parking required for all multi-family and townhouse units. In total, that is seven districts out of the sixteen in the city that allow for those uses. We are not proposing those uses anywhere else, it is just for those areas that already allow them. It is seven out of sixteen. Of those seven, four of them we felt it didn't make sense to reduce the parking requirements. For two of them it is because they don't require any parking at all. For the other two, there were different reasons why we thought lot size was going to be a constraint. These are large lots; your minimum lots are 25,000 square feet. It is a different kettle of fish. We did look at every single one and thought it through as best we could.

Alderman Fajardo asked so it is targeted.

Mr. Belanger responded yes.

Alderman Levasseur asked are you taking away discretion completely. There is no discretion for your department?

Mr. Belanger asked as far as how many parking spaces are required per unit.

Alderman Levasseur replied correct. What other discretion do you have? There are other reasons to deny this, not strictly on parking. If they need 10,000 square feet and only have 9,500 square feet, they have to go get a variance.

Mr. Belanger stated correct.

Alderman Levasseur stated anything below 10,000 square feet they have to come for a variance.

Mr. Belanger responded it depends on the district. In the R-3 it is 5,000 square feet as the minimum lot size. So, depending on the district, yes. We don't exercise discretion. The numbers are the numbers. If you are one foot below the number, you go for a variance.

Alderman Levasseur asked do you anticipate any numbers going forward if this is passed. Do you expect 100 in the next two years? Do you have any idea?

Mr. Belanger answered I wouldn't say I have no idea, but I would say I expect that these are intended to be very incremental changes. The Mayor's Office and mine talked about this a fair amount. The plan from the beginning has been to make a step in the right direction, but let's not do anything drastic. Let's make incremental change. I don't expect this to be a floodgates type of moment. This going to be a mild increase in potential units. It would be great if we could do more, but the goal was we are in this interim phase where we are still working on the Zoning Ordinance that is going to be a full re-write and we don't want to upend the table and throw everything up in the air. Let's do something small. That is the intent; for these to be minimal and minor amendments.

Alderman Levasseur asked if you wanted to change back after 10 years because the parking is now a really serious issue, can you come back and change it.

Mr. Belanger replied absolutely.

Alderman Levasseur asked you don't see parking being an issue. Where do you park? A three- or four-family you have to have at least one spot for each place. Currently, if it is a three-family you need five and a half.

Mr. Belanger responded for a three-family you need five currently.

Alderman Levasseur stated every three-family we have on the books right now has to have that amount of parking.

Mr. Belanger stated by law they do, but many don't. Three-families have been around for a long time in the city. Parking requirements have changed throughout history. So,

there are many dozens of three-families on the east and west sides that have far less than the required amount of parking. That's just Manchester.

Alderman Levasseur asked so they are parking in the street.

Mr. Belanger answered yes or they don't need as many spaces. There are plenty of units that don't have two drivers per unit. They have one driver and only need one car.

Alderman Levasseur stated I appreciate your testimony, thank you.

Alderman Terrio asked did I hear that you are not going to have discretion in denying these units for parking. If this ordinance goes through you have to give it to them?

Mr. Belanger stated let me make sure I understand your question. If these amendments were to be passed, and the number of parking spaces required were to go from one a half down to one, and then someone met the one requirement – so they had a three-family and they had three spaces or they had a four-family and they had four spaces – that is correct that on the issue of parking the Planning Department would not deny them if they met the requirements of the ordinance. If they had four spaces, we would allow them to proceed assuming they met all the other requirements.

Alderman Terrio stated my concern is when you look at a map of the east side of Manchester, Wards 4, 5, and 7, are very similar. They are rectangular. The west side of those wards has congestion, the east sides of the wards become more suburban. This became an issue on lower Clay Street where it meets Lincoln. I believe it was a former plumber's shop and it was 4,000 square feet. The developer said I'm going to put four units in there – so roughly 1,000 feet per unit which makes sense. He now wants to put twelve to fourteen units on a 4,000 square foot space. It is very close to Wilson Street. You have 12-families and large apartment buildings on Wilson that don't have any parking. I don't think they even have driveways. Now, the neighbors are upset because on the western side of where it is very congested in the ward there is no parking anyway and now 12 to 14 units are coming and there is already no parking to begin with in that neighborhood. Now when we add 12 to 14 more units there won't be enough parking. When I look at the eastern side of Wards 4 and 5, and especially 7, it is very suburban. This wouldn't be a problem at all. I am hoping you would keep some discretion and say we are going to lean towards granting these but in some situations, we probably should keep the parking in highly congested areas.

Mr. Belanger stated the Planning Department can't retain that kind of discretion. If that is the kind of discretion you are looking for, it belongs to the Planning Board through the conditional use permit. That is where we are now. As I said earlier, we researched the Planning Board's decisions and since 2019 they have granted all the conditional use permits that have gone to them, 58 in total. They always, at least in recent history, grant these requests. They are the body that should have that discretion. The administrators of the ordinance, the Planning Department, should not have that kind of discretion. It should be the representatives of the people who have that discretion. If that is what you want to do, you want to leave it the way it is. As I said to Alderman Levasseur earlier, it is a question of priorities. There is a housing crisis. We are trying to take that head-on and prioritize housing over parking.

Alderman Levasseur stated while I am going to make a motion to send this to the Committee on Accounts, Enrollment and Revenue Administration, I am not saying that I have made a decision on whether I am going to support this later at a later date. For now, it needs to go to the Committee on Accounts, Enrollment and Revenue Administration.

*On motion of **Alderman Levasseur**, duly seconded by **Alderman Barry**, it was voted that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.*

*There being no further business, on motion of **Alderman Levasseur**, duly seconded by **Alderman Morgan**, it was voted to adjourn.*

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee