

REGULATION IN REGARDS TO OFF-STREET PARKING FUND IN SECTIONS 3.8.5.1, 3.9.5.1 AND 3.10.5 OF THE ZONING BY-LAW

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These regulations are adopted pursuant to Section 9 of General Laws Chapter 40A.

Section 1. In-Lieu Parking Fee for Projects within Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts.

For each expansion, reconstruction, or change in use of all or any part of a building on a parcel or parcels of land developed pursuant to the Needham Center, Lower Chestnut Street or Garden Street Overlay District Zoning (Sections 3.8, 3.9, or 3.10 of the Needham Zoning By-Law [the "By-Law"]) (the "Project") that does not provide the total minimum number of parking spaces required for the Project either on-site or owned or leased off-site (as permitted elsewhere in the By-Law or as approved by the Planning Board under Section 2.c of those regulations) the owner or applicant (the "Applicant") shall, if the Applicant satisfies the requirements for the issuance of a waiver under Sections 3.8.5.1, 3.9.5.1 and 3.10.5 of the By-Law and Section 2 of these regulations, as determined by the Planning Board, pay a one-time fee to the Needham Center Off-Street Parking Fund in compensation for the waiver of some or all of the minimum parking required. The amount of the fee is to be determined in accordance with the provisions in Section 3 of these regulations. The fee shall be paid into the Needham Center Off-Street Parking Fund established by Chapter 248 of the Acts of 2008 ("the Fund") in two installments: one-half prior to the issuance of a building permit for any improvements associated with a Project and one-half prior to receipt of a certificate of occupancy for all or any portion of a building. The Applicant may choose to pay the entire fee prior to receipt of a building permit. Any off-street parking requirement satisfied by such waiver and fee payment shall be credited to any subsequent use of the land. Any subsequent building expansion or change in use that requires additional parking shall require subsequent action either by way of providing that required additional parking on-site or owned or leased off-site (as permitted elsewhere in the By-Law) or, upon approval by the Planning Board of additional parking space waiver, additional payments into the Fund in accordance with the provisions in Section 3 of these regulations. There shall be no refund of any previous fee paid into the Fund when there is a reduction in gross floor area or a change in use requiring fewer parking spaces.

Section 2. Requirements to Obtain a Parking Waiver.

- a. Application pursuant to Sections 3.8.5, 3.9.5, 3.10.5, 5.1.1.5, and 5.1.1.6 of the By-Law;
- b. Parking study prepared by staff of an engineering or planning firm with expertise in traffic and parking planning, including counts of available parking spaces in the vicinity of the Project (as determined by the Planning Director) and at peak parking times (as determined by the Planning Director);
- c. Determination by the Planning Board, based on the parking study and such other information as the Planning Board deems relevant and factual, that sufficient public off-street and on-street parking spaces exist within the vicinity of the

Project during peak times, together with parking on-site or leased or owned off-site, to satisfy the minimum parking requirement for the Project;

- d. Determination by the Planning Board that the requirements for issuance of a waiver in Sections 3.8.5, 3.9.5, 3.10.5, 5.1.1.5, and 5.1.1.6 of the By-Law and in these regulations have been met.

Section 3. Calculation of In-Lieu Parking Fee for Projects within Needham Center, Lower Chestnut Street, and Garden Street Overlay Districts.

The in-lieu payment shall be made for all of the minimum parking spaces waived for the entire Project, including the existing and expanded gross floor area and any changes in use. In determining the amount of the fee to be paid, there shall, first, be calculated the total minimum number of parking spaces required by the Project (“Total Parking Demand”). Second, there shall be determined the total minimum number of parking spaces required by the existing square footage and use(s), or most recent use if within four years of filing the development application (“the Former Parking Demand”). Third, there shall be determined for both the existing and proposed use the total parking available on-site or owned or leased off-site (as permitted by Section 5.1.3(m) of the By-Law or as approved by the Planning Board under Section 2.c of these regulations) (“the Existing Available Parking”). Existing Available Parking (as to an existing use only) shall include both areas currently striped for parking and/or areas available for such use although not currently paved and/or striped. Fourth, the Project shall be given “credit” for existing conditions as follows: (1) the actual waived parking spaces under an existing approved site plan and/or site plan special permit (the “Previously Waived Parking”) or (2) if (1) is inapplicable the effectively waived parking spaces calculated by subtracting from the Former Parking Demand the Existing Available Parking (as to the existing use) (the “Effectively Waived Parking”). In cases where individual tenants received individual parking space waivers for their use and square footage but no general waiver for the entire square footage and usage of the building exists, the Effectively Waived Parking shall be used. The Actual Waived Parking or Effectively Waived Parking are hereinafter referred to as “the Credited Parking Spaces”. For purposes of this regulation, in no event shall the Credited Parking Spaces exceed the Former Parking Demand.

The fee for the Credited Parking Spaces is \$1,000.00 per space for a maximum of twelve (12) spaces. The Credited Parking Spaces exceeding twelve (12), hereinafter “the Excess Credit”, shall be added to and shall be considered part of the “Fee Generating Spaces” as defined below and treated in accordance with the schedule below.

The amount of the fee to be paid shall be calculated per space as follows: the Total Parking Demand, minus Existing Available Parking (as to the proposed use) minus Credited Parking Spaces up to a maximum of twelve. The resulting number of Fee Generating Spaces shall be subject to the following fee schedule:

Number of Spaces Replaced by Fee	Fee per Space
For spaces 1 thru 10	\$5,000.00
For spaces 11 thru 20	\$7,500.00

For spaces 21 thru 35	\$10,000.00
For spaces 36 thru 49	\$15,000.00
For spaces 50 or more	\$20,000.00

In the case of an approved phased development, the Fee Generating Spaces shall be determined by the above formula for the complete development. As to each phase, there shall be determined the amount of the parking demand required for that phase. If the proposed number of parking spaces provided meets the demand for the phase, no fee need be paid at that time. However, if it is not adequate, then the Proposed Parking Spaces as well as any Credited Parking Spaces up to a maximum of twelve shall be subtracted from the portion of the Total Parking Demand generated by the phase. The fee to be paid as to the phase shall be based on the number of Credited Parking Spaces the demand for which is generated by the phase, as well as any Fee Generating Spaces the demand for which is generated by the phase. The payment shall be cumulative with each approved phase until the total fee associated with Credited Parking Spaces and Fee Generating Spaces has been paid for the entire Project.