

AGENDA

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – September 5, 2019

City Hall – Conference Room A

ON-SITE COMMITTEE: Please meet on Wednesday, September 4th at 8:00 a.m. in the upper parking lot at City Hall, 1 Junkins Avenue, to view the following locations:

- 15 Middle Street
 - 3 Pleasant Street
-

I. CALL TO ORDER

II. ROLL CALL

III. ACCEPTANCE OF THE MINUTES

IV. FINANCIAL REPORT

V. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

VI. PRESENTATION

No presentation

VII. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- A. Request to renew valet parking license for the Marriott Residence Inn, by Jackie Huber. **Sample Motion: Move to approve renewal of valet parking license for Marriott Residence Inn.**
- B. Request to renew valet parking license for the Hampton Inn, by Jackie Huber. **Sample Motion: Move to approve renewal of valet parking license for the Hampton Inn.**
- C. Request to amend valet parking license for The 100 Club, by Dana Wergen. **Sample Motion: Move to approve amended valet parking license terms.**
- D. Request for valet parking spaces on Porter Street for 15 Middle Street, by Alex Ross. **Sample Motion: Move to refer to staff for report back.**
- E. Request for parking changes and loading zone at 3 Pleasant Street, by John Chagnon. **Sample Motions: Move to table request for removal of parking spaces until the Market Square Renovation Plan is completed. Move to table request for loading zone until Planning Board process completed.**

VIII. OLD BUSINESS

- A. Report back, request for parking restrictions at the end of Little Harbor Road.
Sample Motion: Move to prohibit parking along both sides of Little Harbor Road east of Wentworth Coolidge Mansion driveway.
- B. Report back, concerns with speeding vehicles on Little Harbor Road.
No action recommended at this time.
- C. Report back, concerns for pedestrian safety on Middle Road at Essex Avenue crosswalk. **No action recommended at this time.**
- D. Report back, request for traffic calming measures on South Street between Middle Road and Lafayette Road.

IX. INFORMATIONAL

- A. Legal opinion on PTS authority to set parking rates.
- B. Parking Principles Discussion.
- C. "Why Speed Kills Cities." Article by Andrew Small, CityLab.
- D. PTS Open Action Items.

X. MISCELLANEOUS

- A. Meeting minutes approval process.
Sample Motion: Committee minutes will be forwarded to Committee members electronically as soon as prepared. Unless a Committee member objects to those minutes within 72 hours of the time when the minutes have been forwarded to that member, the minutes will be deemed to have been approved by that member. If any member objects to any set of proposed minutes, that set of minutes shall be placed on the next available Committee agenda for approval by the full Committee.

XI. ADJOURNMENT

Unaudited

Percentage of Fiscal Year Complete 8.33%

Preliminary
Totals Thru
July 31, 2019

	Total	Budgeted	% of Budget
FY 20			
Parking Meter Fees	356,977.78	3,306,000	11%
Meter Space Rental	18,965.00	90,000	21%
Meter In Vehicle	6,715.00	110,000	6%
High Hanover Transient	283,431.54	2,561,875	11%
High Hanover Passes	149,770.00	1,852,500	8%
Foundry Place Transient	19,774.59	214,000	9%
Foundry Place Passes	25,755.00	340,500	8%
HH Pass Reinstatement	180.00	2,500	7%
Foundry Pass Reinstatement	75.00	1,000	0%
Parking Violations	56,760.00	715,000	8%
Immobilization Administration Fee	0.00	15,000	0%
Summons Admin Fee	0.00	3,000	0%
Total FY 20	918,403.91	9,211,375.00	10%

	BUDGETED	
	6,799,070	74% Transfer to Parking Fund
	2,412,305	26% Funds Remaining in Gen Fund

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal corporation with a principal place of business of 1Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner") and is associated with the **Marriott Residence Inn** and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the

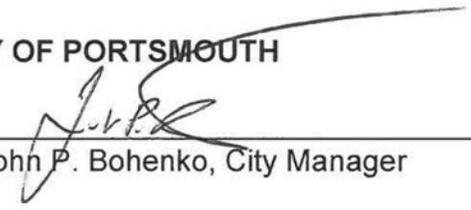
use as described in paragraph 2. The City will determine the placement of sign poles and will have final approval over the size and content of signs.

- This License agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
 5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
 6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
 7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
 8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
 9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11-9-18

CITY OF PORTSMOUTH

By: 
John P. Bohenko, City Manager

Pursuant to vote of the City Council on
October 1, 2018

Dated: 11/5/18

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

By: 
Print Name: Brian Haury
Print Title: REGIONAL VICE PRESIDENT

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the **Hampton Inn & Suites**.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine

the placement of sign poles and will have final approval over the size and content of signs.

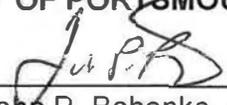
- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
 5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
 6. **Indemnification:** Licensee agrees to Indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
 7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
 8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
 9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.

11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11-9-18

CITY OF PORTSMOUTH

By: 
 John P. Bohenko, City Manager

Pursuant to vote of the City Council on
 October 1, 2018

Dated: 11/5/18

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

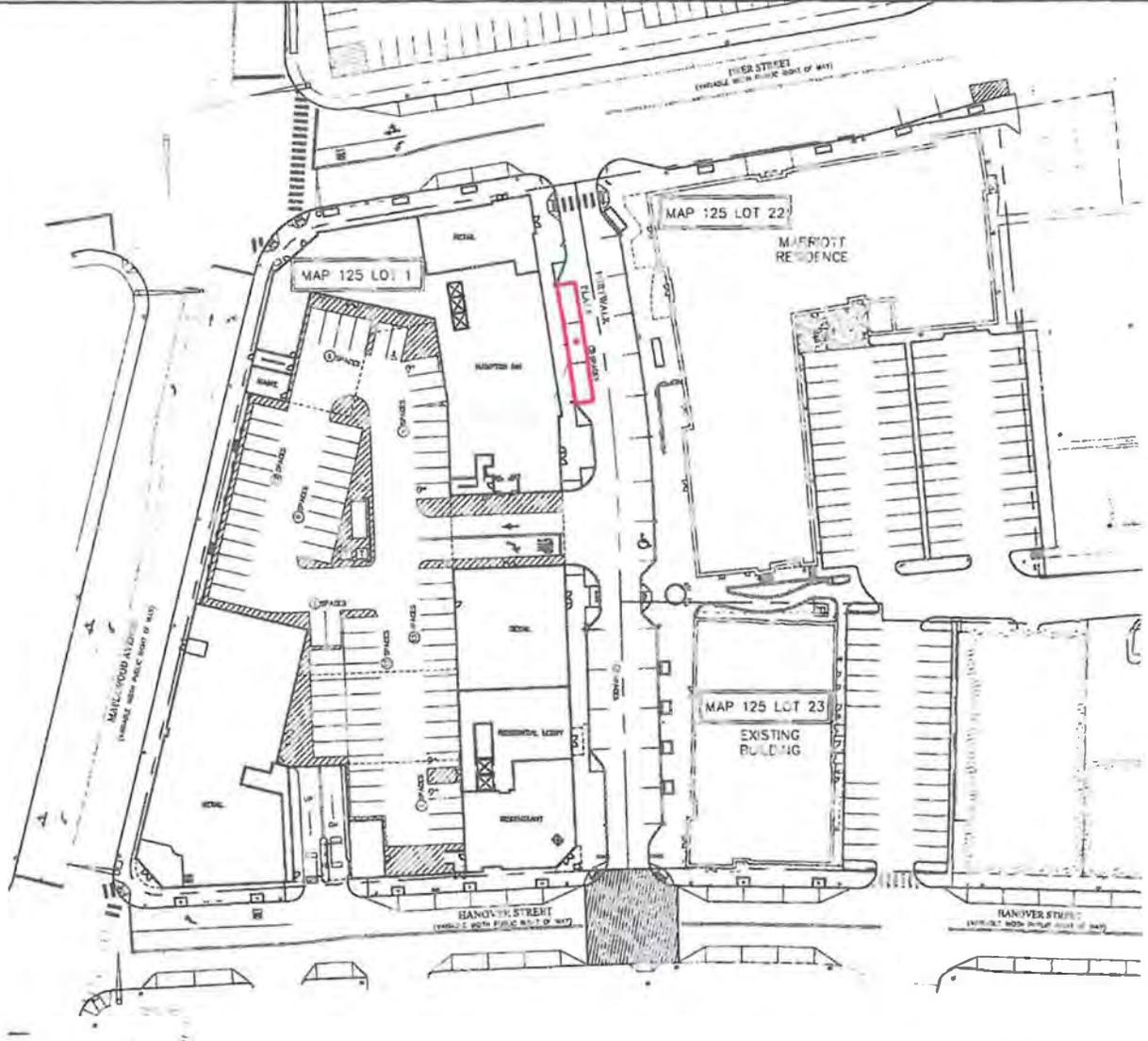
By: 
 Print Name: BRIAN HALEY
 Print Title: REGIONAL VICE PRESIDENT

PREVIOUS APPROVALS

1. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JULY 31, 2007
2. CITY OF PORTSMOUTH PLANNING BOARD FOR "FINAL SUBMITTAL APPROVAL FOR PROPERTY LOCATED AT 185 HANOVER STREET" DATED: AUGUST 29, 2008
3. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET PROPOSED LOT #1" DATED: SEPTEMBER 22, 2008
4. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET PROPOSED LOT #2" DATED: SEPTEMBER 22, 2008
5. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 185 HANOVER STREET (LOT #3)" DATED: MARCH 22, 2010
6. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 195 DEER STREET (PORTWALK, LOT 3)" DATED: APRIL 20, 2010
7. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 195 HANOVER STREET (PORTWALK, LOT 2)" DATED: APRIL 30, 2010
8. CITY OF PORTSMOUTH PLANNING BOARD FOR "AMENDED SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET (LOT 2)" DATED: MAY 24, 2010
9. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 99 HANOVER STREET - ASSESSORS MAP 120, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK, LOT 2)" DATED: NOVEMBER 18, 2010
10. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 99 HANOVER STREET - ASSESSORS MAP 120, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK, LOT 2)" DATED: MARCH 18, 2011
11. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN - REVISED PROPERTY LOCATED AT 99 HANOVER STREET - ASSESSORS MAP 120, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK, LOT 2)" DATED: MARCH 30, 2011
12. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JANUARY 24, 2012
13. CITY OF PORTSMOUTH PLANNING BOARD FOR "AMENDED SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JULY 24, 2012
14. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET (PORTWALK 3)" DATED: SEPTEMBER 26, 2012

LICENSE LEGEND

- VALET LICENSE
- 3 PARKING SPACES
- ON MAP 125 LOT 1



MAP 125 LOT 1 - VALET PARKING LICENSE EXHIBIT

<p>Agthe & Bond (BUSINESS PURPOSES) 117 FRODOBARD STREET PORTSMOUTH, NEW HAMPSHIRE 03801 (603) 433-8818</p>	<p>PARKING SPACE LICENSE AND SIDEWALK LICENSE EXHIBIT Portsmouth Lot 3 Map 125 Lot 1 195 Hanover Street Portsmouth, New Hampshire</p>												
<p>DATE: SEPTEMBER 8, 2015 SCALE: AS SHOWN DRAWN BY: JAC CHECKED BY: JAC APPROVED BY: JAC PRODUCT: E2306 FILE NO: 15-00000000000000000000</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">PROJECT</td> <td style="width: 50%; text-align: center;">DATE</td> </tr> <tr> <td style="width: 50%; text-align: center;">DRAWING</td> <td style="width: 50%; text-align: center;">DATE</td> </tr> <tr> <td style="width: 50%; text-align: center;">REVISION</td> <td style="width: 50%; text-align: center;">DATE</td> </tr> <tr> <td style="width: 50%; text-align: center;"> </td> <td style="width: 50%; text-align: center;"> </td> </tr> <tr> <td style="width: 50%; text-align: center;"> </td> <td style="width: 50%; text-align: center;"> </td> </tr> <tr> <td style="width: 50%; text-align: center;"> </td> <td style="width: 50%; text-align: center;"> </td> </tr> </table>	PROJECT	DATE	DRAWING	DATE	REVISION	DATE						
PROJECT	DATE												
DRAWING	DATE												
REVISION	DATE												

VII.C. Request to amend valet parking license for The 100 Club

From: Dana Wergen [mailto:dana@onehundredclub.com]
Sent: Wednesday, August 14, 2019 3:57 PM
To: Jane Ferrini <jferrini@cityofportsmouth.com>
Cc: Eric B. Eby <ebeby@cityofportsmouth.com>; Neil Gibb <Neil@onehundredclub.com> **Subject:**
Re: 100 Club Valet

Please accept this e-mail as our formal request to have the One Hundred Club valet parking agreement amendment of hours of the day to **Monday - Sunday, 5pm - 12am** added to the PTS committee meeting on September 5th.

