PROJECT MEMORANDUM

ARLINGTON COMMERCIAL DEVELOPMENT PLAN

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SUBJECT:	East Arlington Parking Analysis

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The following technical memorandum details our analysis, findings and recommendations for the East Arlington district in support of the Arlington Commercial Development Plan. This has not yet been vetted with the East Arlington community and Walker recommends that Town officials present and review the proposed plan with impacted users prior to enacting any formal measures.

EXECUTIVE SUMMARY

WHY A PARKING PROGRAM FOR EAST ARLINGTON?

1. The merchants are deprived of having conveniently available parking for their customers because many of the most desirable spaces are filled by employees, and in some cases, commuters.
2. There is no convenient, dedicated parking for employees.
3. There are no clear regulations about parking in the adjacent residential areas.

PARKING INDUSTRY BEST PRACTICES

1. Parking industry best practice recommends that the spaces closest to the intended destination be set aside for patrons and visitors, known as "discretionary users", because they have a choice about whether or not to visit a business.
2. Employees and residents, known as "mandatory users", have a better knowledge of the area and higher comfort level parking some distance away from their intended destination. However, since employees arrive first, they often take the closest spaces, and occupy them all day.
3. A mechanism is needed to compel mandatory users to seek alternate parking and save the curbside spaces along Mass. Ave. for customers.
4. Attaching a monetary value to use and/or abuse of parking is the most effective means for regulating its use.

5. Funds collected for the use of public parking assets should be used to benefit the community in some form.

FINDINGS

1. Parking Supply in East Arlington commercial district:
    a. There are approximately **96 legal parking spaces along Mass. Ave**., primarily intended for commercial users.
    b. There are roughly **250 off-street, privately owned parking spaces** in the district. This inventory includes parking at the Crosby School, Cambridge Savings Bank (180 Mass. Ave.), Summit House, Trinity Baptist Church and others. These spaces are not available for use by the general public.
    c. There are roughly **600 on-street parking spaces on side streets** located within 'acceptable walking distance' to the commercial center, based on industry standards.
    d. **Only 96 of the 945 total spaces** in the district **are designated for customers** today.
    e. Of the 96 spaces, observations have indicated that **many spaces are occupied by employees**, leaving fewer convenient spaces available for customers.
2. Parking Occupancy of Mass. Ave. parking spaces:
    a. Weekday occupancy averages 73% of capacity (96 spaces).
    b. Weekend parking occupancy is higher.
        i. Friday evening – 86% use of capacity.
        ii. Saturday afternoon – 100% utilization.
        iii. Saturday night – 127% utilization indicating extensive illegal parking (i.e. too close to intersections, blocking driveways, obstructing fire hydrants, occupying bus stops, etc.).
3. Projected Need for Parking.
    a. The **most severe parking inadequacy occurs Saturday nights**.
        i. Projections suggest a need for as many as **295 spaces** to support commercial activity in the district as shown in Table 3 on page 10.
    b. Weekday demands also exceed the current allocated commercial supply.
        i. Commercial uses could need as many as **273 spaces** at the peak hour as shown in Table 3 on page 10.

RECOMMENDATIONS

1. Install 10 pay-and-display curbside meters along Mass. Ave. in order to preserve spaces for customer use and encourage regular turnover.
2. Institute a parking permit program on residential side streets within 1-2 blocks of Mass. Ave. to balance employee and resident parking needs.

3. Investigate the possibility of instituting shared use agreements between businesses and privately held parking lots (i.e. Hardy and Crosby Schools, Trinity Baptist Church, 180 Mass. Ave., etc.).
4. Allow the net income collected through the parking program to be reinvested in the district in the form of marketing campaigns, promotional events and streetscape maintenance and improvements.
5. Subcontract some functions of parking management and enforcement to a private agency.
6. Create an entity to implement and monitor programs, receive input from area businesses and residents, and allocate net income.

