

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 4, 2019 TIME: 6:15PM

- 6:00PM – CITY COUNCIL PHOTOGRAPH
- 6:15PM – PUBLIC DIALOGUE SESSION
- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – JANUARY 7, 2019 AND JANUARY 22, 2019
- VI. PUBLIC DIALOGUE SUMMARY
- VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. **Public Hearing – Elderly Exemption**

RESOLUTION PURSUANT TO RSA 72:39-B THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$42,471.00 FOR A SINGLE TAXPAYER OR \$58,398.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY PAYMENTS. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

B. **Public Hearing – Disabled Exemption**

RESOLUTION PURSUANT TO RSA 72:37-B, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$42,471.00 FOR A SINGLE TAXPAYER OR \$58,398.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

C. Public Hearing – Zoning Ordinance & Map amended by Rezoning Property located at 290 Gosling Road

ORDINANCE AMENDING CHAPTER 10, ARTICLE 4, SECTION 10.421.10 – DISTRICT LOCATION AND BOUNDARIES OF THE ZONING ORDINANCE AND PORTSMOUTH ZONING MAP BE AMENDED BY REZONING THE PROPERTY LOCATED AT 290 GOSLING ROAD AT ASSESSOR’S TAX MAP 213, LOT 1 FROM WATERFRONT INDUSTRIAL (WI) TO OFFICE RESEARCH (OR) DISTRICT

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- D. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages
- E. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking (Proposed Amendments dated 1/29/2019)
- F. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement be amended by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, Dated November 19, 2018
- G. Third and Final Reading of Amendments to Chapter 10 – Zoning Ordinance be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated January 15, 2019 (*Postponed until February 4, 2019 City Council meeting*)

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items on this section of the agenda)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for Shi Bo Lin, LLC owner of Pink Bamboo Hot Pot Café for property located at 128 Penhallow Street **(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

Planning Director's Stipulations

- **The license shall be approved by the Legal Department as to content and form;**
- **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works)**

- B. Request for License to Install Projecting Sign for Justin Finn owner of Finn Wealth Advisors for property located at 23 High Street, Unit C **(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

Planning Director's Stipulations

- **The license shall be approved by the Legal Department as to content and form;**
- **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works)**

- C. Letter from Kate Corriveau, Alzheimer's Association requesting permission to hold the 2019 Annual Seacoast Walk to End Alzheimer's on Sunday, September 22, 2019 **(Anticipated action – move to refer to the City Manager with power)**

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence **(Sample motion – move to accept and place on file)**

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. 201 Kearsarge Way Access Easement
2. 1179 Sagamore Avenue Water Services Access Easement
3. Report Back Re: Request to Rezone Properties on Pinehurst Road
4. Work Session Re: Parking Principles Review and Discussion

City Manager's Informational Items:

1. Neighborhood Parking Program Re: Pilot
2. Reminder Re: Short Term Rentals Joint Work Session
3. Draft Comcast Franchise Renewal Agreement

B. MAYOR BLALOCK

1. Appointment to be Voted:
 - Nathalie Morison to the Conservation Commission

C. COUNCILOR ROBERTS, COUNCILOR DWYER, COUNCILOR PERKINS

1. *McIntyre Subcommittee Update

D. COUNCILOR DENTON

1. *Proposed Charter Amendment – Section 4.6 – Compensation of City Councilors

Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each Council meeting in which that person is in actual attendance. ~~However, no City Councilor except the Mayor shall receive more than Fifteen Hundred (\$1,500) Dollars during any calendar year.~~

(Sample motion – move to refer to the City Manager to begin the procedures under RSA 49-B:5 to have November's municipal election ballot include a Charter Amendment that would strike the second sentence of Section 4.6)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK


* Indicates verbal report

INFORMATION ITEMS

1. 2018 Board and Commission Attendance Records

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 31, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 4, 2019 City Council Agenda

6:00 p.m. City Council Photograph

6:15 p.m. Public Dialogue Session

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing Re: Elderly & Disabled Exemptions.**

At the January 22, 2019 City Council meeting, the Council voted to schedule a public hearing regarding the annual City of Portsmouth review of income and asset levels for both the Elderly and Disabled Exemptions and make recommendations as to these levels pursuant to RSA 72:39-b and RSA 72:37-b.

Last year, the City Council adopted resolutions #2-2018 and #3-2018 which increased the income levels for both the elderly and disabled. The current elderly and disabled exemption income levels are \$41,314 for a single taxpayer, \$56,807 for married taxpayers; the current asset limit is \$175,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers the exemption off the assessed value of the property is \$100,000.