Dana Wergen
The One Hundred Club

**LICENSE AGREEMENT
FOR THE ONE HUNDRED CLUB**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this non-exclusive, revocable license to **The One Hundred Club** with a principal place of business at 100 Market Street, Portsmouth, NH 03801 (hereinafter "Licensee") pursuant to the following terms and conditions:

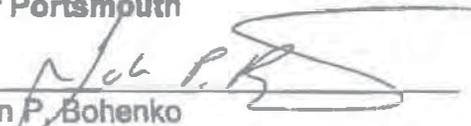
1. **Area of License:** The City authorizes Licensee to use the loading zone on Hanover Street as shown on the attached Exhibit 1.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of Licensee's parking valet service activities. Such activities are subject to the following conditions:
 - The hours of operation of the valet service are 6:00 p.m. to 12:00 a.m. Monday through Saturday.
 - No vehicles receiving valet services may be parked in municipal spaces (metered, garage or otherwise).
 - There shall be no stacking of vehicles in adjacent parking spaces.
 - This license is non-exclusive and the loading zone will remain available for commercial loading purposes and for such additional purposes as the City may authorize or license.
 - Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
3. **Signage:** This License Agreement also authorizes Licensee's use of the existing signage in place on Hanover Street as shown in Exhibit 1.
4. **Term:** This license shall commence upon the execution of this Agreement and terminate on June 30, 2020. This License may be renewed for an *additional term upon the joint approval of the Parking and Traffic Safety Committee and the City Manager.*
5. **Payment Terms:** Licensee will make payment of an annual fee to the City in the amount of \$500.00 which represents the cost of the valet parking permit fee. No other payment is required. Payment is due upon the execution of this Agreement and shall be made to the City of

Portsmouth and directed to the City Parking Clerk at 1 Junkins Avenue, Portsmouth, NH. Failure to make the required payment when due may result in the termination of this Agreement at the City's option.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times during the use and exercise of this license, Licensee agrees to maintain comprehensive general liability insurance covering its operation under this license in an amount not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate. Such insurance shall name the City of Portsmouth as an additional insured. Licensee agrees to maintain Garage Keepers insurance in the amount of \$100,000 per occurrence for the term of this Agreement. Certificates indicating the existence of these insurances shall be maintained on file at all times during the license period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area:** Licensee will maintain the Licensed Area in neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicular safety during use of the Licensed Areas for its valet service.
9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance With Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice provided to Licensee if the public interest requires such termination, in which case all fees paid by Licensee shall be returned on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City for cause, e.g. violation of the terms of this license, in which case, all fees paid by Licensee shall remain the property of the City.

Dated this 19th day of August, 2019

City of Portsmouth

By: 
John P. Bohenko
City Manager

Pursuant to vote of the City Council
of May 20, 2019.

Dated this 15 day of August, 2019.

The One Hundred Club

By: 
Print Name: Neil Erbb
Its Duly Authorized: President

**Ross Engineering
Civil / Structural Engineering**

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

15 Middle Street

Parking & Traffic Safety Committee Review material



MEMORANDUM

Ref: 1895A

To: Alex Ross
Ross Engineering

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Hotel – 15 Middle Street / Parking Demand Analysis
Portsmouth, New Hampshire

Date: July 31, 2019

Background - On March 11, 2019 our office published a traffic memorandum that summarized the results of a trip generation analysis for the 28-room hotel that is proposed to occupy the existing brick building located at the corner of Middle Street and Porter Street in Portsmouth, New Hampshire. That memorandum also provided traffic volume data for Middle Street, Congress Street, and Chestnut Street. The purpose of this memorandum is to summarize the results of our parking demand analysis and the methodology that will be employed to accommodate guest parking. To summarize:

Proposed Development - The project proponent proposes to renovate the former Salvation Army building into a 28-room hotel with a separate restaurant. This hotel will not have conference or banquet facilities. An on-site laundry facility is planned within the hotel.

There is no on-site parking for hotel guests; rather two valet parking stalls will be located adjacent to the building for arriving guests. The valet service will then move the guest vehicle to the nearby Foundry Place Garage, and then return to the hotel by foot.

Deliveries to the site will be minimal as the hotel plans to utilize the same vendors that currently service the Jumpin Jay's Fish Café (next door). By clearly establishing the two valet spaces on Porter Street, and having hotel staff and/or valet employees regularly monitor activities in the area; it should help improve the traffic flow on Porter Street.

Parking Demand Analysis - The following tabulations summarize the results of the parking demand analysis utilizing the City's "Off-Street Parking Provisions in the Downtown Overlay District" requirements (see Section 10.1115.21) as well as several standard parking generation rates published by the Institute of Transportation Engineers¹ (ITE). Land Use Codes (LUC) 310 (Hotel), LUC 312 (Business Hotel), and LUC 320 (Motel) were utilized for illustration purposes. The number of rooms was utilized as the independent variable.

¹ Institute of Transportation Engineers, *Parking Generation Manual*, 5th Edition (Washington, D.C., 2019)

The City ordinance requires 0.75 spaces per guest room plus one space per 25 SF of conference or banquet facilities. Since the proposed hotel does not include a conference or banquet facility, the ordinance units requires 0.75 spaces per guest room or 21 parking spaces.

Ordinance requirement: 0.75 X 28 rooms = 21 parking spaces

The following tabulation summarizes the results of the various parking generation analyses for the subject site. It should be noted that the ITE estimates include all vehicles associated with a typical hotel site (hotel guests, employees, service vehicles).

Description	ITE Land Use Code	Setting	Peak Period Parking Demand
Hotel	LUC 310	General Urban/Suburban	0.74 X 28 rooms = 21 occupied parking stalls (weekday)
Hotel	LUC 310	Dense Multi-Use Urban	0.76 X 28 rooms = 21 occupied parking stalls (weekday)
Hotel	LUC 310	Center City Core	0.37 X 28 rooms = 10 occupied parking stalls (weekday)
Business Hotel	LUC 312	General Urban/Suburban	0.72 X 28 rooms = 20 occupied parking stalls (weekday)
Business Hotel	LUC 312	Dense Multi-Use Urban	0.62 X 28 rooms = 17 occupied parking stalls (weekday)
Motel	LUC 320	General Urban/Suburban	0.72 X 28 rooms = 20 occupied parking stalls (weekday)
City Ordinance	NA	NA	0.75 X 28 rooms = 21 parking stalls

The ITE analyses corroborate the city’s requirements specified in Article 11 Site Development Standards (see 10.1115.21).

Parking Management Plan - Key elements in adequately managing the parking needs of the proposed hotel include the following:

1. Providing two valet parking spaces adjacent to the hotel building (on the north side of Porter Street) for arriving guests to park temporarily to check-in and unload their vehicles.
2. Utilizing the Foundry Place Garage for guest and staff vehicles.
3. Providing adequate valet personnel to ferry guest vehicles between the hotel and the parking garage. Three valet employees consisting of one on-site valet coordinator and two valet “runners” are recommended initially (see attachment) during the busy periods. Flexibility in terms of staff size is needed until day-to-day activities become well established.
4. Providing an on-site laundry facility to eliminate the need for laundry deliveries.
5. Utilizing the same vendors that currently service Jumpin Jay’s Fish Café to minimize site deliveries to the extent possible.

Conditional Use Permit Considerations - As required by Section 10.1112.142, the parking demand at this site has the potential to be reduced given that public transit is available a short distance away. More specifically, the Coast Bus system includes Route 2 (Islington Street/Maplewood Avenue) and Route 4 (Islington Street) which are accessible at Market Square. Wildcat Transit – Portsmouth Route 4 also services this area.

There is also a symbiotic relationship between this type of use and ride-sharing services. Uber and Lyft provide an alternative mode of transportation for hotel guests, thus potentially reducing parking demand.

Converting the existing building into a downtown hotel, in itself, reduces parking demand. Other possible uses of the building could generate a higher parking demand. By way of example, the ITE parking generation rates for a single-tenant office building of this size translates into a peak parking demand of approximately 46 parked vehicles; more than double the estimate for the proposed hotel and restaurant.

Attachment



CALCULATION SHEET



Project:	Proposed Hotel	Job Number:	1895A
Calculated By:	SP	Date:	7/31/2019
Checked By:	CA	Date:	7/31/2019
Sheet No:	1	Of:	1
Subject:	Valet Logistics / Capacity		

Calculate:	Number of valet personnel needed to bring guest vehicles back and forth from Foundry Place Garage.
Given:	Travel route to garage (transporting guest vehicle):
	Drive from Porter St, left on Fleet, left on Congress, right on Bridge, left on Foundry = 3 minutes
	Garage interior = 2 minutes
	Walk to hotel from garage = 3-5 minutes
	Travel route to hotel (retrieving guest vehicle):
	Walk to garage from hotel = 3-5 minutes
	Garage interior = 2 minutes
	Drive from Foundry St, right on Bridge, left on Hanover, right on Maplewood, left on Porter = 3 minutes
Calculate:	travel time for one round trip:
	Fast estimate = 3 + 2 + 3 = 8 minutes
	Slow estimate = 3 + 2 + 5 = 10 minutes
Calculate	hourly capacity (per valet person):
	Low estimate = 60 min/hour / 10 minutes/trip = 6.0 round trips per hour
	High estimate = 60 min/hour / 8 minutes/trip = 7.5 round trips per hour
Finding:	
	1. A valet staff of 3 persons (1 coordinator who remains on-site with 2 valet "runners") can accommodate 12-15 guest arrivals/ departures per hour. This is equivalent to approximately one-half of the rooms checking in or out in a one-hour period; an unlikely event.
	2. With a hypothetical check-in rate of 3 rooms per hour, 2 valet spaces on Porter Street will be adequate 98% of the time.
	3. With a hypothetical check-in rate of 6 rooms per hour, 2 valet spaces on Porter Street will be adequate 88% of the time.
	4. In the event that a third guest arrives when both valet spaces are occupied, then the valet coordinator has four options:
	a) have guests temporarily utilize on-street parking spaces in the area.
	b) have guest park their vehicles in the Foundry Place Garage (retrieve luggage later and reimburse parking fee)
	c) have guests drive "around the block" (Porter to Fleet to Congress to Middle to Porter again).
	d) the valet coordinator can temporarily leave the site and transport the third vehicle to the garage, and then return on foot.

MEMORANDUM

Ref: 1895A

To: Alex Ross
Ross Engineering

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Hotel – 15 Middle Street
Portsmouth, New Hampshire

Date: March 11, 2019

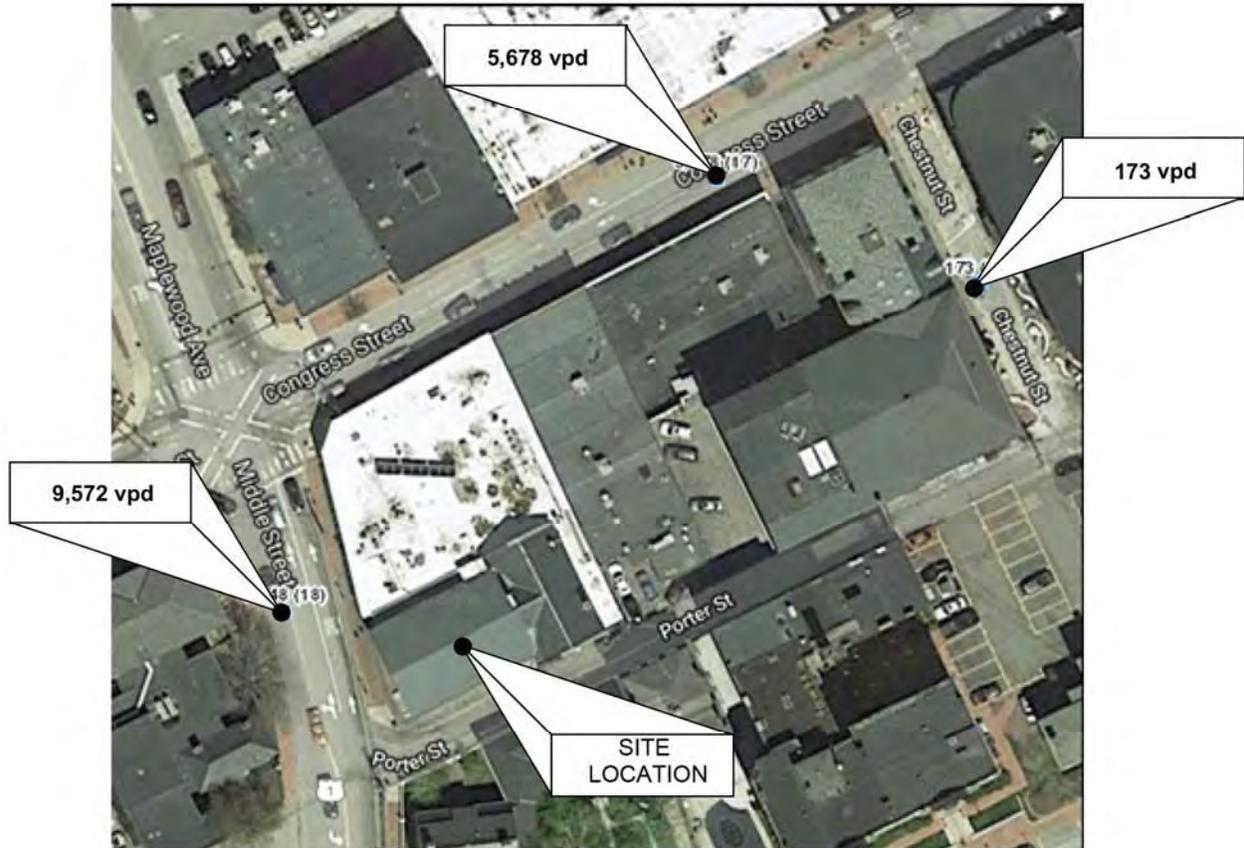
As requested, Pernaw & Company, Inc. has conducted a trip generation analysis for the hotel that is proposed to occupy the existing brick building located at the corner of Middle Street and Porter Street in Portsmouth, New Hampshire. The purpose of this memorandum is to summarize the results of our trip generation analyses, as well as our research of available traffic count data for this area. To summarize:

Proposed Development – The project proponent proposes to renovate the existing building into a 28-room hotel from its former use by the Salvation Army. The subject building is located at the northeast corner of the Middle Street / Porter Street intersection. There is no on-site parking, therefore valet parking is proposed. Tax Map 126 is attached (Attachment 1) and shows the location of the proposed hotel site.