DECISION POINTS

- **Area of implementation**. The benefits and liabilities of running a pilot program in East Arlington vs. implementation in all commercial districts simultaneously must be considered.
- **Cost of implementation**. As a self-financed program with an initial town investment of $150,000 (10 meters at $15,000/meter, to be repaid back to the town over a 7-year term), the Town must evaluate the initial investment of public capital.
- **Private vs. public implementation**. Privatizing parking management and/or enforcement services must be weighed against maintaining current operations under the Police and other Town departments.
- **Consider costs and benefits if different rate structures**. Walker recommends a starting meter rate of $0.50/hour based on a survey of neighboring towns, but this has yet to be vetted with the East Arlington community.
- **Create an East Arlington or town-wide Parking Commission**, or Benefits District, to implement and monitor programs, receive input from area businesses and residents, and allocate cash flow, if any.
- **Cash flow**. Does cash flow stay in the district or go into the Town General Fund?

PARKING PROGRAM INCOME AND EXPENSES PROJECTIONS

Projected Revenues:	Quantity	Capture Rate	Multiplier	Operating Year	Income Rate		**TOTALS**
Meters	96 metered spots	75%	5 turns/day	300 days/year	$1.00/vehicle	$	108,000
Fines	10 tickets/day	80%	8 collections/day	300 days/year	$15.00/ticket	$	36,000
Permit Sales	250 permits	100%	n/a	12 months/year	$25.00/permit	$	6,250
Total Projected Revenue:						***$***	***150,250***
Projected Expenses:	Rate	Quantity	Terms	Operating Year			
Administration	$20/hour	4 hours/day	5 days/week	50 weeks/yr		$	20,000
Enforcement/Maintenance	$20/hour	12 hours/day	6 days/week	50 weeks/yr		$	72,000
Meters	$15,000/unit	10 units	/ 7 years (amortization)			$	21,430
Management Fee	n/a	n/a	$750/month	n/a		$	9,000
Equipment/Materials	n/a	n/a	15% of total labor	n/a		$	13,800
Total Projected Expenses:						***$***	***136,230***
OPERATING BALANCE:						**$**	**14,020**

EXISTING CONDITIONS

The following section details current conditions as reported by Town of Arlington staff and/or analyzed by Walker Parking Consultants. The area of focus for this engagement was limited to Massachusetts Avenue on the north side from Elmhurst to Varnum and south side from Windsor to Harlow.

SUPPLY INVENTORY

Town of Arlington staff inventoried a total of 96 legal parking spaces along Massachusetts Avenue within the defined study area[1] in April 2009. These spaces, while not specifically dedicated, are commonly considered set aside for commercial use within the district. There are no posted limits regarding use of these curbside spaces, although Article V of the town code proscribes limits on both overnight[2] and daytime[3] parking as assigned by the Town Selectmen.

Spaces along the various side streets connecting into Massachusetts Avenue enter into residential districts and are generally considered for resident use, although again no specific designation is apparent. Assuming boundaries of Raleigh and Waldo Streets to the east and Randolph and Herbert Street to the west – based on parking industry standards for acceptable walking distance – Walker would estimate there are a roughly 600 addition curbside spaces as shown in Table 1 on the next page, based on a review aerial images of the district. These curbside spaces are rarely employed by most residents in the area as most of the homes along these streets have driveways, garages or other off-street parking areas of adequate size to meet the needs of each building.

Many of the commercial buildings within the district have an off-street parking component. The converted residences, now functioning as professional offices, along Massachusetts Avenue have some set aside from their prior use that now serves as dedicated parking for staff and/or visitors. The Capitol Theatre has five (5) spaces set aside for staff parking, while the building adjacent to Cristo's Market has roughly 15 spaces located behind the building for residents and visitors. The Cambridge Savings Bank building at 180 Massachusetts Avenue has a 35-space parking lot located behind the building which is aggressively signed to set aside parking for employees and visitors. The Crosby School/Dearborn Academy has a 20-space surface lot for staff and visitors and the Trinity Baptist Church has a 30-space lot for parishioners. The residential building at 231-233 Massachusetts Avenue has a surface lot of roughly 60 spaces signed exclusively for tenant vehicles and Summit House has a 50-space lot set aside for the same purpose. In total, Walker estimates there are roughly 250 spaces in private off-street lots within the study area.

