



PLANNING BOARD

Report to Town Meeting

**ARTICLE 7 MUNICIPAL PARKING DISTRICT EXPANSION
(Planning Board)**

To see if the Town will amend the Official Zoning Map to increase the boundary of the Municipal Parking District (MPD) to include the entirety of the town center General Business (B-G) District and abutting Limited Business (B-L) districts north of Kellogg Avenue and Cowles Lane, along with the following properties in the General Residence (R-G) District:

- All of those properties north of Cowles Lane that are bounded on the west by North Prospect Street and on the north by Hallock Street
 - On the north side of Kellogg Avenue, the following properties: Assessors Map 11C, Parcels 291, 292, 293, and 294
 - All of the properties comprising Kendrick Park
 - The northern portions of Assessors Map 11C, Parcels 265 and 322, and Map 11D, Parcel 42.
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Recommendation

The Planning Board voted 4-1 to recommend that Town Meeting adopt Article 7.

Background

Last May, the 2008 Annual Town Meeting amended the Municipal Parking Zone—a longstanding ‘zone’ established only in the language of the Zoning Bylaw—creating it as a formal overlay zoning district, and made several minor clarifying amendments to the provisions of that district.

During the public meetings of the Planning Board’s Zoning Subcommittee in which that MPD overlay district amendment was developed, during the Board’s public hearing on the amendment, and at Town Meeting, there were citizen requests to the Planning Board to extend the MPD to the rest of the downtown—i.e., to include the northern end. This amendment seeks to accomplish that task.

The purpose of the Municipal Parking District is laid out in Section 7.42 of the Zoning Bylaw:

. . . to encourage the dense development of mixed use buildings and pedestrian spaces in Amherst Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MPD District.

This purpose is consistent with the community's increased emphasis on denser, sustainable development in our centers—the 'village center' concept strongly supported in the community planning process and described in the draft Master Plan. Since the late 1950s, the MPD has supported this policy by relieving selected downtown uses from the requirement to provide parking. This frees up some surface area of downtown properties so that those areas can be covered with buildings or pedestrian uses, instead of parking lots.

The Zoning Bylaw establishes base levels of parking required for different kinds of uses throughout Amherst. Retail and other business uses must provide a certain number of spaces per square foot. Restaurant parking is provided on the basis of the number of seats. And no matter where you are in Amherst, two parking spaces are supposed to be provided for every new dwelling unit. But the same uses in different settings can have different parking requirements. A downtown apartment over a store may need only one parking space, or none, depending on the tenant. The Municipal Parking District allows the number of parking spaces provided to more accurately match the actual parking need of the proposed new use.

It is important to understand that the parking requirements only come into play when a new or expanded use is being proposed. Zoning does not work retroactively. State law protects existing uses through grand-fathering. So the MPD will not relieve existing uses from parking requirements unless that use is replaced with a new use or a new permit is filed by the existing use to affect some change.

Which Uses Are Exempted? - The following categories of downtown uses are exempted from meeting parking requirements in the MPD:

Section 3.32, Residential Uses (with certain exceptions—see below)
Section 3.35, Retail Business & Consumer Service Uses (stores, shops, offices, services, etc.)
Section 3.37, Research & Industrial Uses (R&D uses, light manufacturing)

Which Uses Are Not? - The following uses and categories of use must still meet the parking requirements of the Zoning Bylaw in the downtown MPD:

Section 3.31, Extensive Uses (farming, land-based activities—unlikely in downtown)
Section 3.32, Residential Uses – dormitory/college residence hall, hotel or motel, and inn
Section 3.33 Institutional Uses (non-profit, educational, etc.)
Section 3.35, Government & Public Service Uses
Section 3.38, Motor Vehicle Related Uses

What Article 7 Would Do

This rezoning amendment proposes to expand the geographic area of the downtown Municipal Parking

District (MPD) north of its current boundary along Kellogg Avenue and Cowles Lane, to encompass the following areas:

- The remaining General Business (B-G) and abutting Limited Business (B-L) districts in the northern end of the downtown.
- Abutting residential areas—east of North Prospect and south of Hallock Street, and four properties north of Kellogg Avenue.
- The properties comprising Kendrick Park.

Why Include Residential Properties? - The MPD has included residential properties outside of the downtown business districts since the 1950s. The current MPD includes the 80 unit Ann Whalen Apartments and the 100 unit Clark House in Boltwood Walk, several residential properties on Spring Street, a couple of mixed use properties on North and South Prospect Street, and a number of college residence halls.

The proposed expansion of the MPD would include four residential rental properties on the north side of Kellogg Avenue (directly north of the Ann Whalen Apartments), and eleven residential properties east of North Prospect Street and south of Hallock Street. There are two single family residences in this area, but it is otherwise heavily dominated by multi-family rental properties, including the Halcourt Gardens apartment complex.