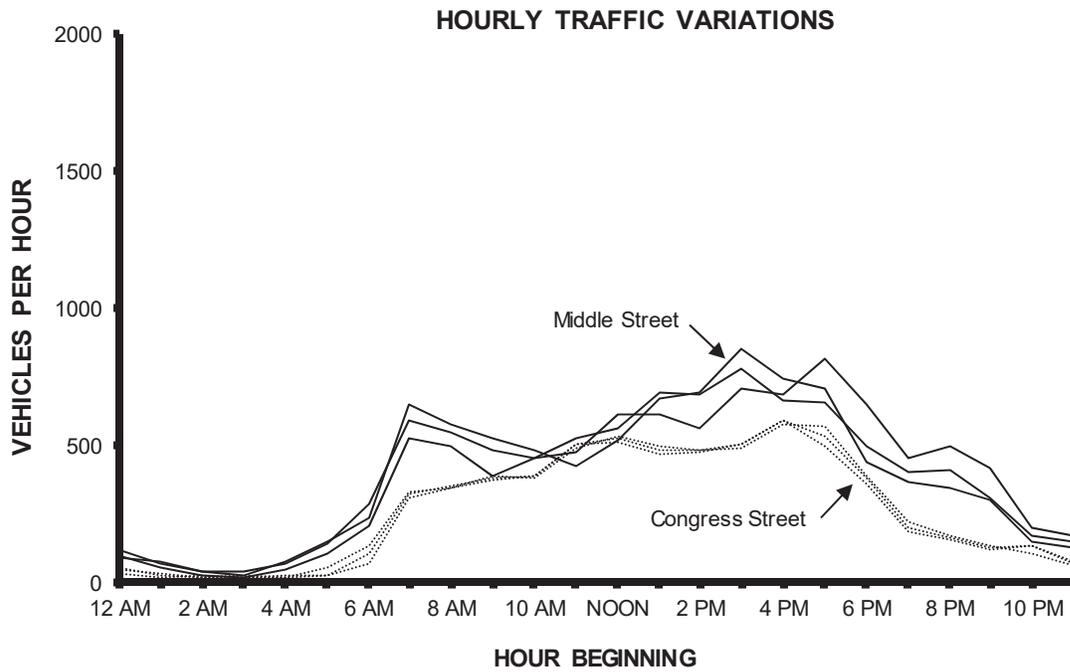
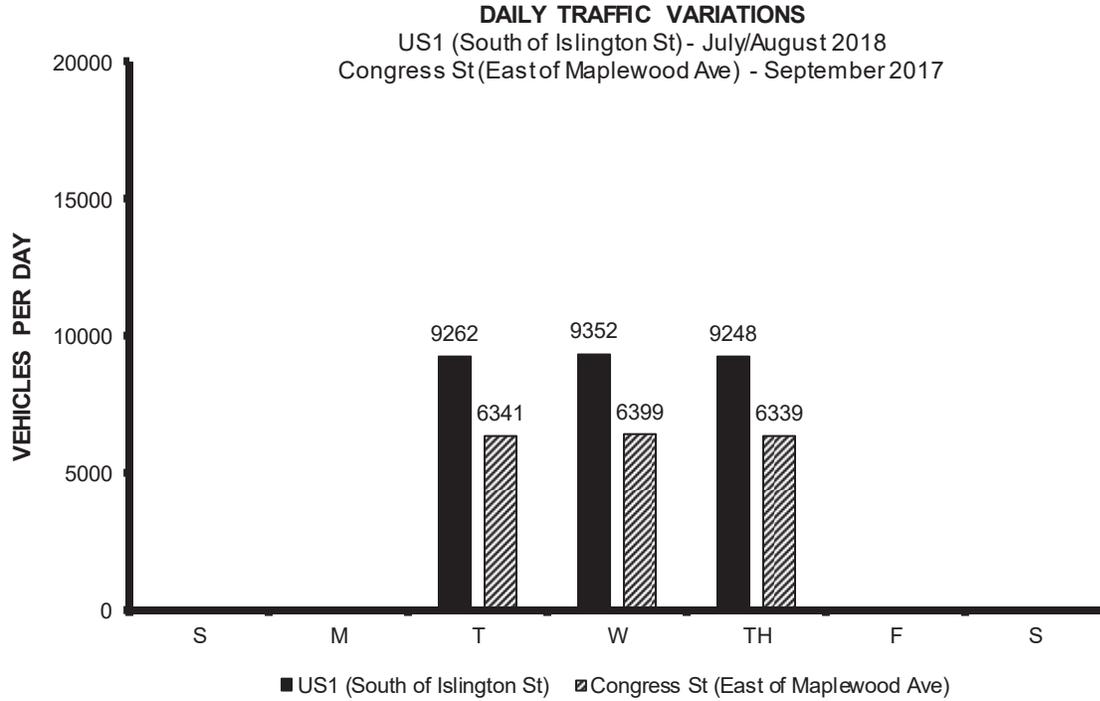
Existing Traffic Volumes – Research at the NHDOT revealed that there are three short-term Automatic Traffic Recorder (ATR) counts in the study area. They are located on Middle Street (South of Islington Street), on Congress Street (East of Maplewood Avenue) and on Chestnut Street (North of Porter Street). These counts were conducted in September 2017 or July/August of 2018. According to the NHDOT reports, the site frontage on Middle Street (south of Islington Street) carried an Annual Average Daily Traffic (AADT) volume of approximately 9,572 vehicles per day (vpd) in 2017, up slightly from 9,384 (vpd) in 2016. The section of Congress Street, east of Maplewood Avenue carried an AADT volume of approximately 5,678 vehicles in 2017, down from 6,619 in 2016. The section of Chestnut Street, north of Porter Street carried an AADT volume of approximately 173 vehicles in 2017, down slightly from 189 vehicles in 2016 (see Attachments 2 - 4).

This data shows that traffic volumes in the area typically reach peak levels during the morning and afternoon on weekdays; thus reflecting the typical commuting patterns. The diagram on Page 2 shows the location of the site and the three ATR counts. The diagrams on Page 3 summarize the daily and hourly variations in traffic demand at the Middle Street and Congress Street locations. The detail sheets pertaining to these counts are attached (see Attachment 5 & 6).

Site Location / 2017 AADT Traffic Volumes



USE FIGURE



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the proposed hotel, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers¹ (ITE). Land Use Code LUC 310 - Hotel is the most applicable category for the proposed development. The number of rooms was utilized as the independent variable.

The table on the following page summarizes the results of the trip generation analyses for the typical occupancy case and when full-occupancy occurs. It should be noted that these trip estimates include all vehicle-trips to and from a typical hotel site (hotel guests, employees, service vehicles). However, the lack of an on-site parking lot means that employees will not be traveling directly to the subject site (fewer trips to the site) and guest vehicles will need to be driven to an off-site parking location upon arrival (more trips from the site). The computations pertaining to these analyses are attached (see Attachments 7 & 8).

Table 1 shows that the proposed hotel will generate approximately 20 vehicle-trips (10 arrivals, 10 departures) during the weekday PM peak hour when fully occupied. Similarly, during the Saturday peak hour period the proposed hotel is expected to generate approximately 24 vehicle-trips (13 arrivals, 11 departures). The trip generating characteristics of the former Salvation Army use are not known; therefore the net impact will be less than is indicated in Table 1.

¹ Institute of Transportation Engineers, *Trip Generation*, 10th Edition (Washington, D.C., 2017)

Table 1	Trip Generation Summary
----------------	--------------------------------

	<u>Typical Occupancy ¹</u>	<u>Full Occupancy ²</u>
Weekday Total		
Entering	117 veh	171 veh
Exiting	<u>117 veh</u>	<u>171 veh</u>
Total	234 trips	342 trips
Weekday AM Peak Hour		
Entering	8 veh	10 veh
Exiting	<u>5 veh</u>	<u>7 veh</u>
Total	13 trips	17 trips
Weekday PM Peak Hour		
Entering	9 veh	10 veh
Exiting	<u>8 veh</u>	<u>10 veh</u>
Total	17 trips	20 trips
<hr/>		
Saturday Total		
Entering	115 veh	147 veh
Exiting	<u>115 veh</u>	<u>147 veh</u>
Total	230 trips	294 trips
Saturday Peak Hour		
Entering	11 veh	13 veh
Exiting	<u>9 veh</u>	<u>11 veh</u>
Total	20 trips	24 trips
<hr/>		
Sunday Total		
Entering	84 veh	119 veh
Exiting	<u>84 veh</u>	<u>119 veh</u>
Total	168 trips	238 trips
Sunday Peak Hour		
Entering	7 veh	9 veh
Exiting	<u>9 veh</u>	<u>12 veh</u>
Total	16 trips	21 trips

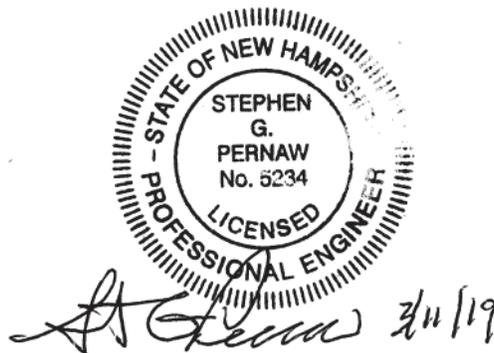
¹ITE Land Use Code 310 - Hotel (trips/room); excluding valet trips (28 Rooms)
²ITE Land Use Code 310 - Hotel (trips/occupied room); excluding valet trips (28 Rooms)

Findings & Conclusions

1. Recent traffic counts conducted by the NHDOT in August 2018 on Middle Street at the subject site (south of Islington Street) revealed that this section of roadway carries over 9,000 vehicles per day, with the highest hourly traffic volume occurring from 3:00 to 4:00 PM on weekdays (average = 778 vph).
2. Arriving hotel guests will temporarily park on Porter Street where their vehicles will be unloaded and then moved to an off-site location by the valet staff.
3. According to the trip generation rates published by the ITE, the proposed hotel will generate approximately 17 (AM), 20 (PM) and 24 (Saturday) vehicle-trips during the peak hour periods if/when fully occupied.
4. The trip generation characteristics of the former Salvation Army use are not known. This means that the net impact that the proposed building conversion to a 28-room hotel will be less than is indicated in Table 1.

The proposed 28-room hotel is not considered to be a major traffic generator from a transportation planning and traffic engineering standpoint. The hourly traffic volume that will be generated by the proposed change of use from Salvation Army to a small 28-room downtown hotel will not significantly alter the prevailing traffic operations at nearby intersections.

Attachments



ATTACHMENTS





Transportation Data Management System

List View All DIRs

Record	1	of 1	Goto Record	go
Location ID	82379034	MPO ID		
Type	SPOT	HPMS ID		
On NHS	Yes	On HPMS	No	
LRS ID	U0000001_S	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route	US 1 SB	
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Cls Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Middle St			
Loc On Alias	US 1 (MIDDLE RD) SOUTH OF ISLINGTON ST			
More Detail				
STATION DATA				

Directions: 2-WAY

AADT

Year	AADT	DHV-30	K%	D%	PA	BC	Src
2017	9,572 ³				8,882 (93%)	690 (7%)	Grown from 2016
2016	9,384 ³				8,557 (91%)	827 (9%)	Grown from 2015
2015	9,200						
2012	10,000						
2010	12,000 ²						

1-5 of 9

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
Date	Int	Total	
Thu 8/2/2018	60	9,248	
Wed 8/1/2018	60	9,352	
Tue 7/31/2018	60	9,262	
Fri 10/2/2015	60	11,346	
Thu 10/1/2015	60	10,515	

VOLUME TREND	
Year	Annual Growth
2017	2%
2016	2%
2015	-3%
2012	-9%
2010	2%



Transportation Data Management System

List View All DIRs

Record 4879 of 5700 Goto Record:

Location ID	82379084	MPO ID	
Type	SPOT	HPMS ID	
On NHS	Yes	On HPMS	No
LRS ID	U0000001_S	LRS Loc Pt.	
SF Group	04	Route Type	
AF Group	04	Route	US 1 SB
GF Group	E	Active	Yes
Class Dist Grp	Default	Category	3
Seas Clss Grp	Default		
WIM Group	Default		
QC Group	Default		
Funct'l Class	Other Principal Arterial	Milepost	
Located On	Congress St		
Loc On Alias	CONGRESS ST EAST OF MAPLEWOOD AVE		
	PR	MP	PT

More Detail

STATION DATA

Directions: 1-WAY

AADT

Year	AADT	DHV-30	K%	D%	PA	BC	Src
2017	5,678	591	10		5,268 (93%)	410 (7%)	
2016	6,619 ³				6,038 (91%)	581 (9%)	Grown from 2015
2015	6,489 ³						Grown from 2014
2014	6,300						
2011	6,600						

1-5 of 11

Travel Demand Model

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT

Date	Int	Total
Thu 9/21/2017	60	6,339
Wed 9/20/2017	60	6,399

VOLUME TREND

Year	Annual Growth
2017	-14%
2016	2%



Transportation Data Management System

List View All DIRs

Record	<input type="button" value="⏪"/> <input type="button" value="⏴"/> <input type="text" value="4865"/> <input type="button" value="⏵"/> <input type="button" value="⏩"/>	of 5700	Goto Record:	<input type="text" value="go"/>
Location ID	82379069	MPO ID		
Type	SPOT	HPMS ID		
On NHS	No	On HPMS	No	
LRS ID	L3790251A_	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route		
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Clss Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Local	Milepost		
Located On	Chestnut St			
Loc On Alias	CHESTNUT ST NORTH OF PORTER ST			
	PR	MP	PT	▼
More Detail ▶				
STATION DATA				

Directions: 1-WAY

AADT

Year	AADT	DHV-30	K%	D%	PA	BC	Src
2017	173	21	12		161 (93%)	12 (7%)	
2016	189 ³				172 (91%)	17 (9%)	Grown from 2015
2015	185 ³						Grown from 2014
2014	180						
2011	140						

1-5 of 9

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
	Date	Int	Total
	Thu 9/21/2017	60	197
	Wed 9/20/2017	60	194

VOLUME TREND	
Year	Annual Growth
2017	-8%
2016	2%



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379034	Type:	SPOT
Located On:	Middle St	:	
Direction:	2-WAY		
Community:	PORTSMOUTH	Period:	Mon 7/30/2018 - Sun 8/5/2018
AADT:			