[1] Assumes that Elmhurst Road and Harlow Street constitute the northern boundary of the study area and Varnum and Windsor Streets make up the southern boundary.

[2] Section 14 prohibits on-street parking between the hours of 1:00 AM and 7:00 AM for durations of greater than one hour on all Town streets.

[3] Section 15 prohibits on-street parking for longer than 1 hour between 8:00 AM and 6:00 PM on weekdays.

Table 1: Curbside Inventory in Adjacent Residential Areas

Street	Between	And	Side	Spaces
Elmhurst	Mass Ave.	Randolph	Northwest	11
Freeman	Elmhurst	Orvis	Northeast	11
Randoplh	Elmhurst	Orvis	Northeast	12
Orvis	Randolph	Mass Ave	Southwest	13
Orvis	Randolph	Mass Ave	Northwest	15
Randolph	Orvis	Lake	Southeast	15
Freeman	Orvis	Lake	Northeast	16
Chandler	Mass Ave.	Herbert	Southwest	20
Egerton	Mass Ave.	Herbert	Southwest	19
Egerton	Mass Ave.	Herbert	Northwest	20
Melrose	Mass Ave.	Herbert	Southwest	17
Melrose	Mass Ave.	Herbert	Northwest	20
Milton	Mass Ave.	Herbert	Southwest	20
Milton	Mass Ave.	Herbert	Northwest	20
Varnum	Mass Ave.	Herbert	Southwest	23
Varnum	Mass Ave.	Herbert	Northwest	25
Harlow	Mass Ave.	Raleigh	Northwest	23
Everett	Mass Ave.	Raleigh	Southwest	17
Grafton	Mass Ave.	Raleigh	Northwest	17
Grafton	Mass Ave.	Raleigh	Southwest	20
Oxford	Mass Ave.	Raleigh	Northwest	10
Oxford	Mass Ave.	Raleigh	Southwest	11
Winter	Mass Ave.	Dearborn Academy	Southwest	22
Cleveland	Mass Ave.	Waldo	Northwest	34
Cleveland	Mass Ave.	Waldo	Southwest	36
Marathon	Mass Ave.	Waldo	Northwest	38
Marathon	Mass Ave.	Waldo	Southwest	33
Trowbridge	Mass Ave.	Waldo	Southwest	31
Windsor	Mass Ave.	Waldo	Southwest	30
TOTAL				**599**

In summary, Walker estimates there may be as many as 945± parking spaces within the general study area. However, only 96 are located along Massachusetts Avenue and generally considered open to general use. Another 600± spaces are located along the residential streets feeding off Massachusetts Avenue. Roughly 250 spaces are located in surface lot attached to commercial, institutional or residential buildings within the study area.