As has been seen in the Boltwood Walk area, over time, residential areas immediately abutting the downtown business districts can, over time, be redeveloped, recombined, and reconfigured under existing residential zoning regulations so that additional residential units are provided and parking is provided in more logical and accessible ways. The MPD does not change the existing regulations of the underlying General Residence (R-G) District in these areas, except by removing the requirement to provide a given number of parking spaces for selected multi-unit uses.

Kendrick Park - Article 7 proposes to include the properties comprising Kendrick Park in the MPD. The purpose of this is to alleviate any public uses proposed in the final park plan from providing on-site parking. Any parking needed to support the park should occur in the adjacent public ways, or off-site.

Flexibility & the Need for New Parking

A Marginal Change - In the B-G, B-L and R-G Districts, all existing dimensional and use regulations would remain in place. In the portions of the R-G District affected by the expansion of the MPD, new or redeveloped multi-family uses (apartments, townhouses, subdividable dwellings (1-3 units), converted dwellings (3-6 units), or congregate housing) would still require a Special Permit. In all cases in the MPD overlay, a use regulated under a Special Permit would still allow the Zoning Board of Appeals to require that a particular residential use—because of its intensity, location, anticipated impacts, or other factors—to provide a specific amount of parking, regardless of the presence of the MPD. Only those eligible uses that allowed by right or which require a by-right Site Plan Review approval would be completely exempt from parking requirements. And even in those cases, the permit process would allow Town boards to negotiate with applicants about parking.

Where Will New Parking Come From? - The MPD exempts some new residential, retail and research uses from the need to provide parking that would otherwise be required. It does not prohibit or limit new parking. New development or redevelopment projects need to include sufficient parking for their proposed uses, in order for their project to succeed, and in order to obtain project financing from cautious commercial lenders (banks). What the MPD overlay would allow is greater flexibility in how much parking has to be provided on-site.

If a property undergoing development is immediately adjacent to public or private parking to which the new or expanded use has access, then a developer could choose to provide less parking and instead create more building or pedestrian space on-site. This can already be allowed by a permit-granting board “for compelling reasons of safety, aesthetics, or site design”, but in the MPD this flexibility is assured. If there is little or no other parking in the vicinity, then it would be in the interest of the developer to provide their own parking, based on the needs of their project.

Zoning vs. Management

Zoning regulates the use of land, not how it is managed over time. A recent parking study by the Pioneer Valley Planning Commission indicated that there is an adequate supply of parking in downtown Amherst, but the study also indicated that the parking supply is scattered, is not always located where it was most needed, and is poorly organized and managed. In the northern end of the downtown—the area to which the MPD is proposed to be expanded--most of the parking available to the public occurs in numerous mid-sized private lots that are poorly marked and are not managed or policed by their owners to ensure that spaces remain available for shoppers and other legitimate users of the area. As a result, much of this parking becomes day-long, de facto campus parking, with students and campus employees parking there all day, riding the bus, and avoiding on-campus parking fees.

The only solution to this problem is improved, coordinated management of these parking lots. That is not a task that zoning can perform. The expansion of the MPD to these areas will neither solve nor worsen this problem. However, if the presence of the MPD marginally encourages and facilitates denser redevelopment of some of these areas, then that activity will provide an opportunity to address the parking needs of the affected properties.

Public Hearing

The Planning Board held a public hearing for Article 7 on March 18, 2009.

Planning Board member Denise Barberet said that while she had no concerns with extending the Municipal Parking District to the General Business and Limited Business zoning districts in the north end of the downtown, she didn't think it should be extended into the General Residence zone, particularly the Hallock/North Prospect Street area. North Prospect is a narrow, one-way residential street, she said, and greater density would not be appropriate there. She was concerned that there was already insufficient parking in that area, and the proposed rezoning could make things worse by creating new residential units for which no new parking was provided.

Board member Eduardo Suarez said that he would rather not see more parking, and supports greater development density in and around the downtown as a more sustainable approach.

Amherst College student Mark Connelly asked for clarification about parking requirements, the decision-making process, permitting, and levels of flexibility.

Board member Jonathan O’Keeffe responded that the same parking regulations currently apply everywhere. This may result in more parking than is necessary, he said, and having more flexibility could allow greater density of buildings (rather than surface parking) in those areas deemed appropriate.

Planning Director Jonathan Tucker indicated that the other existing use and dimensional regulations in zoning districts underlying the MPD would still apply. The MPD would simply allow for greater flexibility in the way that parking is dealt with. Under a Special Permit, the ZBA could impose parking requirements even in the MPD. Under a by-right Site Plan Review approval, the Planning Board could negotiate with a developer about how to meet a project’s parking needs, but it could not require that they provide a specific amount of parking.

After further discussion, the Board voted 4-1 to recommend that Town Meeting adopt Article 7.