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph	
12:00 AM		96	122	89				102		1.1%
1:00 AM		53	67	75				65		0.7%
2:00 AM		28	43	40				37		0.4%
3:00 AM		21	39	28				29		0.3%
4:00 AM		44	70	74				63		0.7%
5:00 AM		106	144	151				134		1.4%
6:00 AM		204	288	235				242		2.6%
7:00 AM		522	593	648				588		6.3%
8:00 AM		500	545	573				539		5.8%
9:00 AM		389	485	526				467		5.0%
10:00 AM		454	452	484				463		5.0%
11:00 AM		478	527	422				476		5.1%
12:00 PM		613	558	519				563		6.1%
1:00 PM		612	694	673				660		7.1%
2:00 PM		563	686	690				646		7.0%
3:00 PM		703	777	854				778		8.4%
4:00 PM		685	666	743				698		7.5%
5:00 PM		812	657	709				726		7.8%
6:00 PM		648	498	438				528		5.7%
7:00 PM		452	402	363				406		4.4%
8:00 PM		499	412	343				418		4.5%
9:00 PM		415	310	300				342		3.7%
10:00 PM		197	172	147				172		1.9%
11:00 PM		168	145	124				146		1.6%
Total	0	9,262	9,352	9,248	0	0	0			
24hr Total		9262	9352	9248				9,287		
AM Pk Hr		7:00	7:00	7:00						
AM Peak		522	593	648				588		
PM Pk Hr		5:00	3:00	3:00						
PM Peak		812	777	854				814		
% Pk Hr		8.77%	8.31%	9.23%				8.77%		



Transportation Data Management System



Excel Version

Weekly Volume Report			
Location ID:	82379084	Type:	SPOT
Located On:	Congress St	:	
Direction:	1-WAY		
Community:	PORTSMOUTH	Period:	Mon 9/18/2017 - Sun 9/24/2017
AADT:	5678		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		31	51	48				43	0.7%
1:00 AM		18	26	35				26	0.4%
2:00 AM		23	20	18				20	0.3%
3:00 AM		16	19	22				19	0.3%
4:00 AM		23	17	18				19	0.3%
5:00 AM		25	27	54				35	0.6%
6:00 AM		67	108	134				103	1.6%
7:00 AM		306	325	333				321	5.1%
8:00 AM		346	348	347				347	5.5%
9:00 AM		388	381	372				380	6.0%
10:00 AM		384	385	385				385	6.0%
11:00 AM		486	503	507				499	7.8%
12:00 PM		533	523	511				522	8.2%
1:00 PM		495	483	467				482	7.6%
2:00 PM		485	482	472				480	7.5%
3:00 PM		490	501	505				499	7.8%
4:00 PM		579	591	588				586	9.2%
5:00 PM		570	532	495				532	8.4%
6:00 PM		388	378	358				375	5.9%
7:00 PM		223	202	183				203	3.2%
8:00 PM		167	164	158				163	2.6%
9:00 PM		132	129	123				128	2.0%
10:00 PM		105	134	133				124	1.9%
11:00 PM		61	70	73				68	1.1%
Total	0	6,341	6,399	6,339	0	0	0		
24hr Total		6341	6399	6339				6,360	
AM Pk Hr		11:00	11:00	11:00					
AM Peak		486	503	507				499	
PM Pk Hr		4:00	4:00	4:00					
PM Peak		579	591	588				586	
% Pk Hr		9.13%	9.24%	9.28%				9.22%	

Trip Generation Summary

Alternative: Alternative 1
 Phase:
 Project: 1895A 031219

Open Date: 3/12/2019
 Analysis Date: 3/12/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic					
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
310	HOTEL 2		171	171	342		10	7	17		10	10	20
	28 Occupied Rooms												
310	HOTEL 1		117	117	234		8	5	13		9	8	17
	28 Rooms												
Unadjusted Volume			288	288	576		18	12	30		19	18	37
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			288	288	576		18	12	30		19	18	37

Total Weekday Average Daily Trips Internal Capture = 0 Percent
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Trip Generation Summary

Alternative: Alternative 1
 Phase:
 Project: 1895A 031219

Open Date: 3/12/2019
 Analysis Date: 3/12/2019

ITE	Land Use	Saturday Average Daily Trips				Saturday Peak Hour of Generator				Sunday				Sunday Peak Hour of Generator			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
310	HOTEL 2 28 Occupied Rooms		147	147	294		13	11	24		119	118	237		9	12	21
310	HOTEL 1 28 Rooms		115	144	229		11	9	20		84	83	162		7	9	16
Unadjusted Volume			262	261	523		24	20	44		203	201	404		16	21	37
Internal Capture Trips			0	0	0		0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			262	261	523		11	9	20		203	201	404		7	9	16

Total Saturday Average Daily Trips Internal Capture = 0 Percent
 Total Saturday Peak Hour of Generator Internal Capture = 0 Percent
 Total Sunday Internal Capture = 0 Percent
 Total Sunday Peak Hour of Generator Internal Capture = 0 Percent

* - Custom rate used for selected time period.

15 MIDDLE STREET



Aerial View



View from Middle St. looking northeast

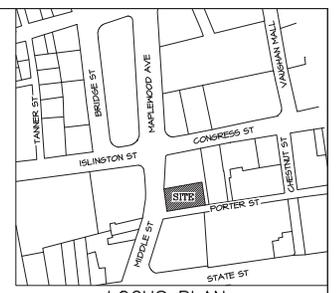
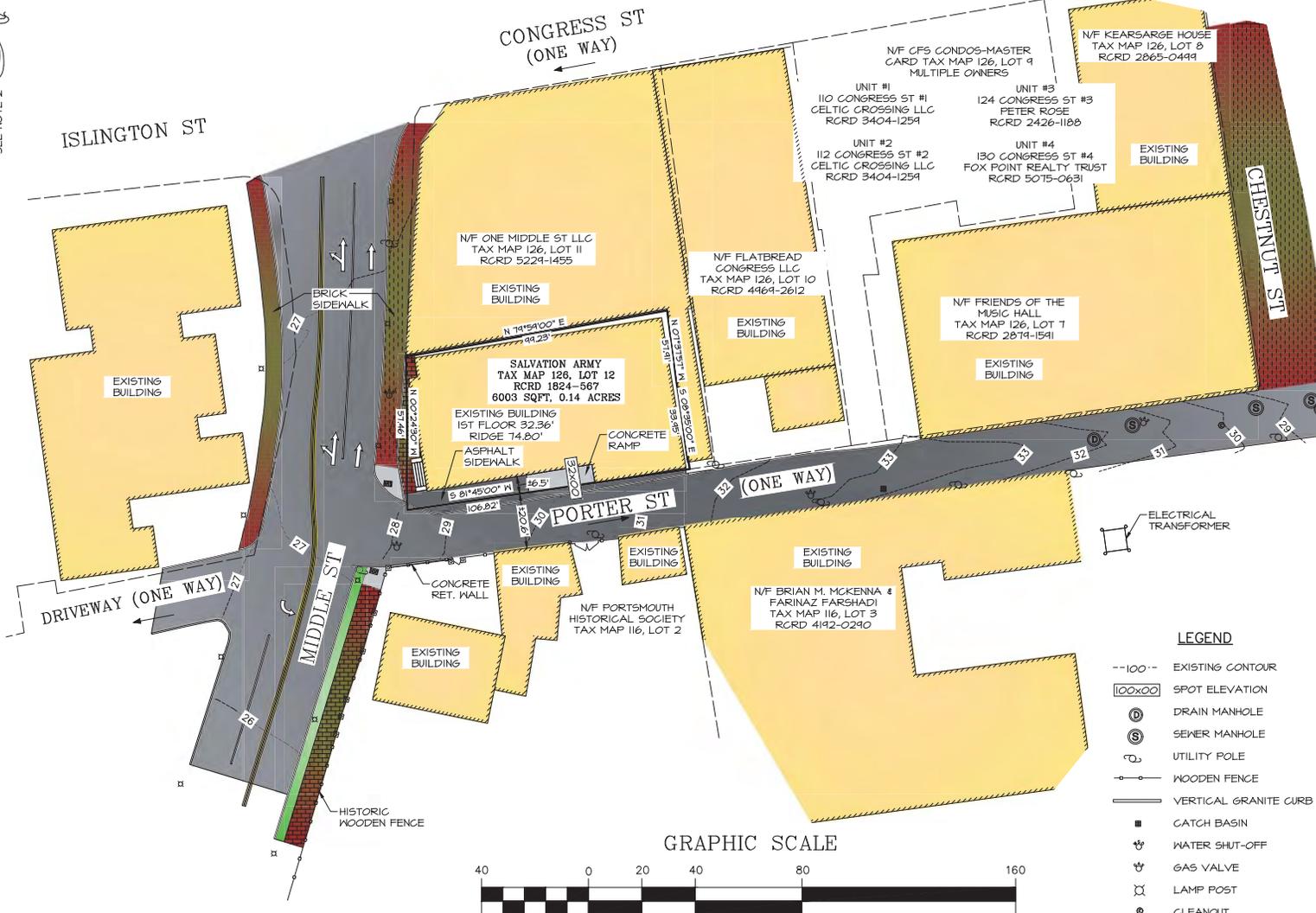


View from Middle St. looking northeast and down Porter St.



View from Porter St., looking northwest

SEE NOTE 2

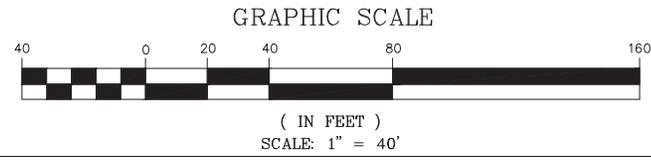


LOCUS PLAN
N.T.S.

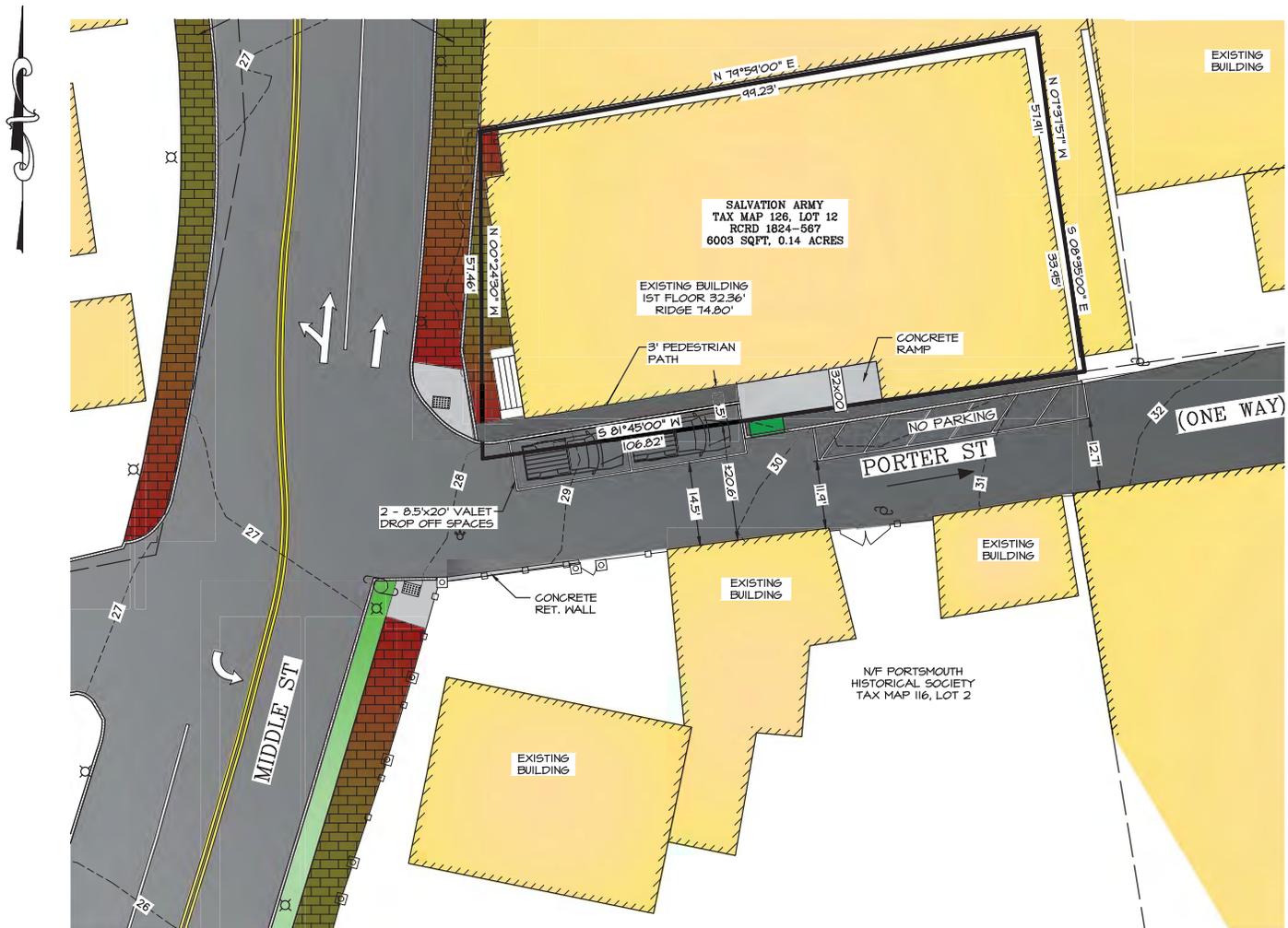
- NOTES**
- OWNER OF RECORD:
SALVATION ARMY
TAX MAP 126, LOT 12
120-130 WEST 14TH ST
NEW YORK, NEW YORK 10011
RCRD: 1824-0567
AREA: 6,003 SF, 0.14 ACRES
 - BASIS OF BEARING HELD FROM PLAN REFERENCE #2.
 - PARCEL IS IN CIVIC CHARACTER DISTRICT AND HISTORIC DISTRICT.
SETBACKS:
FRONT.....0 FT
SIDE.....0 FT
REAR.....0 FT
 - THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254E, PANEL 254 OF 681, DATED MAY 17, 2005.

- REFERENCE PLANS**
- "PLAN OF LOT, PORTSMOUTH, NH. FOR THE SALVATION ARMY" BY JOHN D. DURGIN - CIVIL ENGINEERS, DATED JUNE 1966. NOT RECORDED
 - "PLAN OF LAND WILLIAM H. COPELAND & HELEN D. FLYNN" BY FREDERICK E. DREW ASSOCIATES, DATED JULY, 1978. RCRD B-8311
 - "SITE PLAN WILLIAM H. COPELAND, HELEN D. FLYNN, HOWARD W. SIBSON" BY FREDERICK E. DREW ASSOCIATES, DATED MAY, 1980 RCRD B-9125.

