

Board of Selectmen Policy
Payment In Lieu of Parking “PILOP”
DRAFT July 25, 2016

Summary

The Payment In Lieu Of Parking (PILOP) policy provides criteria for parking mitigation when the required number of parking spaces for a proposed project is not provided on-site and therefore increasing the pressures on the public parking supply.

Purpose

Currently projects that cannot meet the Town’s parking requirements are allowed to apply for a special permit from the Special Permit Granting Authority (SPGA). The Zoning Bylaw enables this process although the approval of the special permit has been largely at the discretion of the SPGA without adherence to any established guidelines or consideration of the aggregated impacts of these decisions. The PILOP outlines a consistent approach to calculating mitigation payments to adequately manage the demand on the public parking system created from projects that cannot meet the parking requirements of the Zoning Bylaw.

The mitigation payments enable the Town to contribute meaningfully towards the overall management of its public parking supply while not discouraging property owners and developers from redeveloping or hindering their ability to attract a diverse mix of tenants. Developers with projects that need on-site parking can choose to either build it or provide mitigation that improves public parking as a whole in the Center.

Applicability

The PILOP applies to any project within the Center Business District that applies to the SPGA for a special permit to waive the parking requirements of Section 5.1 of the Zoning Bylaw, including:

- Change of Use;
- Internal reconstruction;
- Addition to the square footage of an existing building;
- New construction on a vacant lot; and
- Demolition and new construction.

Calculation of Mitigation Payment

A parking table *and* parking plan for the entire property and its uses must be provided by the property owner along with the application for a special permit for parking relief. This shall identify the total number of parking spaces required under the Zoning Bylaw and any on-site parking that is being provided.

The PILOP mitigation rate is \$8,000 per parking space; fractional numbers will be prorated. This amount will be adjusted each March 1st by the Consumer Price Index for the Boston-Brockton-Nashua area for the previous calendar year. The Assistant Town Manager of Development shall recommend a mitigation payment to the SPGA prior to the public hearing for consideration as a condition of the special permit.

The recommended mitigation payment shall be calculated based on the total number of parking spaces required by the proposed project per the Zoning Bylaw, reduced by the on-site spaces provided, and adjusted based on the criteria provided below. A PILOP mitigation payment may be reduced if the property owner/applicant provides substantive Parking and Transportation Demand Management strategies in compliance with the Lexington Center Parking and Implementation Plan¹.

Full Mitigation Projects

1. *Increase in Net Floor Area More Than 35% of Existing*

If the net square footage of a proposed project exceeds 35 percent of the existing net square footage, the project is deemed new construction and full parking compliance or full mitigation payment shall be required for the entire project (new and existing square footage combined) for the parking spaces not otherwise provided.

2. *New Construction on Vacant Lots or Demolition with New Construction*

New construction on vacant lots or demolition for new construction that cannot comply with on-site parking requirements shall pay a PILOP mitigation amount based on the total number of spaces required by the proposed uses and not otherwise provided on-site.

Credits to the Mitigation Payment

1. *Change of Use*

When an existing use is replaced with a different non-residential use, the applicant shall receive credit towards the required number of parking spaces by an amount equal to the number of spaces required by the prior use.

2. *Internal Reconfiguration*

In the case of a proposed internal reconfiguration that does not add net new square footage to an existing building but modifies the layout such that one use expands or replaces another, the applicant shall receive credit toward the required number of parking spaces based on the required number of parking spaces by the prior use or layout that occupied the same space.

3. *Off-Site Parking*

The property owner may own or lease off-site parking spaces within a quarter mile radius of their site and receive credit toward the required number of parking spaces. The property owner must demonstrate proof of the lease agreements, duration, and provide proof on request by Zoning Enforcement Officer on the status of the lease(s).

¹ Transportation demand management strategies may include but are not limited to: financial incentives to employees to carpool, vanpool, walk, bike or use public transit; financial incentives to employees to park outside the Center Business District; provision of vanpooling or carpooling to parking locations outside the Center Business District; car share or bike share memberships or accommodations of such services on-site; discounted transit passes to employees; and/or provision of bicycle parking on-site.

4. *Increase in Net Floor Area Less or Equal to 35%*

In the case of a proposed increase to the existing floor area that is less than or equal to 35 percent of the existing net floor area, only the increase in the floor area will be factored toward the mitigation payment.

Payments and Refunds

The PILOP mitigation payments are a one-time payment, due prior to the issuance of an occupancy permit unless otherwise recommended and approved by the SPGA. There will be no refund of payments to a property when a subsequent change of use or reduction in gross floor area results in fewer parking spaces being required under the Zoning Bylaw.

Use of PILOP Mitigation Funds

Mitigation payments will be deposited in a dedicated fund, approved by Town Meeting, and expended under the direction of the Town Manager. Funds will be allocated towards the management, construction, and acquisition of public parking and related-improvements to reduce parking and transportation demand, including bicycle and pedestrian accommodations serving Lexington Center.