This year the 2019 increase for Social Security recipients is 2.8%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows (see attached proposed Resolutions):

- Single \$ 42,471 increase of \$1,157
- Married \$ 58,398 increase of \$1,591

Any adjustment if approved would be for assessments as of April 1, 2019 for Tax Year 2019 (FY20).

The Assessor’s office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

On the following pages are the estimated tax impact of the elderly and disabled exemptions for FY20 and a Town/City comparison indicating what other City and neighboring communities’ income and assets limits are for the elderly exemption.

Estimated Elderly & Disabled Exemption Impact				
Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	31	\$ 3,875,000.00	\$ 61,380.00
75 through 79	\$ 175,000.00	22	\$ 3,850,000.00	\$ 60,984.00
80 and over	\$ 225,000.00	57	\$ 12,825,000.00	\$203,148.00
Disabled	\$ 100,000.00	7	\$ 700,000.00	\$ 11,088.00
Totals		117	\$ 21,250,000.00	\$336,600.00

Note: The current tax rate of \$15.84 would be decreased to a difference of approximately 6 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Single Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Portsmouth	\$41,314	\$56,807	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

Elderly Exemption Comparison Married Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Portsmouth	\$41,314	\$56,807	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000

Elderly Exemption Married Asset Comparison							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Portsmouth	\$41,314	\$56,807	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000

I recommend the City Council move to pass the following motions

1. *Move to adopt the Elderly Exemption Resolution as presented.*
 2. *Move to adopt the Disabled Exemption Resolution as presented.*
- Resolutions require a majority vote of City Council.*

2. **Public Hearing – Ordinance amending Chapter 10, Article 4, Section 10.421.10 – District Location and Boundaries of the Zoning Ordinance and Portsmouth Zoning Map be amended by rezoning the property located at 290 Gosling Road at Assessor’s Tax Map 213, Lot 1 from Waterfront Industrial (WI) to Office Research (OR) District.**

At the January 22, 2019 City Council meeting, the Council voted to approve the first reading and schedule a public hearing and second reading for the February 4, 2019 City Council meeting regarding the attached proposed Ordinance for a request to rezone 290 Gosling Road. Attached is a Memorandum from Juliet Walker, Planning Director, including appropriate documents, as well as letters and a zoning map excerpt from Attorney Ciandella regarding proposed amendments.

I recommend the City Council move to pass second reading and schedule a third and final reading for the February 19, 2019 City Council meeting on the request of 290 Gosling Road, LLC the property with the address of 290 Gosling Road (Map 213, Lot 1) be rezoned from Waterfront Industrial (WI) to Office Research (OR).

3. **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages.**

At the January 22, 2019 City Council meeting, the Council voted to schedule first reading regarding the Ordinance amending Chapter 10 – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages.

The **attached proposed amendments** were initially presented at the November 15, 2018 Planning Board meeting and a public hearing was held. Based on discussion and comments from Planning Board members, feedback from the public, and additional review by the City’s Legal Department, the Planning Department staff made additional revisions and the Planning Board voted to recommend the updated amendments at the December 20, 2018 meeting. The version in front of City Council reflects additional changes that the Planning Board discussed at the December 20, 2018 meeting.

Since the Planning Board review in December, the Planning Department has some additional revisions to recommend for inclusion in the amendments being considered by City Council. These are summarized below:

1) Staff recommends adding a sentence to Section 10.814.51, *“In a Single Residence or Rural District, a lot with a DADU shall comply with the minimum lot area for the district, but need not comply with the minimum lot area per dwelling unit.”* This will help to clarify that there are different requirements for the General Residence and Single Residence Districts.

2) 10.814.70 allows the Planning Board to modify a specific standard set forth in Sections 10.814.40 or 10.814.50. The intention was not to include modification to minimum lot area or lot area per dwelling unit requirements. Therefore, staff recommends excluding 10.814.51 from this provision, by re-wording Section 10.814.70 as follows (new proposed text is **bolded**, deleted text is ~~stricken~~):

10.814.70 In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.40 ~~or 10.814.50~~ **10.814.52 through 10.814.56**, including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

I recommend the City Council move to pass first reading as amended and schedule second reading and a public hearing for the February 19, 2019 City Council meeting to amend the Zoning Ordinance by deleting existing Sections 10.814 – Accessory Dwelling Units and 10.815 as presented on the document titled “Proposed Dwelling Units and 10.815 – Garden Cottages” dated January 29, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability.

4. **Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking.**

At the January 22, 2019 City Council meeting, the Council voted to pass second reading and schedule third and final reading regarding the **attached proposed amendments** to Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off Street Parking.