- LEGEND**
- 100-- EXISTING CONTOUR
 - ⊙ SPOT ELEVATION
 - ⊕ DRAIN MANHOLE
 - ⊗ SEWER MANHOLE
 - ⊕ UTILITY POLE
 - WOODEN FENCE
 - VERTICAL GRANITE CURB
 - CATCH BASIN
 - ⊕ WATER SHUT-OFF
 - ⊕ GAS VALVE
 - ⊕ LAMP POST
 - ⊙ CLEANOUT

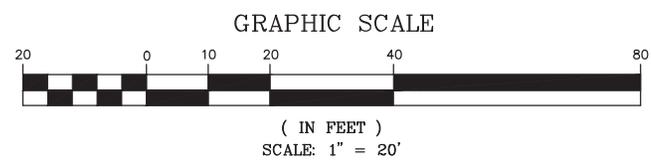


3	8/27/2019	PFS	REVIEW
2	4/2/2019	REVISIONS	
1	3/5/2019	TAC	SUBMITTAL
ISS	DATE	DESCRIPTION OF ISSUE	
SCALE 1" = 40'			
CHECKED A.ROSS			
DRAWN D.D.D.			
CHECKER			
ROSS ENGINEERING			
Civil/Structural Engineering & Surveying			
909 Kildare St. Portsmouth, NH 03801 (603) 433-7500			
CLIENT JAMES MCSHARRY 58 PLEASANT POINT RD PORTSMOUTH, NH 03801			
TITLE BOUNDARY SURVEY & EXISTING CONDITIONS 15 MIDDLE ST PORTSMOUTH, NH 03801 TAX MAP 126, LOT 12			
JOB NUMBER	SVG NO.	ISSUE	
19-001	1 OF 3	3	



NOTES
 1) 2 VALET DROP OFF SPACES ARE PROVIDED. EACH SPACE IS 8.5x20' AS PER PORTSMOUTH ZONING ORDINANCE.

- LEGEND**
- 100 — EXISTING CONTOUR
 - 00x00 □ SPOT ELEVATION
 - ⊕ UTILITY POLE
 - □ — WOODEN FENCE
 - — VERTICAL GRANITE CURB
 - CATCH BASIN
 - ⊕ WATER SHUT-OFF
 - ⊕ GAS VALVE
 - ⊕ LAMP POST
 - CLEANOUT



3	8/27/2019	FIS REVIEW	
2	4/2/2019	REVISIONS	
1	3/5/2019	TAC SUBMITTAL	
ISS	DATE	DESCRIPTION OF ISSUE	
SCALE 1" = 20'			
CHECKED A.ROSS			
DRAWN D.D.D.			
CHECKER			
ROSS ENGINEERING Civil/Structural Engineering & Surveying 909 Kildare St. Portsmouth, NH 03801 (603) 433-7500			
CLIENT JAMES MCSHARRY 58 PLEASANT POINT RD PORTSMOUTH, NH 03801			
SITE PLAN			
15 MIDDLE ST PORTSMOUTH, NH 03801 TAX MAP 126, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
19-001	3 OF 3	3	

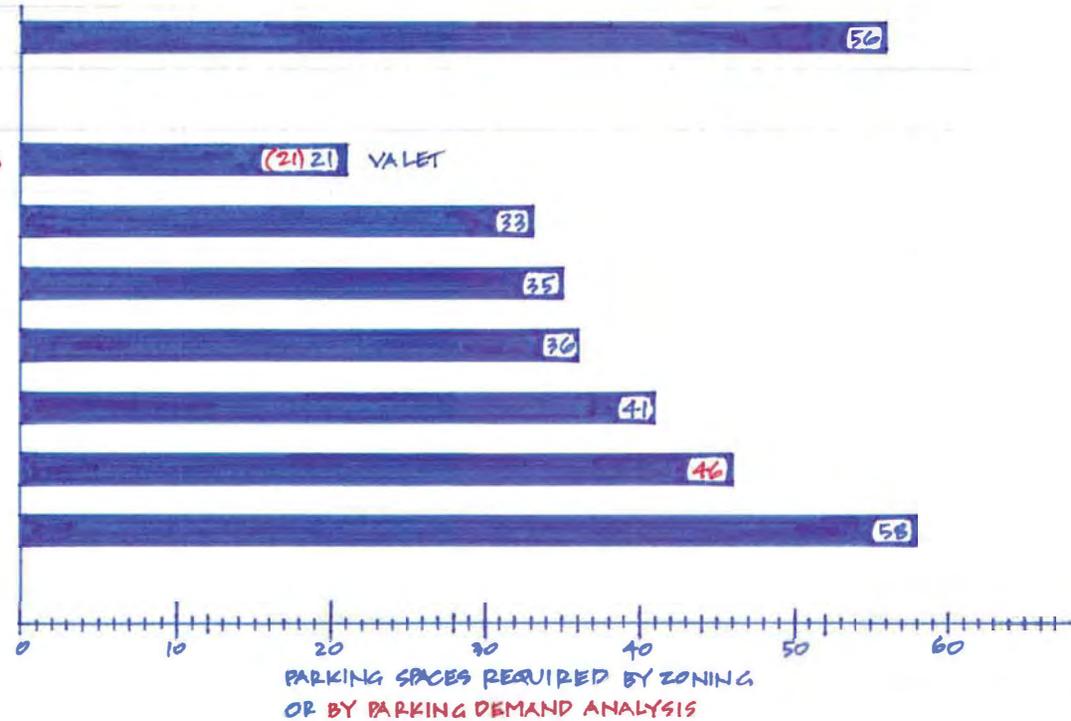
PARKING "ALTERNATIVES" GRAPH

THE 1,955 sf OF EXISTING KITCHEN & DINING HALL & PROPOSED RESTAURANT (49) SEATS, ARE NOT INCLUDED.

- EXISTING CONDITIONS: 'PLACE OF ASSEMBLY' (39), 'OFFICES' (17)

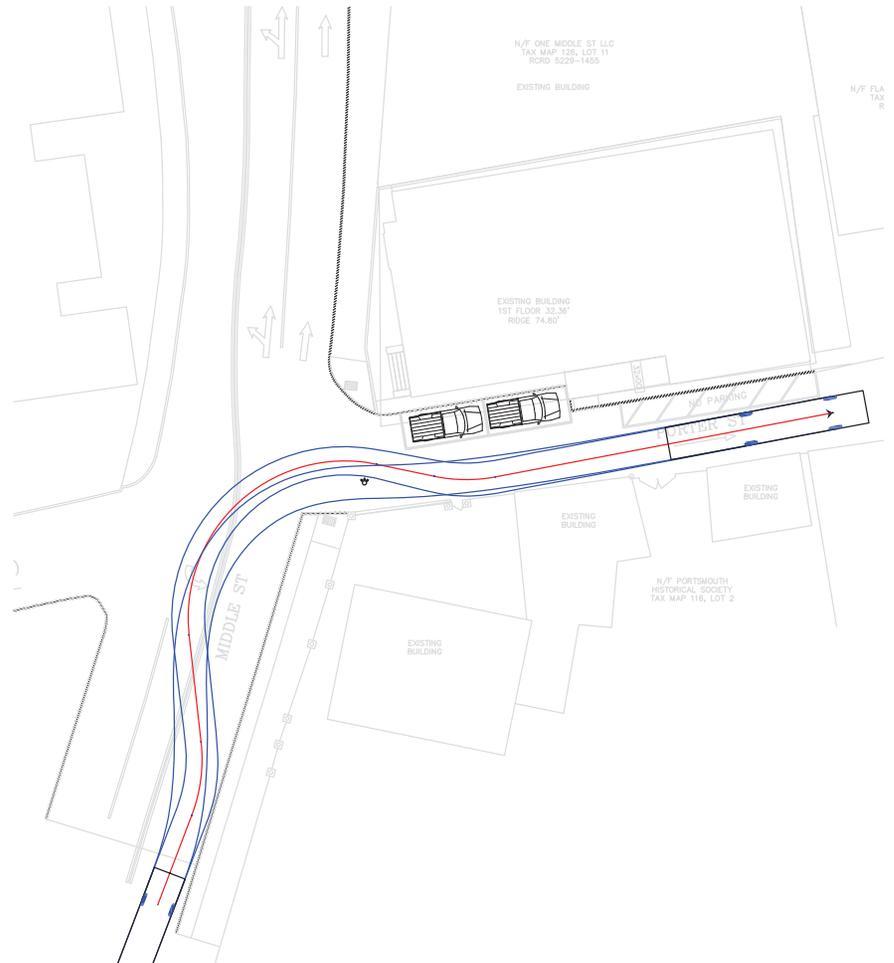
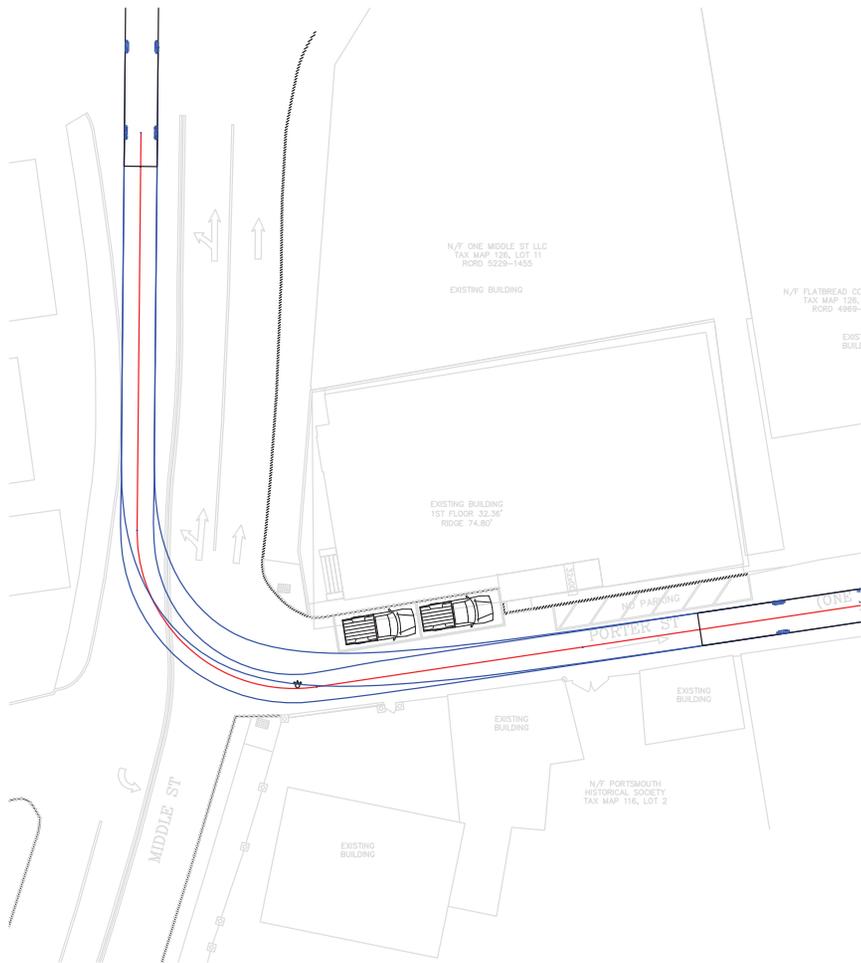
- PROPOSED CONDITIONS:

- 11,536 sf, (20) ROOM HOTEL ($28 \times 0.75(\text{DOD}) = 21$) & PARKING ANALYSIS
- 11,536 sf 'PROFESSIONAL OFFICES' ($\div 350 \text{ sf/SPACE}$)
- 1,993 sf RETAIL ($\div 300 \text{ sf/SPACE}$) & 9,549 sf OFFICES ($\div 350 \text{ sf/SPACE}$)
- 1,993 sf HEALTH CLUB ($\div 250 \text{ sf/SPACE}$) & " "
- 3,096 sf SERVICE ORGANIZATION ($\div 200 \text{ sf/SPACE}$) & 8,440 sf OFFICES
- 11,536 sf SINGLE TENANT OFFICE, PARKING ANALYSIS
- 11,536 sf SERVICE ORGANIZATION ($\div 200 \text{ sf/SPACE}$)

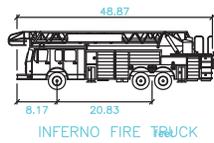


NOTES:

EXISTING BUILDING (NOT INCLUDING KITCHEN & DINING HALL) COMPRISES 1,993 sf OF 'PLACE OF ASSEMBLY' & 1,103 sf OF 'OFFICES' AT 1ST FLOOR. 4,699 sf OF 'OFFICES' AT 2ND FLOOR & ATTIC SPACES ARE STORAGE ONLY (NOT CONDITIONED).



REVISIONS		
NUMBER	DATE	DESCRIPTION



PROPOSED HOTEL & RESTAURANT
 15 Middle Street
 Portsmouth, New Hampshire

Inferno H-3635 Design Vehicle
 Prepared for Ross Engineering

DRAWN:
CAP
DESIGNED:
SGP
CHECKED:
SGP

SCALE:
1" = 30'
JOB NO.
1895A
DATE:
8/23/19

TRANSPORTATION
 ENGINEERING
 PLANNING
 DESIGN

SGP

Stephen G. Pernaw & Co. Inc.
 P.O. Box 1721, Concord, NH 03302
 Phone: (603) 228-6750, Fax: (866) 929-6094

VII.E. Request for parking changes and loading zone at 3 Pleasant Street



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 August 2019

Eric Eby, PE, Parking and Transportation Engineer
City of Portsmouth, Department of Public Works
680 Peverly Hill Road
Portsmouth, NH 03801

**RE: Request for Traffic and Safety Committee Approval at 3 Pleasant Street, Tax Map
107 / Lot 31**

Dear Mr. Eby:

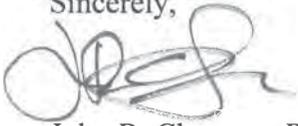
On behalf of McNabb Properties, LTD we hereby submit the attached for Traffic and Safety Committee approval at your September 5, 2019 meeting. The request is a proposal to widen the sidewalk in front of 3 Pleasant Street, eliminate 2 driveway access points, and create a loading zone. The attached plan details the proposal.