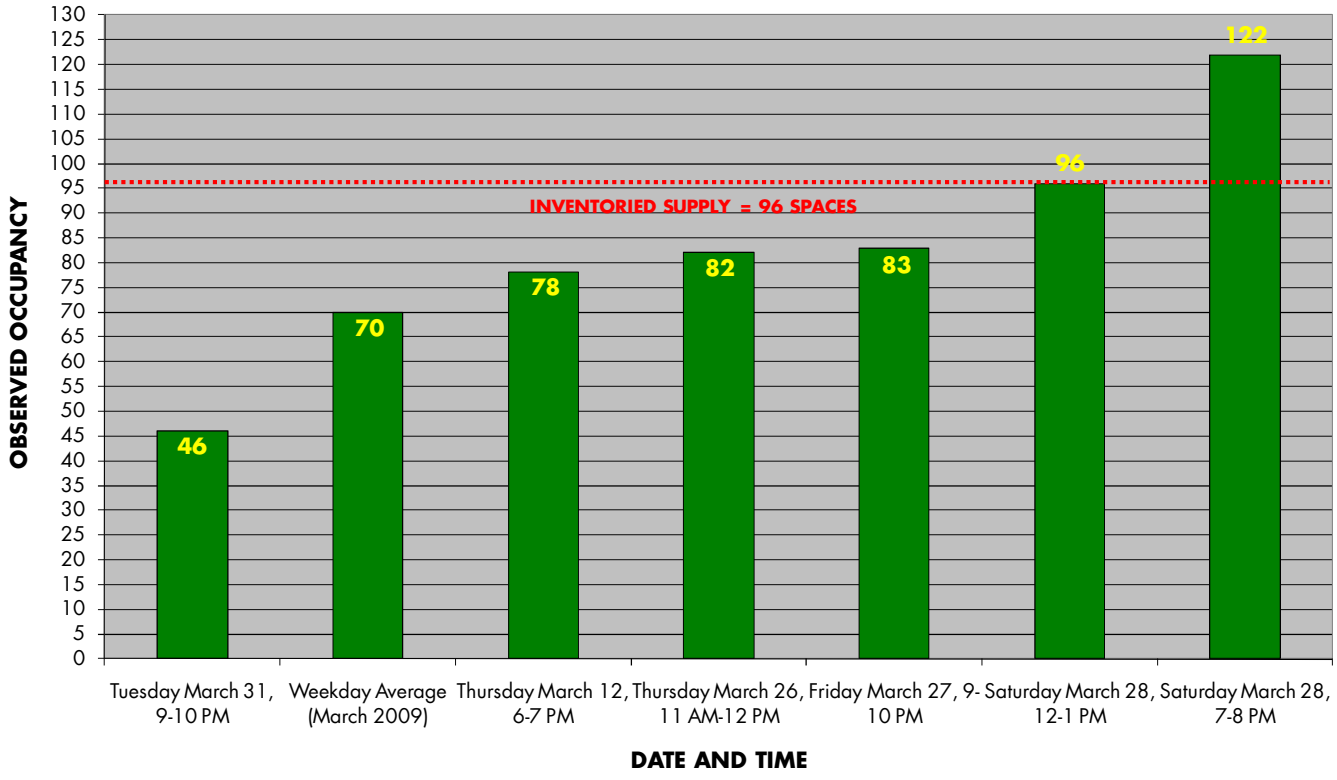
OBSERVED OCCUPANCY

Town personnel undertook limited occupancy surveys across the study area in late March 2008. These surveys were timed to identify vehicle accumulation at key times on weekdays, weekend days, and evenings. Vehicle counts were limited to just those spaces along the Massachusetts Avenue within the defined study area. Walker supplemented these counts with data provided by Howard/Stein-Hudson in prior work executed in the same area.

In a prior study conducted in the 1990's, Howard/Stein-Hudson inventoried 95 spaces along the same stretch of Massachusetts Avenue and found that occupancy on weekdays averaged roughly 70% of capacity and that roughly 76% of the spaces were filled at the peak weekday hour (12:00 PM) observed. At the time, Howard/Stein-Hudson noted that the typical length of stay for the spaces along Massachusetts Avenue was 93 minutes and that the parking spaces turned over roughly 4 times/day during a standard (8-hour) day.

As stated previously, the Town staff inventoried 96 legal spaces in roughly the same area. Town staff performed occupancy counts on multiple occasions during March 2009. A summary of peak observed conditions is included as Figure 1.