The amendments are being proposed to clarify the off-street parking requirements in the zoning ordinance. Specifically, additional criteria is being proposed for the granting of a conditional use permit by the Planning Board for providing less than the minimum number of off-street parking spaces required or for exceeding the maximum of off-street parking spaces allowed. An amendment is also proposed to make the off-street parking requirement for residential uses in the Downtown Overlay District consistent with the rest of the city. Two housekeeping amendments are also proposed.

The Planning Board conducted a public hearing on this proposed zoning amendment at its October 18, 2018 meeting and voted to recommend approval to the City Council with amendments at that time.

A presentation on this item was made by the Planning Director at the December 3, 2018 City Council meeting.

The City Council passed first reading at the January 7, 2019 meeting and second reading (with amendments) at the January 22, 2019 meeting. In response to comments from Councilors at the January 22nd meeting, staff is recommending additional amendments for consideration at third reading.

- a. There is interest in providing some additional technical expertise to the Planning Board for consideration in their review of off-street parking conditional use permits requests. While the Planning Board already has the ability to request additional information or technical assistance from City staff, other City Boards or Committees, or from independent experts in the field, staff is recommending inserting a specific provision for technical review of the required parking demand analysis by the City’s Technical Advisory Committee prior to the Planning Board public hearing. The suggested modification is as follows (inserted text **bolded**):

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.

- b. In order to better clarify the types of measures the Planning Board can consider for off setting parking demand, staff is recommending a modification as follows (inserted text **bolded**, deleted text ~~stricken~~):

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/**microtransit** services 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.

Once a conditional use permit is granted, any conditions placed on an approval by the Planning Board as well as any measures included in the conditional use permit application are subject to monitoring and enforcement by City staff. Monitoring and enforcement of these conditions, is one of the many tasks carried out by the Planning Department's land use compliance staff.

I recommend the City Council move to pass the following motions:

1. *Move to suspend the rules in order to amend the Ordinance at third reading;*
2. *Move to amend the Ordinance as presented in the City Manager's Comments dated January 31, 2019;*
3. *Move to pass third and final reading as amended.*

5. **Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement be amended by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018.**

At the January 22, 2019 City Council meeting, the Council voted to pass second reading and schedule third and final reading regarding the **attached proposed amendment** to Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits, dated November 19, 2018.

I recommend the City Council move to pass third and final reading of the proposed Portsmouth Zoning Ordinance, Article 2 – Administration and Enforcement, by inserting a new Section 10.240 as presented on the document titled, “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018.

6. **Third and Final Reading of Amendments to Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated January 15, 2019, (Postponed to February 4, 2019 City Council meeting).**

At the January 22, 2019 City Council meeting, the Council voted to pass second reading and schedule third and final reading regarding a proposed Ordinance to bring the City’s sign regulations into compliance with legal requirements for content neutrality. In the case *Reed et al. v. Town of Gilbert, Arizona, et al. (2015)*, the U.S. Supreme Court ruled that regulations that categorize signs based on the type of information they convey and then apply different standards to each category are content-based regulations of speech and are not allowed under the First Amendment protections of the United States Constitution. Additional changes include updating the regulations regarding prohibited signs and temporary signs, clarifying sign area, and other housekeeping amendments.

The Planning Board conducted a public hearing on this proposed zoning amendment at its August 16, 2018 meeting and voted to recommend approval to the City Council with amendments at the September 17, 2018 meeting.

The City Council passed first reading at the October 15, 2018 meeting and held a public hearing on November 19, 2018. After the public hearing on November 19th, Councilors discussed potential revisions to the proposed amendments regarding regulations of flags and the time period for election signs. The Council voted to continue second reading to the December 3, 2018 meeting in order to have staff report back with potential revisions to the proposed amendments. The Council passed second reading with amendments as proposed on December 3, 2018. Prior to third reading, the NHCLU raised a number of potential issues regarding the constitutionality of the ordinance. As a result, the City staff recommended postponing third reading indefinitely in order to enable staff and the NHCLU to meet to discuss the concerns. The City Council voted to postpone third reading at the December 17, 2018 meeting.

After a productive dialogue between the City Attorney, the Planning Director, and the NHCLU staff, NHCLU requested a few minor amendments to the zoning ordinance as proposed. The [attached draft](#) reflects these changes:

- Section 10.1223.13 – remove the specific reference to the type of election time period during which temporary signs may be placed on a lot
- 10.1223.14 – Allow temporary signs of a certain size to be placed on a lot without a sign permit
- 10.1223.31 – Increase the size threshold for which temporary signs would require a sign permit
- 10.1223.35 – Remove the requirement that temporary signs not be illuminated
- Definition of Sign Area – Clarify that a double-sided sign is treated the same as a single-sided sign as to the calculation of sign area

- Definition of Temporary Sign – remove reference to an activity or event of limited duration

As requested, Juliet Walker, Planning Director, will make a short presentation explaining these changes and how they will or will not affect residents.