Currently, there are no loading zones on Pleasant Street in the vicinity of Market Square. Deliveries to Stonewall Kitchen, City Shoes and the RiRa Restaurant need to block a travel lane in Pleasant Street. The subject parcel, located at 3 Pleasant Street (currently Bank of America), will be remodeled into a restaurant, requiring frequent deliveries. Recently Tuscan Kitchen also opened in Market Square with all deliveries coming from Pleasant Street. Pleasant Street at Market Square is very busy, with parallel parking spaces on both sides of the street, sidewalks in heavy use by pedestrians, bicycles, motorbikes and mopeds also parking. Reasonable changes are needed for trucks making deliveries to local businesses so as to provide for the safety of pedestrians as well as the bicycles, motorbikes and mopeds. The introduction of the loading zone is in the spirit of overall public safety and business viability. The development at 3 Pleasant Street will be raising the sidewalks north and south of the existing building and eliminating under-utilized existing alleys (currently minimal motor traffic) thereby creating pedestrian spaces for the enjoyment of the public. Those public spaces will eventually, as a part of the second phase of the same Brick Market project, be connected to the McIntire Building (and hopefully beyond). In addition the opportunity is currently presented to widen the sidewalk at 3 Pleasant Street so that the width of the Pleasant Street sidewalk will be similar to the width of the sidewalk to the north, expanding the "Market Square". Also, as a part of the necessary utility work a 3 Pleasant, a new water line will be installed and the existing trees will be replaced. The work concludes with a new sidewalk surface and added bike racks. These extensive improvements will be at the sole cost of the developer. Though we are aware of the Committee's current desire to revisit the Market Square design, this project is being brought forward at this time so that the improved sidewalk width, bike (and possible moped) parking, and a much needed loading zone can be constructed as a part of the Brick Market 3 Pleasant Street project, at the developers expense.

This work is intended to align with work associated with the proposed addition at 3 Pleasant Street, known as the Brick Market project, so we hereby respectfully request that you place us on the agenda for the September 5, 2019 meeting.

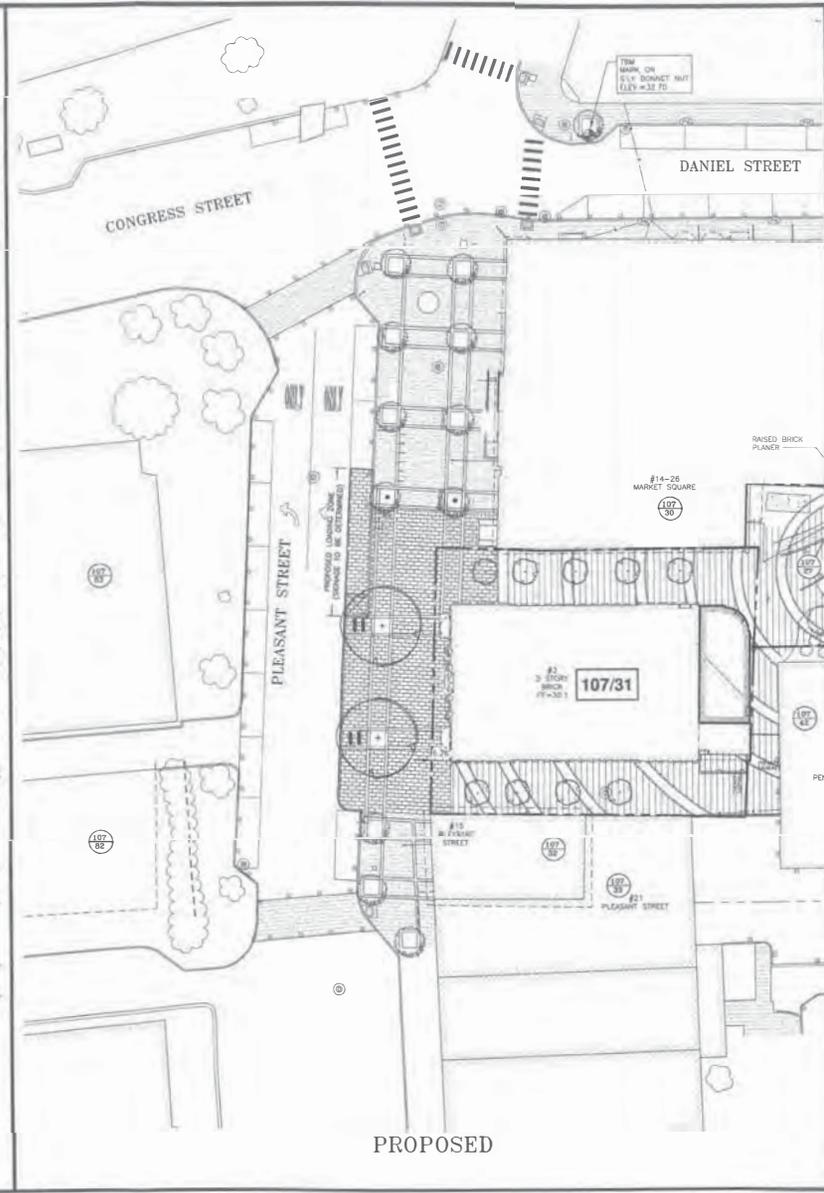
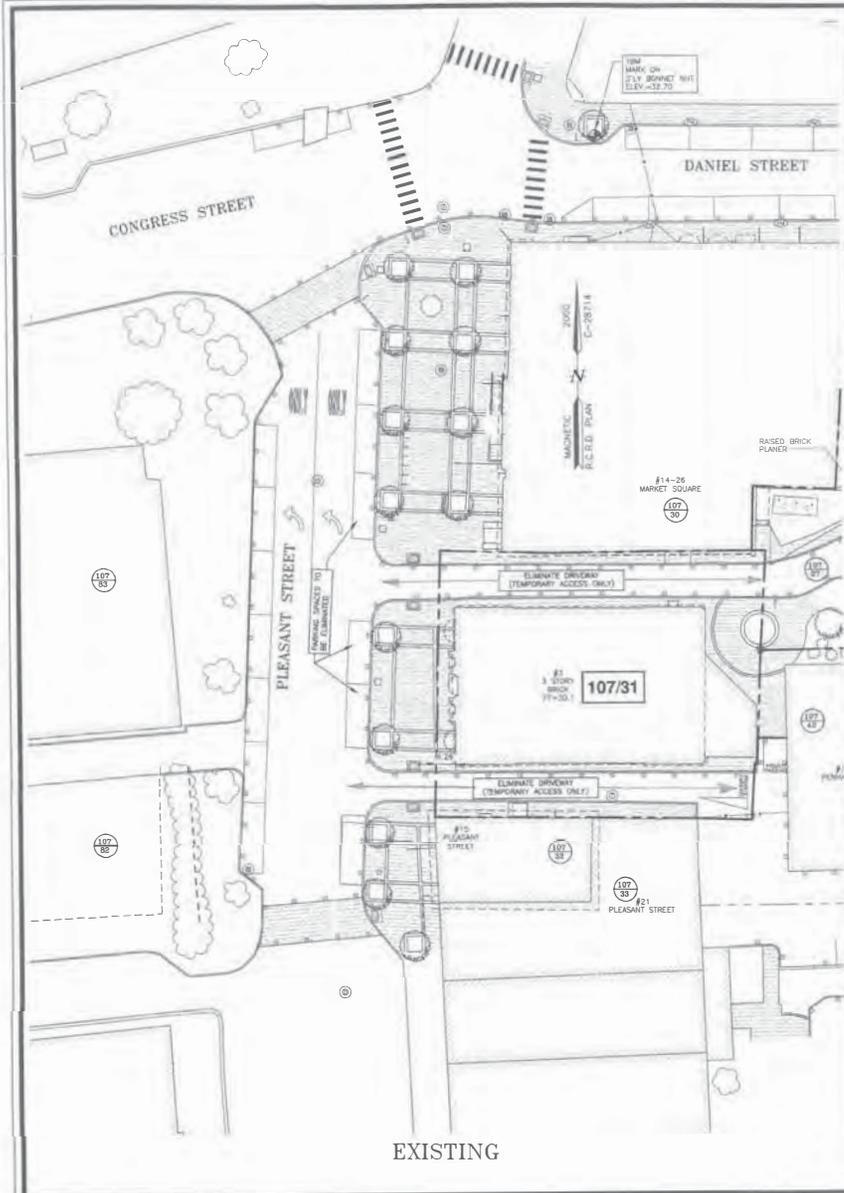
Please let me know if additional information is required or desired. We look forward to the Committee's review of this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'John R. Chagnon', with a large, stylized initial 'J' and 'C'.

John R. Chagnon, PE

CC: Mark McNabb, Tracy Kozak, Robbi Woodburn, FX Bruton



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel: (603) 430-9282
 Fax: (603) 430-9215

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOT 31.
 - 2) OWNER OF RECORD:
 DAGNY TAGGART
 30 PENHALLOW STREET, SUITE 300 EAST
 PORTSMOUTH, NH 03801
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301500259E, EFFECTIVE DATE MAY 17, 2005.
 - 4) EXISTING LOT AREA:
 8,867 S.F.
 0.2036 ACRES
 - 5) ASSESSOR'S MAP 107 LOT 31 IS LOCATED IN THE CHARACTER DISTRICT 5 (CDS) ZONING DISTRICT. PARCEL IS LOCATED WITHIN THE DOWNTOWN OVERLAY DISTRICT (DOD) AND THE HISTORIC DISTRICT (HDC).
 - 6) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS IN THE PLEASANT STREET RIGHT-OF-WAY.

Half Size

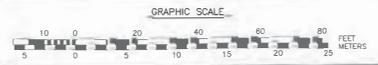
BRICK MARKET
3 PLEASANT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	8/27/19
	REVISIONS	



SCALE: 1"=20' AUGUST 2019

OFFSITE IMPROVEMENT PLAN **C1**



- VIII.A. Report back, request for parking restrictions at the end of Little Harbor Road
- VIII.B. Report back, concerns with speeding vehicles on Little Harbor Road

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *EE*

DATE: August 22, 2019

SUBJECT: Report Back, Parking and Speeds on Little Harbor Road

In response to concerns raised by the residents at the end of Little Harbor Road, City staff has conducted observations of parking at the end of the road, and vehicle speeds along the roadway.

The end of Little Harbor Road narrows from 24 feet to 18 feet at the gate that leads down to the water's edge. There are three driveways in this area, two for residential homes and one for the Wentworth Coolidge Mansion (WCM). Many people park their cars in the area between the WCM driveway and the gate, as it is a popular recreation area for walking and kayaking. A fire hydrant is also located along the north side of the roadway in this area.

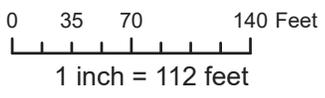
Observations revealed that when vehicles are parked in this area, it leaves very little room for other vehicles to turn in or out of the driveways or to turn around at the dead end of the road, as well as blocking sight lines for drivers turning out of the driveways. Larger emergency vehicles have an especially difficult time maneuvering when vehicles are parked in this area.

It is recommended that NO PARKING BEYOND THIS POINT signs be placed on both sides of Little Harbor Road just beyond the WCM driveway. Drivers will still be allowed to park on the grounds of the WCM and to use the recreational areas in the vicinity. This will allow for safer use of the roadway for all users, and drivers will still be allowed to park further back on Little Harbor Road.

In response to concerns with speeds on the roadway, City staff conducted vehicle volume and speed counts. The data revealed that the average speed on Little Harbor Road is 19 mph, with an 85th percentile speed of 24 mph. There is no posted speed limit, but the legal speed limit is 30 mph, in accordance with state statutes. Only 1 percent of the vehicles were recorded exceeding 30 mph. It is recommended that the street remain unposted for a speed limit, as posting it at 25 or 30 mph may encourage drivers to increase their speed. Posting more signs along this tree lined roadway would also add unnecessary visual clutter to the roadside.



Recommend
NO PARKING
in this area



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *EE*

DATE: August 22, 2019

SUBJECT: Report Back, Pedestrian Safety at Crosswalk on Middle Road at Essex Avenue

At the August Parking and Traffic Safety Committee meeting, a resident raised concerns regarding pedestrian safety at the crosswalk on Middle Road at Essex Avenue. In response, City staff has conducted traffic observations at the crosswalk. Data was collected on pedestrian and vehicular volumes, as well as vehicle speeds at the intersection. In addition, sight line measurements were recorded on Middle Road.

The sight line measurements indicate that a stopping sight distance of over 250 feet is available on Middle Road at the Essex Avenue crosswalk. This is sufficient for vehicle speeds of up to 35 mph on Middle Road. Average vehicle speeds were recorded at 31 mph, with an 85th percentile speed of 35 mph. Therefore, sight lines at the crosswalk are sufficient for the safe crossing of the roadway.

Based on video observations, there were never more than 9 pedestrians per hour crossing Middle Road at the location of the crosswalk. Generally, crosswalks are not recommended at locations where the peak hour volume of pedestrians is less than 15 to 20 per hour. Review of the video also revealed that of the 23 crossings of Middle Road during the peak periods of 7-9 AM and 5-7 PM, only 4 times did traffic not yield right away. During 8 of the crossings, traffic yielded to the pedestrians, and during the remaining 11 crossings, the gap in traffic was so large that pedestrians were able to cross the street without any vehicles nearby.

The width of Middle Road at the crosswalk is 30 feet. Based on a walking speed of 3.5 feet per second, a pedestrian would require a gap of 12 seconds to cross the street, which includes 3 seconds of start-up time. During the peak hour of traffic, which was recorded at 739 vehicles during the 5-6 PM time period, a total of 69 gaps of greater than 12 seconds were recorded. This means that at least 69 pedestrians could cross during the peak hour of traffic, even if every vehicle refused to yield. However, it also means that the average time a pedestrian would have to wait for an adequate gap in traffic is 38 seconds.

