



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Director of Redevelopment, Downtown Services, & Special Projects

DATE: June 29, 2016

SUBJECT: Merrimack County Superior Court – Request for Special Parking Encumbrance Permit

Recommendation:

- Accept the following report;
- Grant the City Manager the authority to provide Merrimack County with a special parking encumbrance permit for on-street parking spaces along portions of Court, Montgomery, Pitman, and North Main Streets during construction of the new Superior Courthouse.

Background:

On June 3, 2016 Hinckley Allen, on behalf of Merrimack County, submitted a request to the city to encumber on-street public parking spaces located on portions of Court, Montgomery, Pitman, and North Main Street for the purpose of providing dedicated parking for the Superior Court during construction of the new courthouse project. In total, 44+/- spaces would be closed to public parking for the duration of construction. This request has been brought forward because the State of New Hampshire is requiring the County to provide dedicated parking to support Court operations during construction.

Construction is tentatively scheduled to start this fall, but will likely be delayed to spring 2017. Total duration of construction is estimated to be approximately 18 months.

Copies of the County's request, as well as a map of proposed interim parking encumbrances and a conceptual site plan for the Courthouse project, are attached.

Discussion:

1. **Parking Encumbrances Permits:** The most appropriate mechanism to accommodate the County's request would be a City Parking Encumbrance Permit, which are issued by the City's Parking Division. The fee for a permit is \$10 / space / day. Any member of the public is eligible to secure a Parking Encumbrance Permit from the Parking Division. It is not uncommon for major development projects in the downtown central business district to secure these permits to help facilitate construction activities such as earth supports for foundations, utility work, etc.

Parking Encumbrance Permits are also secured by downtown property owners and businesses on a short-term basis for special circumstances, such as major deliveries, tenant move-ins / move-outs, or special events. However, a long-term encumbrance in order to supply dedicated parking to a particular user is unusual and would set a precedent for the City. For this reason, this request was forwarded to the City Council for review.

2. Details of the County’s Request: Details of the County’s request are as follows:

- a. A summary of the on-street spaces to be encumbered, together with utilization data collected as part of the Parking Strategic Plan, is as follows. It is important to note that the 11 spaces on Pitman Street will be permanently lost, as discussed elsewhere in this report.

<u>Street</u>	<u>Between</u>	<u>Total Spaces</u>	<u>Peak Weekday Utilization (2014)</u>	<u>Ave. Weekday Utilization (2014) 8AM - 6PM</u>
North Main	Pitman - Court	7	11% (8AM - 10AM)	7%
Court	North Main - Montgomery	8	73% (8AM-10AM)	44%
Montgomery	Pitman - Court	18	22% (8AM-10AM)	7%
Pitman	Along frontage of Court Property	11	67% (8AM -10AM)	53%
Total		44		

- b. The County is proposing to convert the 18 +/- parallel spaces on Montgomery Street to approximately 22 angle spaces with the intention of having said angle spaces remain and revert to public parking owned and controlled by the City once the project is complete. Given conceptual plans for the Courthouse (attached), final layout of the project will likely cause the loss of some of the new angle spaces, thereby resulting a modest net gain of on-street spaces (if any).
- c. The County has asked that the City waive the customary parking space encumbrance fee (\$10 / space / day). Assuming 44 spaces encumbered and an 18 month construction schedule, the total fee owed to the City would be approximately \$165,000 (44 spaces X \$10 / Day X 375 days presuming 8AM – 5PM usage Monday - Friday only for 18 months). As part of its request for fee waiver, the County states that these spaces, which they believe are predominantly used by court parkers anyways, will continue to be used by the same clientele. Construction of the angle parking on Montgomery is also a potential consideration.

It is important to note that these 44 spaces are not presently metered by the City. Rather they are enforced by time limits. Therefore, aside from some modest ticket revenues that the City shall forgo during construction, loss of meter revenues is not a consideration for this request.

- d. The County has also asked that the City discontinue a portion of Pitman Street so as it may construct 25 new “head in” spaces along the northerly side of the road for Court parking. This will result in a net gain of approximately 9 spaces. These spaces will be conveyed to the State and shall not be available for public parking. Because this particular item is being handled by the Planning Board and City Council directly, the Parking Committee did not discuss this request in detail.
 - e. Lastly, the County has requested that the Merrimack County Sheriff’s Office be granted authorization to enforce usage of these spaces for the duration of the encumbrance period. With the exception of enforcement of bagged metered spaces reserved for the State of New Hampshire downtown, such an arrangement would be unusual. At this juncture, the details of how enforcement would be carried out remain uncertain. However, discussions with the County are ongoing. At this time, staff hypothesizes that the likely enforcement strategy would consist of 1) requests by Sheriff’s Department personnel to move vehicles coupled with verbal and/or written warnings followed by 2) towing of repeat offenders.
3. Parking Committee Recommendation: The Parking Committee met on June 27, 2016 to review this request. In light of the efforts made by the City to work with the State and County to keep the Merrimack County Superior Court within downtown, the Parking Committee voted to recommend to approve the County’s request as submitted with the following conditions:
- a. Public parking on Court Street shall be maintained west of Montgomery Street.
 - b. The County and State shall use their best efforts to open spaces to the general public when they are not being heavily used by court operations.

In addition to these conditions, the Staff recommends that approval of the County’s request also be subject to the following:

- c. In the event that insufficient right-of-way exists on Montgomery Street to accommodate the proposed angle public parking spaces, the County shall convey to the City easements or additional right-of-way along the frontage of the new courthouse property to provide for said public parking improvements.