I recommend the City Council move to pass third and final reading of the proposed Ordinance as amended.

Consent Agenda

1. **Request for Licenses to Install Projecting Signs** Attached are requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):

- Shi Bo Lin, LLC owner of the Pink Bamboo Hot Pot Café for property located at 128 Penhallow Street
- Justin Finn, owner of Finn Wealth Advisors for property located at 23 High Street, Unit C

I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreements for these requests.

City Manager's Items Which Require Action:

1. **201 Kearsarge Way Access Easement** On June 21, 2018, the Planning Board approved an application from Richard Fusegni requesting Subdivision Approval for a property located at 201 Kearsarge Way. The application proposed to subdivide one lot into two lots.

As approved, the Subdivision Plan includes an access easement (see attached easement and plan) to provide municipal access to the City for all purposes for which roads are customarily used, including, but not limited to, vehicular, pedestrian and equipment access and travel and the installation and maintenance of utilities above and below the easement area.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move to accept an access easement to 201 Kearsarge Way, as presented.

2. **1179 Sagamore Avenue Water Services Access Easement** On May 18, 2017 the Planning Board approved an application from Peter Fregeau and Westwind Townhomes of Portsmouth requesting Site Plan Review Approval for a property located at 1179 Sagamore Avenue. The application proposed to construct three new condominium units (two separate buildings, seven total units) with related paving, lighting, utilities, landscaping, drainage and associated site improvements.

As approved, the Site Plan includes a water service access easement (see attached) to provide municipal access to the City for the purposes of accessing water infrastructure for routine service.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move to accept the easement regarding 1179 Sagamore Avenue, as presented.

3. **Report Back Re: Request to Rezone Properties on Pinehurst Road** On October 25, 2018, residents of Pinehurst Road and Lookout Lane submitted the attached letter to the City Council requesting that properties along Pinehurst Road be re-zoned from General Residence A (GRA) to Single Residence B (SRB).

At the November 19, 2018 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation. The Planning Board held a public hearing on this request at the December 20, 2018 meeting. After hearing from a number of residents and discussing some of the information presented by the Planning Department, the Board voted to continue the hearing on the petition to the January 17, 2019 meeting. The Planning Department recommended that the property at 826 South Street and all of the properties on Lookout Lane should be included in the re-zoning request and that all of the impacted property owners be notified of the expansion of the request. The Board also requested that the Planning Department send out a letter to each of the property owners impacted by the proposed amendment providing an explanation of the proposed zoning amendments and their potential implications for individual properties. A copy of the letter mailed by the Planning Department is [attached for Council's reference](#).

At the January 17, 2019 meeting, the Planning Board voted unanimously not to recommend approval to the City Council the citizen request to re-zone the properties along Pinehurst Road from General Residence A (GRA) to Single Residence B (SRB).

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move to place on file the citizen request to re-zone the properties along Pinehurst Road from General Residence A (GRA) to Single Residence B (SRB).

4. **Work Session Re: Parking Principles Review and Discussion** The Mayor has requested the work session to take place on either Monday, March 11, 2019 or Monday, March 25, 2019 at 6:30 p.m.

Action is required on the aforementioned matter.

Informational Items:

1. **Neighborhood Parking Program Re: Pilot.** Councilor Doug Roberts, Chairman of the Parking, Traffic and Safety Committee, has asked that action on the Neighborhood Parking Program take place at the February 19, 2019 City Council meeting. He is requesting this delay to allow residents from the South End to coordinate their amendments that they would request for the NPP. *Attached is a revised neighborhood parking program* with a list of modifications proposed to date.
2. **Reminder Re: Short Term Rentals Joint Work Session** – Reminder that the City Council Joint Work Session with the Planning Board will be held on Monday, February 11, 2019 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers regarding short-term rentals.
3. **Draft Comcast Franchise Renewal Agreement** In follow up to the public hearing held on January 22, 2019 concerning the draft Franchise Renewal Agreement with Comcast, the Deputy City Attorney and the Cable Commission are following up with Comcast representatives to Portsmouth Public Media, Tv's request to review any final minor edits to the draft that has been under consideration. The Cable Commission expects that it will ask for action at the City Council's meeting scheduled for Tuesday, February 19, 2019. There is no action for this meeting.