The data do not support the installation of a flashing pedestrian beacon, due to the low number of pedestrians crossing and the adequate number of gaps in the traffic stream. If the Committee wishes to implement a measure that might reduce delay for pedestrians and increase the percentage of yielding vehicles, one possibility would be to provide Pedestrian Crossing Flags on each side of the crosswalk. Pedestrian crossing flags are flags of various colors (typically orange, yellow, or fluorescent yellow-green) mounted on a stick that is held by pedestrians crossing or waiting to cross the street. The flags are typically stored in sign-mounted holders on both sides of the street at the crosswalk. Signs may be added at or near the flag holders to explain to pedestrians the proper usage of the flags. Flags will need to be replaced periodically due to normal wear and tear, theft, and/or vandalism. With the location of the crosswalk in a residential area, with a relatively low number of crossings, this method might be successful, as it provides pedestrians with a low cost and attention-getting means of communicating to drivers that they are waiting to cross the street.

VIII.D. Report back, request for traffic calming measures on South Street between Middle Road and Lafayette Road

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *EE*

DATE: August 28, 2019

SUBJECT: Report Back, Traffic Calming Program Request Update, South Street at Monroe Street

Residents of South Street in the area between Lafayette Road and Middle Road submitted an application last year to have their section of the street included in the Neighborhood Traffic Calming Program. City staff collected data in August and September 2018 on vehicle volumes and speeds and assessed the data and roadway conditions. The posted speed limit on South Street at this location is 30 mph. At the Middle Road end of South Street, South Street is controlled by a STOP sign. At the Lafayette Road end, a signal controls traffic at the intersection with South Street. A sidewalk is provided along the entire length of the north side of South Street between Middle Road and Lafayette Road. Parking is allowed along the south side of South Street in this area. Staff's conclusion was that traffic calming measures were not necessary along this section of South Street, and 85th percentile vehicle speeds were not in excess of the posted speed limit.

Residents have continued to request the City to do something to slow traffic and make it easier to cross the street. Vehicle speeds were again measured on this section of South Street over a 6-day period in July 2019. The July data indicated that vehicles traveling on South Street towards Lafayette Road were traveling at an average speed of 26 mph, with an 85th percentile speed of 29 mph. Heading towards Middle Road, vehicles were traveling at an average speed of 25 mph with an 85th percentile speed of 28 mph. The vehicle speeds do not vary much over the course of the day. Again, the data does not indicate an issue with speeding. While there are almost always some vehicles that will exceed the speed limit, it is not happening at a frequency that would indicate a need to take action to calm traffic.

South Street is classified as a Neighborhood Connector street in the City's Complete Streets Design Guidelines, with a target speed of 30 mph. The issue of vehicle speeds is a quality-of-life issue for the residents of the neighborhood, as they must walk in the street with traffic on the south side of the road, where no sidewalk exists. Residents have requested a crosswalk across South Street somewhere between Lafayette Road and Middle Road. However, a crosswalk in this area

would not be safe as there are limited sight lines due to the curve in the roadway, and there is no sidewalk along the south side of the road. A signalized crosswalk is provided at the intersection of South Street and Lafayette Road.

While there does not appear to be a short-term solution to the residents' concerns, as a long-term measure City staff has added the reconstruction of the Middle Road and South Street intersection to the list of intersection improvement projects in the City's Capital Improvement Plan. The reconfiguration of the intersection would create a standard 90-degree angle intersection, which would force traffic to slow as they make the right turn from Middle Road onto South Street. A sidewalk along the south side of South Street could also be part of the construction project.

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

TO: PARKING AND TRAFFIC SAFETY COMMITTEE

FROM: JANE FERRINI, ASSISTANT CITY ATTORNEY, TREVOR MC COURT, LAW CLERK

DATE: AUGUST 28, 2019

RE: REPORT BACK REGARDING PARKING AND TRAFFIC SAFETY COMMITTEE'S AUTHORITY TO ENACT AMENDMENT TO DESIGNATED MOTORCYCLE PARKING AREA ORDINANCE TO ESTABLISH FEES

At its August 1, 2019 Meeting, the Parking and Traffic Safety Committee voted to request a report back from the Legal Department regarding questions raised in a letter from Marc Stettner dated July 28, 2019.

A. DOES THE PTS COMMITTEE HAVE AUTHORITY TO SET PARKING METER FEES OR SHOULD THE FEES BE RECOMMENDED TO THE CITY COUNCIL BY THE FEE SCHEDULE STUDY COMMITTEE?

The Fee Committee should not be the Committee to recommend meter fees to the City Council. The current budget specifically exempts parking violations and parking meter fees from the adoption of fees by resolution of the City Council. Appendix III, page 111-2 of the Fee Schedule of the 2020 budget provides "[parking violations and Parking Meters governed under different ordinance than local ordinance Chapter 1, Art XVI." It is Chapter 7 of the City's ordinance, not the budget that sets forth parking fees and fines for parking violations.

The City's ability to regulate streets and parking fees is based on an express grant of authority from the State as an exercise of the City's police power. *In re Opinion of the Justices*, 94 NH 501, 504 (1947). See also RSA 47:17, VII, VIII and XVIII. The City's ordinance that regulates meters and fees is set forth in Chapter 7, Article I, Section 7.112, which provides:

The fee required for said meters is hereby levied as a police regulation and inspection fee to cover the cost of providing parking spaces, parking meters, and inspection, operation, installation and maintenance thereof, the cost of regulation and control and use of the parking meter spaces, and zones created therein, for the regulation and control of traffic and moving in and out of an parking in said parking spaces and zones so created and for the cost of any resultant traffic administration expense and for the maintenance and improvement of streets and highways and for the acquisition, construction, improvement, maintenance and management of public parking areas.

When a municipality validly exercises a police power, that procedure is governed by the City Charter. See *14 NH Practice Series: Local Government Law* § 897. Portsmouth's Charter permits the City Council to "exercise all the powers and duties by law vested in boards of aldermen and city councils under state law." Portsmouth City Charter Section 4.2. State statute provides "[t]he city council of any city shall have the power to . . . establish reasonable charges for parking". RSA 231:130. The statute does not elaborate on how those charges for parking should be established nor does the state statute prohibit the City Council from delegating that authority.

The City of Portsmouth established the Parking and Traffic Safety Committee whose authority is set forth in Chapter 7, Article 1, Section 7.103 B as follows:

The Committee shall have the authority to recommend temporary parking and traffic regulations to the City Council by means of the presentation of written minutes. The acceptance of such minutes by the City Council shall constitute the authorization to implement such temporary regulations for a period not to exceed one (1) year. The implementation shall begin at the time designated in the Parking and Traffic Safety recommendation unless otherwise determined by the City Council. After any such change has been implemented for up to one (1) year, or such lesser time as might be determined by the City Council, the City Council may consider making the temporary regulation permanent by means of a duly adopted ordinance. Failure to adopt such an ordinance shall cause the temporary regulation to expire at the end of one (1) year at which time the prior ordinance in effect shall become operable.

Chapter 7, Article 1, section 7.104 contemplates PTS may recommend the installation of parking meters on a temporary basis as the ordinance authorizes the City Manager "...to purchase, install and maintain public parking meters and/or any other type of parking regulation equipment or technology necessary to implement any action taken by the City Council or the Parking and Traffic Safety Committee." A broad reading of the City Charter, City ordinance and state statute would support PTS recommending the temporary installation of parking meters which is authorized and approved by the Council when it approves PTS minutes.

However, interpretations of statutes and ordinances are always subject to challenge. There is some risk that RSA 231:130 and the City Charter could be interpreted to restrict the City Council from delegating its authority to the PTS Committee. Instead of the current structure, a more prudent measure to enact temporary parking meter and fee changes would be for the City Council to adopt an ordinance with properly published notice and public hearings. Portsmouth City Charter Section 4.5. There is no need to enact a temporary measure and wait for the omnibus to adopt a permanent ordinance. In addition, failure to pay a parking fee might result in traffic penalties which could result in fines and immobilization or towing of vehicles. When dealing with parking control provisions that might result in these types of traffic penalties, prudence would dictate that the City Council adopt the ordinance with the specific requirements of notice and public hearing proscribed by the City Charter in Section 4.5.

B. WHETHER THE FEE SET BY THE PTS WAS A FEE REDUCTION?

The Designated Motorcycle Parking Area is in the High Occupancy Zone. The rate per hour for parking spaces in the High Occupancy Zone is \$2.00 per hour. The proposed amendment sets an hourly rate of \$1.50 per hour. This is a fee reduction of \$0.50 per hour. City residents would receive an additional \$0.50 reduction per hour if they apply for and receive the residency discount. With the residency rate the proposed amendment fee would be \$1.00 an hour, half of the regular rate in the High Occupancy Zone. A motorcycle parking in the

Designated Motorcycle Parking Area under the proposed amendment would pay a lower parking rate than a vehicle parking in a High Occupancy Zone.

The Designated Motorcycle Parking Area in Chapter Seven, Article I, Section 7.105 C 1 provides in part:

Motorcycles are subject to reduced parking meter fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area. When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the parking space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.

The second sentence of the ordinance can be read to permit one motorcycle to park in a regular parking space and additional motorcycles to park in the same space for no fee. For example, if 4 motorcycles park in a regular parking space, one would pay the regular rate of \$2.00 if in the High Occupancy Rate Zone, and the three other motorcycles would pay nothing. These three motorcycles would pay less than the reduced rate in the proposed amendment.

C. WHETHER THE CITY IS ESTOPPED FROM SETTING A FEE NOW BECAUSE IT DID NOT SET ONE INITIALLY WHEN THE DESIGNATED MOTORCYCLE PARKING AREA WAS ADOPTED?

The City is not estopped from amending an ordinance to include a fee that was omitted when the ordinance was originally adopted. The four elements of municipal estoppel are set forth below.

1. a representation of concealment of material facts made with the knowledge of those facts;
2. the party to whom the representation was made must have been ignorant of the truth of the matter;
3. the representation must have been made with the intention of inducing the other party to rely upon it; and
4. the other party must have been induced to rely upon the representation to his or her injury.

City of Concord v. Tompkins, 124 NH 463, 467-468. The City never concealed a material fact or intended to induce reliance and there is no injury. The party asserting municipal estoppel has the burden of proof and as such, a claim for municipal estoppel under these facts would very likely fail.

D. WHETHER THE FEE REDUCTION SHOULD BE LIMITED TO ONLY THOSE WHO USE THE PARKING APP.

It would appear that the question is asking whether the ordinance would apply equally to all citizens, and if not, is the Equal Protection Clause implicated.¹ Simply put, the question is whether the proposed amendment discriminate against those who don't have a smartphone who would not get the discount in the Designated Motorcycle Parking Area. When a law does

¹ For a comprehensive discussion of the varying levels of scrutiny under the New Hampshire Constitution, see *Cnty. Res. for Justice, Inc. v. City of Manchester*, 154 N.H. 748 (2007).

not implicate an important, substantive right, and does not discriminate on the basis of a suspect category, then a court looks to whether the law implicated is rationally related to a legitimate government interest. The regulation of parking on public ways has long been held to satisfy this test based on various factors. See, e.g., *Peters v. Univ. of N.H.*, 112 N.H. 120, 120 (1972) (denying an equal protection claim challenging a parking restriction in a public lot which limited access based on employment at UNH); *State v. Martin* 2016 N.H. LEXIS 223 (2016) (an unpublished opinion reaffirming that it is a privilege and not a right to travel on public roadways). Finally, the City has the authority to charge fees for parking on these public ways in the form of metering. RSA 231:130; *In re Opinion of the Justices*, 94 N.H. 501 (1947). Therefore, a challenge to the proposed amendment processed exclusively by the App under the Equal Protection clause would likely fail, as the City has unqualified ability to establish, abolish, and modify parking meters and fees, so long as those fees are “reasonable,” and not based on some suspect class.

That being said, there may be a way to allow those without smartphones to receive the benefit of any proposed amendment by drafting the amendment to use coupons or personal meters as provided Chapter 7, Article I, Section 7.101, which provides in part:

The word “meter” shall mean any device for buying parking time that displays the length of time for which a vehicle may remain legally parked in a parking space. Such devices include but are not limited to public meters such as a meter at an individual parking space or a central meter, or personal meters such as an in-vehicle meter, coupon or any other metering device including mobile phone applications as shall be approved from time to time by the City Council. The display of parking time purchased may be on the meter itself, a paper receipt or by other duly authorized means of display.

E. WHETHER THE APP CAN PROCESS THE FEE

Ben Fletcher will describe how the App processes parking fees.

F. WHAT IS THE EFFECT OF THE CITY COUNCIL’S APPROVAL OF THE PTS MINTUES REGARDING THE MOTION CONTAINED IN THE PTS MINUTES

See A above.

Proposed Action: Refer proposed amendment to the Designated Motorcycle Parking Area ordinance to the Legal Department to amend pursuant to the issues raised in this memorandum for referral back to PTS. PTS will then review and approve a draft of the proposed amendment to submit to the City Council for first reading.

Thank you for printing content from www.citylab.com. If you enjoy this piece, then please check back soon for our latest in urban-centric journalism.



“Slow the hell down.” That’s the message New York City Mayor Bill De Blasio delivered on [Twitter](#) as he announced the revival of the city’s [speed camera program](#). The cameras went live in July with expanded hours, issuing hefty tickets to any driver who creeps above 36 miles per hour—that’s 11 mph above the city’s 25 mph posted limit—in 750 school zones throughout the city’s five boroughs.

New York City, which has been struggling to get its Vision Zero safe-streets program back on track after [a 2019 surge in cyclist deaths](#), has also been the most prominent American city to test the idea of a “[neighborhood slow zone](#)”—a relatively infrastructure-light path to safer streets that drops speed limits to 20 mph on interior roads in residential areas. It will soon be joined by Philadelphia, where the inaugural designation of two slow-speed corridors, modeled after the New York City program, was [overwhelmed with more than two dozen applications](#).