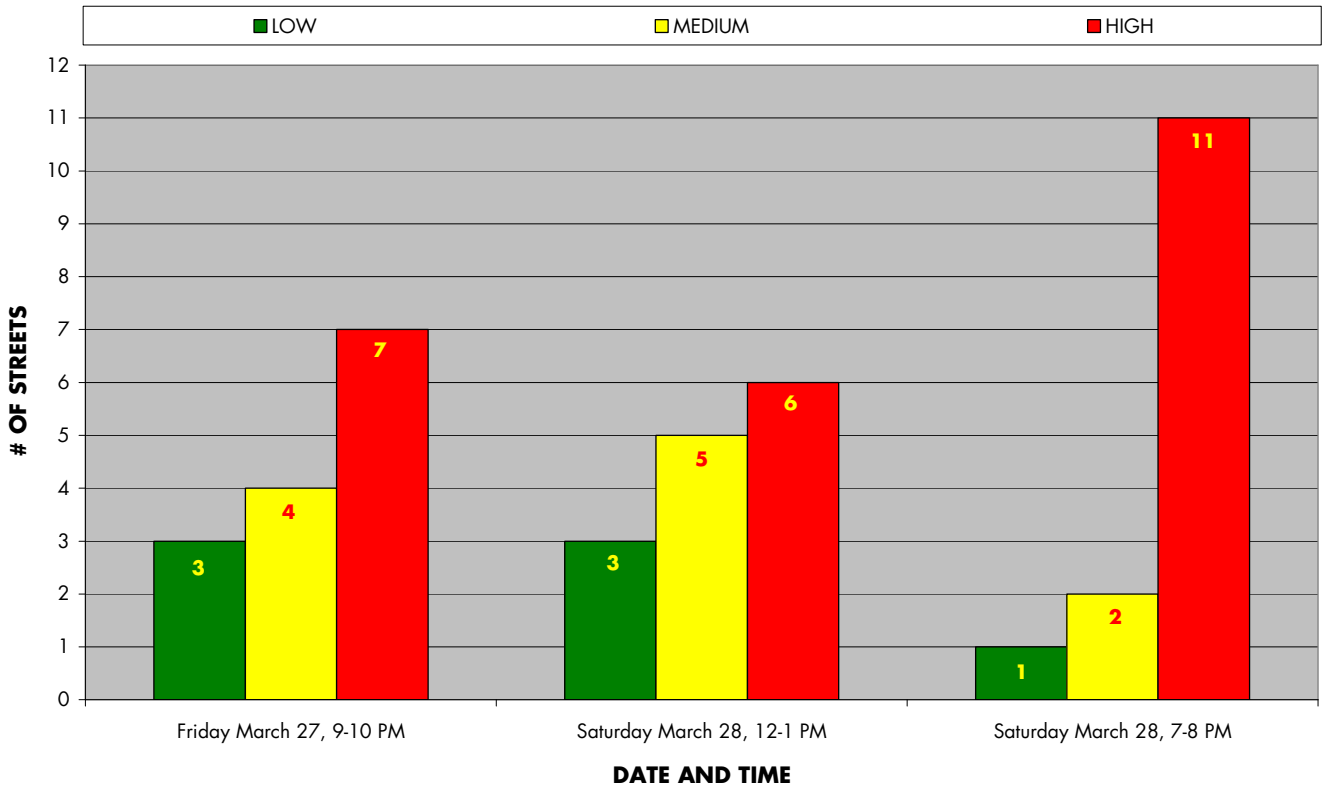
Figure 1: Summary of Observations



It should be noted that staff noticed four (4) vehicles parked illegally during Friday evening counts, seven (7) cars parked illegally during Saturday afternoon counts and thirteen (13) cars parked illegally during Saturday evening counts.

Town staff also made general observations regarding the use of side (i.e. residential) streets in terms of Low, Medium or High occupancy. While not definitive, these observations suggest that the side streets along Massachusetts Avenue may be supporting as many as 200 additional vehicles on evenings. This could account for a peak demand as high as 300± vehicles on town streets across the study area. Observed conditions on side streets are illustrated in Figure 2.

Figure 2: Side Street Occupancy Observations



PROJECTED DEMAND

Direct observations of current conditions provides valuable insight into area dynamics, but is not necessarily the truest or most accurate measure of need. The occupancy counts taken along Massachusetts Avenue indicate substantial demand for the area, as does casual observation of vehicle accumulation down adjacent streets. In this engagement, Walker sought to develop a clearer picture of need for the district, relative to the commercial development along Massachusetts Avenue. However, given the time limits and restricted scope of the engagement, extensive and repetitive occupancy counts were simply unfeasible. As a result, Walker adopted two alternate methodologies focused at better defining parking demand in the area.

