

# QUESTIONS AND ANSWERS

## SECTION 1: Program Operations<sup>1</sup>

### Question 1.1: How do property owners participate?

Eligible property owners submit applications to the City to participate in the Pilot. The application includes basic information such as number of spaces and peak usage. Property owners agree to terms and conditions, including importantly, not displacing customers or employees and providing the City regular reports and statistics. Property owners can rent directly to the public or can use third party apps, such as Spot (parkeasier.com) and SpotHero (spothero.com) to manage the shared parking. Property owners will be responsible for making the application to the City of Newton regardless of whether they rent spaces directly to the public or use a third-party service provider “app”.

### Question 1.2: What exactly are these service provider “apps”?

There are “apps” provided by shared parking service providers, like Spot (parkeasier.com) and SpotHero (spothero.com) that are dedicated exclusively to managing shared parking. Like AirBnB does for lodging, these apps create a marketplace to connect property owners that have underutilized parking spaces with people that are looking for parking. The app allows owners to:

- Make their extra spaces available on a marketplace
- Set rental times and dates
- Receive and track payment for parking

The app allows drivers to:

- Search for their destination and compare parking options
- Pay directly from their mobile device or computer
- Reserve a spot at their choice facility

### Question 1.3: Do property owners have to use a Shared Parking App Service?

The City has no preference regarding whether property owners provide shared parking services directly or use a third-party shared parking company. Property owners will be responsible for submitting the application to the City of Newton regardless of whether they rent spaces directly to the public or use a third-party service provider “app”.

### Question 1.4: What locations qualify to participate in the Pilot?

- Zoned for business, mixed use, or manufacturing (B-1, B-2, B-3, B-4, B-5, MU-1, MU-2, MU-3, MU-4, MAN, LM).
- Existed by date of Pilot’s adoption
- Not already permitted for use by another property (non-accessory parking agreement).
- Parking spaces for a residence cannot be used.

### Question 1.5: Where would the pilot be operational?

As this is a pilot, with the intention of learning, we plan to roll out the pilot citywide to maximize learning.

### Question 1.6: Who enforces parkers overstaying their allotted time?

The property owner will need to monitor whether a parker is staying beyond their paid-for, allotted time period.

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<sup>1</sup> For more information please see “Materials for Applicant Property Owners, Shared Parking Pilot Program - Information Sheet” and “Shared Parking Pilot Program - Application to Participate in Pilot” enclosed.

## **SECTION 2: Program Oversight**

### **Question 2.1: What is the City's role in the Pilot?**

The Planning Department will oversee overall program management including implementing surveys, collecting and analyzing data and recommending and implementing changes to the pilot based on learnings. The Commissioner of Inspectional Services, with input from the Director of Planning, and based on the application process, will review applications and makes final decisions as to whether a property owner can rent out spaces.

### **Question 2.2: What is the relationship between City and property owners, shared provider "apps" and parkers?**

The City will not be a party to any relationships between property owners and service providers or the relationships between property owners and drivers parking at their facilities. All of the shared parking activities are private transactions. The City of Newton assumes no liability for properties sharing their parking through this program.

### **Question 2.3: How will the City collect data and assess the success or failure of the program?**

By participating in the pilot, property owners are required to submit utilization data to the City, respond to an annual survey, and distribute our annual survey for parkers. We will review this information, as well as monitor any feedback and complaints we receive. Most importantly, we set up the Shared Parking Pilot so we can adjust the rules based to incorporate feedback throughout the three years, ensuring the best possible outcome for Newton.

### **Question 2.4: How is the program enforced?**

The application process serves as "proactive" enforcement, in that the Commissioner of Inspectional Services, with input from the Director of Planning must formally accept applicants. The Inspectional Services Division provides "responsive" enforcement by responding to all complaints received. The City may remove a property from the pilot as follows:

- Finding that customers or employees are being displaced in favor of shared parking.
- Persistently uncooperative responses to concerns raised by parkers or neighbors.
- Finding that the property is operating outside of the requirements of the pilot program.
- The pilot program expires, or the pilot program is cancelled by the City Council.

## **SECTION 3: Zoning & Legal**

### **Question 3.1: How is the Zoning Amendment set up?**

The Shared Parking Pilot is set up as an accessory use, and the zoning ordinance requires participation in the pilot program in order to share parking. The section added is set with an expiration date – 3 years from the date of adoption by the City Council, with annual discussions regarding implementation at the end of year 1 and 2.

### **Question 3.2: Will sales tax need to be collected? Will this have impact on property taxes?**

The Assessing Department has indicated that sales tax is required, and property taxes may be affected. Staff will continue to work with Assessing as they develop an income-based approach to value for properties participating in the pilot. It is our understanding that there would be a property tax based on the income brought in by shared parking on a non-profit property as well.

## SECTION 4: General

### **Question 4.1: What does it mean that this is a *Pilot* program?**

The City is piloting this program to determine if shared parking works for property owners, the public and neighboring properties. Throughout the three-year pilot period the City may adjust rules or regulations as knowledge is gained. Modifications to the Shared Parking Pilot Program will be announced on the program website and sent via email to all participating property owners at least 30 days prior to a rule change going into effect.