Elsewhere in the U.S., urban speed limits are tumbling. Portland, Oregon, just wrapped up a campaign installing more than 2,000 new signs to bring residential streets down to 20 mph, along with educational “20 is plenty” signs. After lowering its default speed about two years ago to 25 mph, Boston wants to go further down to 20 mph; Washington, D.C., could follow suit. Imposing tighter limits on leadfoots is a key part of the Vision Zero campaign for reducing traffic deaths and injuries, because of the dramatic safety benefits associated with reducing vehicle velocity.

Does this add up to evidence that fast-paced Americans are ready to embrace the virtues of city life in the slow lane? The case for a fundamentally slower city has gained traction recently, especially in places where the rise of micromobility, the promise of autonomous vehicles, and the very-much-already-here problem of road congestion have converged, slowing drivers to a furious crawl. (The average car in Midtown Manhattan goes 4.7 miles per hour.)

Seeing cities scramble to accommodate shared electric scooters on conventional streets, Gabe Klein, the author of *Start Up City*, advocated for the idea of urban “slow lanes” in *Forbes*—non-separated but narrower travel lanes with a 15 mph speed limits that would prioritize non-cars. New York’s Financial District Neighborhood Association suggested the idea of creating an entire Euro-style “slow streets district” in a big chunk of Lower Manhattan, full of wide sidewalks and Dutch-style *woonerfs*, or shared streets. Others have suggested a wholesale *woonerf*-ization of the whole Manhattan street grid.

That might sound suspiciously European for a nation that has spent the last half-century-plus plowing high-speed thoroughfares into and around its metro regions. Nationwide, highway speed limits have grown dramatically since OPEC-era federal speed controls—bowing to cheaper gas, pressure from driver lobbying groups, and Sammy Hagar—were fully lifted in 1995. And many big-ticket urban transportation projects are hyped on the promise of trimming travel time, often for a relatively elite class of users: Elon Musk’s “Express Loop” project would would hurtle riders under Chicago at 150 mph (and cost \$1 billion) to shave 30 minutes off a downtown-to-airport run, while “flying taxi” promoters can’t stop touting the eye-popping travel times available to future riders of their nonexistent vehicles.

But when the most exciting urban transportation innovation of the decade is cheap little rented vehicle that struggles to hit 15 mph, perhaps it’s time to admit that urban mobility solutions don’t necessarily involve flying taxis or Teslas-in-tubes. The tortoise can win this race.

The most obvious immediate benefit to a fundamentally slower city is the safety boost it delivers. Reducing speeds is the best, easiest, and fastest way to quickly radically improve safety, for both drivers and anyone in front of them. A [recent report](#) from the Insurance Institute for Highway Safety estimates that rising speed limits in the United States have led to an additional estimated 37,000 deaths over the past 25 years. “We know that very small changes in speed can have big consequences for pedestrians,” says Jessica Cicchino, the vice president of research at IIHS. “A pedestrian struck at 25 miles per hour has 25 percent chance of being seriously injured—but that climbs to a 50 percent chance at 33 miles per hour.” Importantly, lower speed limits also reduce the number of crashes, as an IIHS study [found last year](#) in Boston after it lowered its default speed in 2017.

Urban traffic jams today are a visceral sign that something has gone wrong—*the city wasn’t working.*

Speed kills in a more abstract sense, too. Building urban roads that can handle a large number of vehicles traveling at 35 miles per hour and up means making them wider, with fewer curves. High-speed highways and street-level limited-access urban thoroughfares famously do a host of bad things to those who live nearby or underneath these [big hostile barriers](#). What’s less discussed is what they’re doing to the people inside the cars. In his recent book *Building and Dwelling*, the planner and urban scholar Richard Sennett writes about how going faster in cities has lead urbanites to value “space” over “place.”

“You move through a space and you dwell in a place,” Sennett [told CityLab’s Ian Klaus last year](#). “It’s a distinction for me that has to do with speed and automobiles. When people start driving at a certain speed, they lose awareness of where they are. ... Where this gets reflected in urbanism is the more we create spaces where people move fast, the less they understand about what those spaces are. At about 28 or 30 mph people, moving through an urban environment stop being in a place and are in space instead.”

The time benefits one gets from boosting speeds in urban areas can end up being surprisingly modest: In downtown streets, the difference between a 25 mph commute and 45 mph commute is roughly an additional 48 seconds for every three-quarters of a mile traveled, [according to Nelson\Nygaard](#). It’s also worth remembering that even urban “rapid transit” often isn’t really all that fast. (The New York City subway averages 17 miles per hour.)

When human- or animal-powered urban movement was the norm, there was much less anxiety about losing time in traffic jams, Sennett writes; in the twisted streets of old cities, congestion was accepted as just a fact of life. Only when cities like Paris transitioned from narrow lanes to wide Haussmann-style boulevards did urbanites began to associate speed with freedom of movement—witness reports of widespread road rage that sprouted up in Paris in the 1870s and early 1880s. Urban traffic jams today are a visceral sign that something has gone wrong—*the city wasn't working*. Like not being physically touched in public, the desire to move freely—and not be stuck in traffic—is a sensation we take for granted as natural. But it's a historical construction of our auto-centric sensibilities.

In his prescient 1973 essay, "The Social Ideology of the Motorcar," André Gorz makes a similar point about how private cars turned speed into a commodity that, when introduced into the city, created havoc: "When everyone claims the right to drive at the privileged speed of the bourgeoisie," he wrote, "everything comes to a halt, and the speed of city traffic plummets."

Sennett also uses traffic flows to show the problem of scaling from the local to the urban—a theme in the debate to how to create an "open city." He compares Lewis Mumford's top-down garden city urbanism with Jane Jacobs's bottom-up street-ballet localism. Both Mumford and Jacobs famously loathed the impact of the automobile, but Mumford argues that you can't build infrastructure bit-by-bit, the way Jacobs sees the urban fabric: When you're engineering how to circulate millions of vehicle trips, you have to plan at a bigger scale. By that logic, perhaps urbanists shouldn't demand slow lanes or slow neighborhoods: They should ask for a slow city.

To get one, simply dropping speed limits isn't the answer; street design itself—not enforcement or signage—is the most powerful governor of driver behavior. When Streetsblog compared studies looking at neighborhood slow zones in New York and London, the Big Apple didn't see a significant drop in injuries, but London enjoyed benefits because they implemented serious traffic-calming infrastructure changes, such as raised crosswalks and street-narrowing curb extensions.

A lot of bike and pedestrian advocates will also argue that Americans are just doing speed limits wrong. Most state DOTs typically follow a rough measure known as the 85th percentile rule. Traffic engineers conduct studies measuring the average speed of drivers on a road, then they set speed limits so that 85 percent of those drivers would be traveling under the speed limit. That idea, as FiveThirtyEight detailed in 2015, effectively sets a *minimum* speed rather than a maximum. In 2017, the National Transportation Safety Board recommended that the Federal Highway Administration scrap the guideline in favor of other road factors like crash history or pedestrian counts.

“It's speed and uncertainty that requires such wide roads for human-operated cars.”

Advances in technology might prove to be a key that unlocks the city-healing powers of pokiness. The micromobility revolution not only highlights a burgeoning need for more slow lanes: It can vividly illustrate the people-moving power of very modest speeds. When a dude on a electric scooter that rarely goes over 10 mph handily beats a BMW across town at rush hour, it's easier to see how the scale of cities supports more-but-slower vehicles.

Another argument for slowness: It could allow autonomous vehicles to actually work without killing us all. If we can reconceptualize autonomous vehicles as low-speed machines trundling around downtown rather than interstate-eating robots tasked with making complex split-second driving decisions at highway velocities, everything gets less difficult. In a way, the robo-shuttles in action in places like Las Vegas and Brooklyn, which operate at speeds under 25 mph, are low-key Trojan Horses for traffic calming. "A lot of the roads where we operate already are in congested places where traffic speeds are already slow," says Alisyn Malek, the chief operating officer and co-founder of May Mobility, which is operating shuttles in Detroit and Columbus. "If we can use the curiosity and excitement with autonomy to drive goals about pedestrian safety and bike lanes to make cities AV-ready when the time comes, that's great for everyone."

Billy Riggs, an assistant professor at the University of San Francisco School of Management and a planner who consults on the future of transportation, says autonomous vehicles, and lower speeds, could allow cities to devote less room to cars by redesigning street infrastructure. "It's speed and uncertainty that requires such wide roads for human-operated cars," says Riggs. AV-optimized streets would require fewer signals and intersections—and fewer conflict points between different travel modes. "If city traffic travels slow enough, you could imagine a yielding pocket for vehicles to engage with smoother and operating on much less roadway. A gracious road for pedestrians and cyclists is promising as a feature for autonomous vehicles."

In other words, it's like that old Navy Seal adage: Slow is smooth, smooth is fast. That's also the idea behind "green wave" signal timing, which is now getting a pilot in New York City. Traffic flowing at 15 mph allows for fewer red lights.

The most stubborn barrier to slowing down the city may be the psychological one: It involves changing user expectations for how roads are supposed to operate. Some states have what are called level of service standards, which require roads to carry a certain number of vehicles per hour, or they place restrictions on cities from lowering speed limits. Riggs says that means city leaders need to expend political capital to fight for those changes. "If you talk at any public meeting about slowing streets, you have citizens who are going to be asking if they going to be delayed. There's going to be friction as we apportion our street in a way that facilitates the future of traveling."

That friction has been something Riggs has run into firsthand on the streets of Palo Alto, where Waymo's autonomous vehicles have been testing. "I was behind an autonomous car on my drive back from the hardware store, and I was so frustrated. Why? Because it was obeying the law. I wanted to go 40 mph, but it was a 30 mph street."

When he finally passed the AI-driven car, Riggs raised his hand to make a familiar gesture of human impatience. But it was a futile one.

"There was no one paying attention in that seat," he says. "There is a tendency to want to travel faster than we should, and in unsafe ways. Hopefully, we're going to be able to engineer out that risky behavior."

About the Author



Andrew Small

🐦 [@ASMALL WORD](#) / 📡 [FEED](#)

Andrew Small is a freelance writer in Washington, D.C., and author of the CityLab Daily newsletter ([subscribe here](#)). He was previously an editorial fellow at CityLab.

PTS OPEN ACTION ITEMS

PTS Meeting Date	Action Item	Vote	Next Step / Report Back Date
8/1/2019	Concerns with speeding vehicles on Little Harbor Road.	VOTED to refer to staff for observations and report back at the next meeting.	9/5/19
8/1/2019	Request for parking restrictions at the end of Little Harbor Road.	VOTED to refer to staff for observations and report back at the next meeting.	9/5/19
8/1/2019	Letter from Marc Stettner regarding dedicated motorcycle, moped and scooter parking.	VOTED to suspend the previous vote made on June 6, 2019 to establish a fee of \$1.50 per hour when using the ParkMobile App or \$2.00 per hour at the display meter, maximum three hours for the motorcycle-specific spaces in the designated motorcycle parking area and refer to the City's Legal Department and staff for a report back at a future meeting.	Future Meeting
6/6/2019	Request for 15-minute parking spaces on Hanover Street and the Vaughan Mall lot.	VOTED to table action on the three 15-minute spaces in Vaughan Mall parking lot behind 25 Maplewood Avenue and review the City's policy on designating 15-minute parking spaces.	Future Meeting
4/4/2019	Congress Street at Fleet Street lane use change.	08/01/19 - VOTED to implement the lane use changes on Congress Street and Fleet Street, and Pleasant Street at Market Square in the fall of 2019 on a trial basis and report back. VOTED to allow staff time to investigate the right turn only lane and making Pleasant Street one lane into Market Square.	Implement in the fall of 2019 on trial basis and report back
12/6/2018	Request for parking space in bike lane buffer at 60 Lafayette Road.	2/7/19 - VOTED to table request.	Future Meeting
11/1/2018	Request to remove 10 metered parking spaces on Deer Street between Bridge Street and Maplewood Avenue, to accommodate anticipated traffic from new Foundry Place parking garage.	VOTED to table request to allow time for staff to observe traffic operations along Deer Street after the opening of the garage.	Tabled until new parking garage is generating more traffic
9/6/2018	Request to install curbing and trees along Madison Street near the intersection with Austin Street.	VOTED to have staff collect data, evaluate and report back on parking and traffic on Madison Street.	Future Meeting
5/3/2018	Request for a loading zone between the hours of 9 am and 5 pm, 7 days a week, on Vaughan Street at 3S Artspace.	6/7/18 - VOTED to make no change at this time and revisit after hotel construction is complete. 5/3/18 - VOTED to refer to staff for report back at the next meeting, if possible.	Revisit after hotel construction is completed
2/1/2018	Request to eliminate 2-hour time limit on Islington Street between Cornwall Street and Rockingham Street.	VOTED to table the action item until the new parking garage is operational.	Tabled until new parking garage is operational
12/17/2017	Request for 15-minute space at 33 Deer Street (associated with this action item)	VOTED to review 15-minute spaces to determine the appropriate length of time for short-term spaces.	Will be using traffic cameras to monitor parking when weather permits
11/2/2017	Concerns regarding traffic not yielding to pedestrians in crosswalk on Middle Road at Essex Avenue.	12/7/17 VOTED to increase the visibility of the crosswalk by repainting and lengthening the existing 6 ft. stripes to 8 ft. to make it appear larger to approaching motorists. 11/2/17 VOTED to have staff collect data, evaluate & report back at the next meeting.	When weather permits (2019 project)
10/5/2017	Request to eliminate access to Echo Avenue from Spaulding Turnpike Frank Jones Neighborhood Turnpike connections (Echo Ave & Farm Lane)	2/7/19 VOTED to extend the trial closure of Turnpike exit ramp onto Echo Avenue until the completion of the Woodbury Avenue Bridge.	Review after the Woodbury Avenue Bridge construction is completed

PTS OPEN ACTION ITEMS

PTS Meeting Date	Action Item	Vote	Next Step / Report Back Date
9/7/2017	Request for crosswalk on Grafton Drive at Sherburne Road	10/5/17 - VOTED to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road. 9/7/17 VOTED to have staff collect data, evaluate, and report back with a recommendation at next month's meeting. (October Meeting)	Pending PDA funding for project
4/6/2017	Request for Valet Service license on Pleasant Street near Court Street	VOTED to direct staff to report back at a future meeting.	On hold pending site development