Town staff executed an analysis based on existing parking requirements per Article 8 of the Arlington Zoning Bylaws. Per zoning, the existing commercial development located along Massachusetts Avenue in East Arlington should provide 668 spaces in off-street facilities according to Town staff. This requirement compares poorly against the 55 total existing off-street spaces in existence within the study area. It is Walker's assumption that this disparity exists due to changes in zoning after the current buildings and businesses were open and operating. This disparity may also be the result of changes of use in various buildings in the area; the current zoning bylaws do not have a provision for recalculating parking requirements resulting from a change of use.

The calculation of need per zoning is plausible, but most likely overstated. This calculation does not account for variations in parking demand according to time of day or year for various land uses, nor does it incorporate the impact of mass transit and patronage by area residents of various local businesses, all of which would reduce total demand within the area.

The Urban Land Institute (ULI) has developed a methodology known as Shared Parking which is more reflective of actual, real-world conditions. This methodology is founded upon base demand ratios developed from empirical observation of 'control' land uses. These observations are used to identify parking demand at the busiest hour of a "typically busy day[4]" according to various patrons (i.e. employees, visitors, etc.) of each land use. Once the base demand ratio for each land use is determined through observation of multiple controls, it can be applied to new land uses to project future need with reasonable accuracy.

Table 2: East Arlington Gross Demand

		Weekdays			Weekends		
Land Use	**Quantity**	**Base Ratio**	**Unit**	**Gross Demand**	**Base Ratio**	**Units**	**Gross Demand**
Retail	40,000	2.90	/ksf GLA	116	3.20	/ksf GLA	128
Employee		0.70		28	0.80		32
Fine/Casual Dining	15,000	9.00	/ksf GLA	135	12.75	/ksf GLA	191
Employee		1.50		23	2.25		34
Take Out Restaurant	15,000	12.75	/ksf GLA	191	12.00	/ksf GLA	180
Employee		2.25		34	2.00		30
Cinema/Theater	1,121	0.19	/seat	213	0.26	/seat	291
Employee		0.01		11	0.01		11
Residential Guest	16	0.15	/unit	2	0.15	/unit	2
Residential Reserved	16	1.00	/unit	16	1.00	/unit	16
Residential Shared, Rental	16	0.50	/unit	8	0.50	/unit	8
Office Space	35,000	0.30	/ksf GFA	11	0.03	/ksf GFA	1
Employee		3.45		121	0.35		12
Subtotal Customer/Guest Spaces				668			793
Subtotal Employee/Resident Spaces				225			127
Subtotal Reserved Spaces				16			16
Total Parking Spaces				**909**			**936**

For this analysis, Walker assumed a total existing building program of roughly 125,000 SF, including the Capitol Theatre and a small number of upper story residential units located along Massachusetts Avenue. These assumptions were developed from land use data provided to Walker by Town officials and the

[4] Both the Urban Land Institute and the Institute of Transportation Engineers use an 85th percentile standard to reflect design day conditions. This standard approximates conditions on the 310th busiest day of the year, which would be comparable to the 2-3 busiest days in any given month.

zoning calculations prepared by the same. Applying this data to the base demand ratios recommended by the ULI rendered a gross demand for up to 936 parking spaces as shown in Table 2, prior page.

Walker refers to these projections as gross demand because they do not reflect mitigation in demand for local factors such as mass transit use or walk-up business, nor do they reflect variations in parking demand by time of day and year for each land use. As such, these projections are dramatically overstated, but do provide a platform from which to better estimate true need and model parking demand during the course of a typical day.

