



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#186-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: March 23, 2018

TO: Councilor Susan Albright, Chairman
Members of the Zoning and Planning Committee

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Nicole Freedman, Director of Transportation Planning
Rachel Blatt Nadkarni, Long Range Planner

RE: **#186-18 Zoning Amendment for Shared Parking Pilot Program**
DIRECTOR OF PLANNING requesting amendments to Chapter 30, Newton Zoning Ordinance, to allow for a Shared Parking Pilot Program as an accessory use in commercial districts.

MEETING DATE: March 26, 2018

CC: Ouida Young, City Solicitor
Jonah Temple, Assistant City Solicitor
John Lojek, Commissioner of ISD
Planning Board

Circling around searching for an open parking space on a busy Friday night, Joe passes by an open parking lot with plenty of available space. The lot belongs to a bank that closed at 5pm, it's 6:30pm now and the lot is empty, just steps from the restaurant where Joe's late for his reservation. IF ONLY! If only he could park there and not risk being towed! He can't, so he continues to circle.

This scenario plays out frequently in Newton's village centers. Drivers pass by empty privately-owned parking lots, while the public parking is full; a visible sign of the inefficiencies in the parking system and a contributing factor in the amount of traffic in village centers.

The Newton Centre Parking Strategy found that on-street parking in the core of Newton Centre is functionally full during much of the day; but even at the busiest times 43% of the total parking in

Newton Centre is empty when private parking is counted too. Given this situation, one of the primary tactics identified in the Strategy is to create a system where the public can legally park in private lots.

While businesses and visitors, particularly in Newton Centre and West Newton Square, have expressed interest to the City about opening up private spaces for public use, the zoning ordinance currently precludes this option. Building on the interest we've heard, the City's Planning and Development Department, Transportation Division of the Public Works Department, and the Law Department have been working to develop a Shared-Parking Pilot Program to encourage efficient shared parking.

Why is this project before ZAP?

The zoning ordinance governs use of private land for all uses, including parking. The zoning ordinance allows for a number of different parking uses, but nothing that quite aligns with the concept of shared-parking that we have heard interest in. The City Council and the Zoning and Planning Committee specifically, will be asked to review zoning amendments to allow this to move forward.

What do you mean by shared-parking?

The zoning ordinance sets out requirements for parking to be created on site for every use (office, retail, salon, etc.). In the proposed pilot program, parking spaces tied to commercial uses would be allowed to make the parking spaces that they use available to the public when they are not needed by the business.

How does the zoning ordinance address shared parking today?

Each business is required to have a certain amount of parking available to its customers. For instance, a medical office is required to have 1 parking space per every 200 square feet of space available for its patients at all times and the neighboring restaurant is required to have 1 parking space per every 3 seats available for its customers. Even though these two uses have very different peak times (daytime for the medical office and evening for the restaurant), they must each have their own dedicated parking lot.

If for some reason, the restaurant couldn't provide the required spaces on site and there was more than enough space at the medical office building, the restaurant could get a special permit to have its parking on the office building's property. Because a special permit runs with the land – it and any conditions placed upon it stay in effect in perpetuity – these “non-accessory” parking agreements are typically used for situations where one property cannot provide parking rather than for sharing resources between properties to gain efficiency or improve customer service in the short term.

The zoning ordinance specifically does not allow parking off-premises unless there is a special permit approved “non-accessory” parking agreement. So in the hypothetical situation above, any time a dinner customer from the restaurant parks at the medical office building (when it's closed), technically a zoning violation has occurred.

The Accessory Shared Parking Pilot

The City has been exploring programs that would allow private lot owners that sometimes have excess capacity and parkers looking for spaces to find each other. Under the pilot program, accepted parking lot owners with excess capacity in off-peak times would be able to share their accessory parking with their neighbors. The benefits to the City include: making the parking system operate more efficiently overall, relieving pressure on on-street parking facilities, and offering additional choices to constituents.

The Planning Department, Public Works-Transportation Division, and Law Department are still developing the details of the pilot. A general outline is included below and the pilot is anticipated to last 3 years, with the expectation that it could be cancelled at any time if problems arise.

The pilot consists of the following:

- 1) The City of Newton would enact enabling language in the zoning ordinance for the 3-year pilot including general requirements, e.g.:
 - Limit the pilot to properties in Business, Mixed Use, or Manufacturing Zones
 - Requirement for a zoning review and acceptance into the pilot program before sharing parking
 - Acceptance decision would be made by the Commissioner of Inspectional Services to establish an appeals pathway to the Zoning Board of Appeals
 - Annual re-evaluation reports to the Council and a sunset clause on the pilot ending 3-years from adoption

- 2) The City of Newton would simultaneously establish parameters and procedure for accepting a property into the Pilot Program
 - Application requirements, including:
 - Number and location of parking spaces to be used
 - Photos of the area
 - How the spaces will be indicated to parkers
 - Typical parking utilization for the business
 - Estimated times parking would be shared
 - Requirements for how lot owners interact with parkers, including:
 - Requirement to have option to blackout dates/times when the parking is needed by the lot owner in real time and communicate with parkers
 - Requirement to provide customer service system in real time
 - Requirements for communications with the City

Background on customer service requirements

City staff explored the possibility of a traditional permit program administered by the City (e.g. with stickers or hang tags) but found that it is difficult to make such a system responsive to changing parking availability and would be time consuming to administer.

Selecting how many spaces could be made available to permit holders every day can be challenging and leaves everyone wondering about the “What-ifs.” For example, how would a permit program handle one-off events like a Wednesday baptism at a Church or a holiday party at an office building that normally closes at 5pm? A traditional permit works well if the spaces can reliably be made available for routine daily parking.

What we found, is that there are now a number of technology-enabled shared parking support companies that offer real time communications between all parties – the lot owner, the parker, a customer service representative, and city staff if needed. These companies also allow the lot owner to make decisions in real time about how much parking to share – the last-minute events and sudden changes in plans no longer become a reason not to share on the other 364 days a year.

The support companies also help resolve the economics that have limited lot-owners’ willingness to participate in shared-parking trials in the past. Sharing a private parking lot with the public may mean additional liability, maintenance, or work for the lot owner. Parking shared via technology-enabled support companies is typically parking that people pay for access to, which gives lot owners the income to cover additional costs. These support companies are also working with lot owners to resolve liability questions and/or provide additional insurance.

The parkers utilizing the spaces also benefit more from working with technology-enabled support companies than from permits issued by the City. Instead of competing with other permit holders for prime spots, the support companies offer online/in-phone booking and payment, clear directions to a particular parking space, and immediate customer support if issues arise. Dedicated staff would be required if the City were to offer a comparable level of customer service in a permit program.

Next Steps

This first meeting on March 26th is anticipated to be an introductory conversation and an opportunity for the Council to pose questions they’d like to see answered in the more in-depth discussion at the meeting on April 9th. Staff intend to provide full draft text of the proposed zoning language and a more detailed description of the pilot elements for the April 9th discussion.