### **Question 4.2: What happens when the pilot ends?**

We anticipate that when the pilot ends in three years, we will have learned enough about shared parking to incorporate it into the City's zoning ordinance as a routine matter and the pilot will not need to continue. Lessons learned throughout the pilot can be used to inform zoning updates on parking.

### **Question 4.3: Are businesses ready to jump in?**

Nationally, shared parking app service providers are used to working with all types of owners and tenants. They have relationships with local and national retailers such as pharmacies, banks, supermarkets, and hotels. We have been reaching out to Newton property owners with identified larger supplies of parking. So far those we have reached are interested in the concept but want to review the details.

## SECTION 5: COUNCILOR BAKER COMMENTS & RESPONSES, 8/6/18

**Question 5.1: The basic framework of Newton zoning has for years required various users of land to provide parking, set out in Section 5.1.3.E of the Revised ordinances. The proposed amendment... would allow eligible owners of property zoned industrial, commercial and religious or educational, to apply to the City to participate in a program. The only limitation on that right is the ordinance says that the owners are not supposed to use spaces not needed for patrons or employees, or both, as the main parking ordinance provides for various categories of uses.**

The required application process is specifically designed to research the existing property for Special Permit parking requirements and assess the capacity for shared parking.

**Question 5.2: [The pilot] needs some care to be undertaken well, even if called a pilot, as it will be three years long and city-wide in scope, as opposed to testing it out in areas of clear desire for it.**

We strongly believe that the shared parking pilot should be available city-wide as parking availability for all (customers, employees, commuters) is a worthy goal for all of our village centers.

**Question 5.3: The parking permits will be available to anyone, not just employees or customers. Should they [employees] and customers be given priority for shared parking in commercial and institutional lots as part of the pilot, especially since MBTA commuter lot prices are being increased?**

Our intentional goal is to not overcomplicate the program so as to make it unattractive to potential property owners with available parking capacity. We do not believe this program will bring about a spike in commuter parking. In any case, the goal is to get vehicles off the roads, whether traveling through or circling for parking. Again, we intend to monitor the program over time to see who is taking advantage of the additional resource. The survey and data requirements built into this program will allow to monitor commuter usage of shared parking.

**Question 5.4: Will it [ISD or Planning] need additional staff or funding to do it? If so, will the App owners through whom drivers would buy a space pay something to Newton for the privilege to cover these costs, and if not, the program participants? How will the City enforce against parking space owners who are not permitted as part of the Newton system?**

We estimate total staff time required to administer and oversee this program is less than 80 hours per year (30 for the application process, 50 for evaluation and enforcement). The City will not need additional staff or resources to administer this program.

The application process makes the enforcement piece much easier to monitor for the Planning Department. We will be provided with the information necessary to evaluate individual properties. We do not anticipate this process to be overly burdensome. The application itself contains language where the City reserves the right to remove the property from the program.

Whether an approved property owner decides to contract with one of the app companies, like Spot Hero, or enter into a simple agreement, the City, again, to avoid over-complicating the program is not party to that agreement. As previously stated, our tax assessment department will be monitoring approved properties to determine whether an increased assessment is warranted.

**Question 5.5: What is the potential capacity involved? ... how many spaces could be affected in all the zoning districts involved, which could be substantial.**

We are hoping the program is highly successful in providing parking options, where today there is great frustration and circling (Newton Centre/West Newton) for motorists, who wish to participate in village center commerce (be they a customer, employee or commuter). There is no way to predict the numbers at this point but the application process does provide a measure of control.

**Question 5.6: Should not shopping centers be excluded? Should not large institutions be excluded? What about parking required as part of existing special permits?**

The application process, including the review of the Special Permit and on the ground observation, is designed to assess capacity. The Planning Department will assist the Commissioner of Inspectional Division in determining capacity. The Special Permit requirements for each property will be reviewed in real time to assist determining whether sufficient capacity exists to permit some amount of shared parking. We do not feel that an exclusion for shopping centers nor large institutions is warranted.

**Question 5.7: What is the revenue impact to the City parking lots from the new competition?**

The potential for lost parking revenues, due to this program, is unlikely but can easily be monitored. Property owners will be setting their own rates for spaces. The low public meter rates that exist and prime locations are tough for the private market to compete with. But the goal here is increasing parking availability for village center commerce.

**Question 5.8: It is unclear why the current App in use by the City for its metered spaces (Passport parking) would not be adaptable to this purpose and allow more City control.**

The Passport application is solely designed for public spaces. It is not equipped or ever envisioned to handle private shared parking transactions, which is the domain of private app outfits.

**Question 5.9: How can App vendor error can be remedied, as the attached story from Boston indicates can be a difficulty for patrons and indirectly the City?**

The City of Boston example relates to their customized public parking application. The proposed shared parking pilot program in Newton is not aligned with any app company and intentionally left open to approved applicants as to how they wish to proceed in contracting for available parking spots.