The ULI methodology allows for multiple adjustments to this gross demand to reflect 'real world' conditions and produce a more accurate picture of true need. Adjustments include:

- *Presence factors for time of year* – These adjustments, based on empirical observation and research into multiple controls like the base demand ratios, reflect variations in parking demand for each land use and user type according to time of year. For example, it is widely known that the peak time for retail is late November through middle December, where as January is normally the slowest time of the year. Retail stores not only see increased patronage during the holiday shopping season, they also often 'staff up' in anticipation of the rush. The adjustments reflect increased resulting parking demand during the holiday rush for both user types and reduced parking demand for the same in January.
- *Presence factors for time of day* - These adjustments, also based on empirical observation and research into multiple controls, reflect variations in parking demand for each land use and user type according to time of day. For example, a restaurant will experience highest demand in the evening hours when patronage is at its highest, as is staffing. The same restaurant, if it does not offer breakfast service, may not have any parking demand associated with it during the early morning hours and only limited employee demand until after noon.
- *Non-captive ratio* – In settings such as East Arlington, a business can draw a substantial portion of its patronage from surrounding businesses or the neighborhood. These patrons can make up a significant portion of the daily patronage, but will not generate any parking demand associated with their visit as they leave their vehicles at their place of work or residence. In essence, they are considered 'captive' to one land use, even while patronizing another. In settings like East Arlington, Walker has found that up to 50% of weekday lunchtime patronage for retail store and restaurants is made up of local employees and residents; this figure can drop to 25% for weekday evenings and 20% for weekend days and evening when the office population is not present. The 20% to 50% of local residents and office workers patronizing a business are considered captive and will not generate parking demand associated with their visit; the remainder of the patrons are non-captive and will generate parking demand.
- *Driving ratio*: According to the Howard/Stein-Hudson study done in the area previously, between 38% and 41% of individuals surveyed in East Arlington indicated they had driven into the area to do business that day, while a significant majority stated they had walked or taken transit to the district. The U.S. Census Bureau states that only 67% of workers in Arlington drive to work; the remaining 33% take transit, carpool, bicycle or get to work by other means. The ULI methodology

allows for adjustment to gross demand to reflect these local impacts, rendering projections which are reflective of conditions specific to each site and municipality.

With the various adjustments made to the gross demand to reflect these variables, the parking demand picture changes dramatically. Peak hour projections for the commercial development in East Arlington are shown in Table 3.

Table 3: Peak Hour Projections, East Arlington Commercial District

			Weekday			
Land Use	**Gross Demand**	**Peak Month** Late Dec	**Peak Hour** 2:00 PM	**Non Captive Ratio** Daytime	**Drive Ratio** Daytime	**Projected Peak Demand**
Retail	116	80%	100%	50%	38%	18
Employee	28	90%	100%	100%	67%	17
Fine/Casual Dining	135	95%	65%	50%	38%	16
Employee	23	100%	90%	100%	67%	14
Take Out Restaurant	191	95%	90%	50%	38%	31
Employee	34	100%	95%	100%	67%	22
Cinema/Theater	213	100%	75%	100%	38%	61
Employee	11	100%	60%	100%	67%	4
Residential Guest	2	100%	20%	100%	38%	0
Residential Reserved	16	100%	100%	100%	100%	16
Residential Shared, Rental	8	100%	70%	100%	100%	6
Office Space	11	80%	100%	90%	38%	3
Employee	121	80%	100%	100%	67%	65
Subtotal Customer/Guest Spaces	666					129
Subtotal Employee Spaces	217					122
Subtotal Resident Spaces	26					22
Total Parking Spaces	**909**					**273**
					% reduction	70%

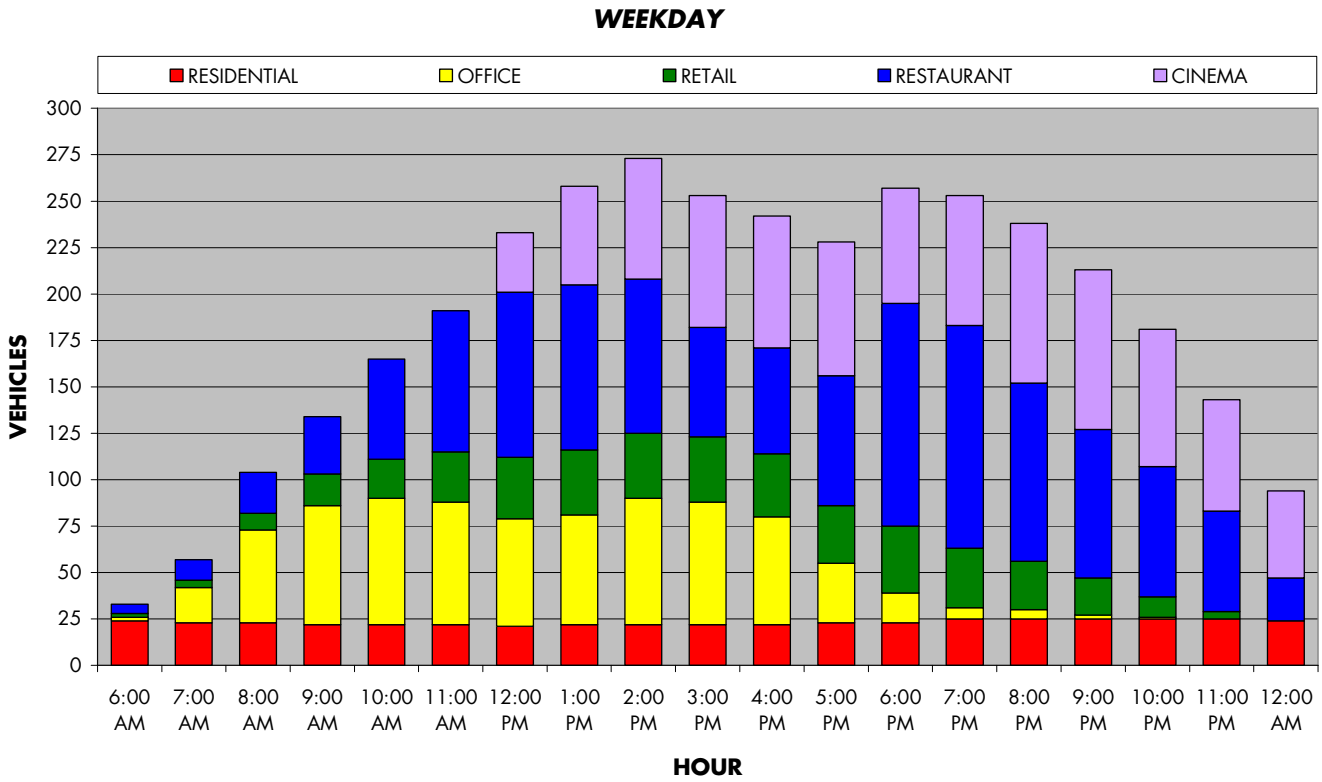
			Weekend			
Land Use	**Gross Demand**	**Peak Month** Late Dec	**Peak Hour** 7:00 PM	**Non Captive Ratio** Evening	**Drive Ratio** Evening	**Projected Peak Demand**
Retail	128	80%	75%	80%	43%	21
Employee	32	90%	80%	100%	67%	15
Fine/Casual Dining	191	95%	95%	80%	43%	59
Employee	34	100%	100%	100%	67%	23
Take Out Restaurant	180	95%	80%	80%	43%	47
Employee	30	100%	90%	100%	67%	18
Cinema/Theater	291	100%	80%	80%	43%	80
Employee	11	100%	100%	100%	67%	7
Residential Guest	2	100%	100%	100%	43%	1
Residential Reserved	16	100%	100%	100%	100%	16
Residential Shared, Rental	8	100%	97%	100%	100%	8
Office Space	1	80%	0%	90%	43%	0
Employee	12	80%	0%	100%	67%	0
Subtotal Customer/Guest Spaces	791					207
Subtotal Employee Spaces	119					63
Subtotal Resident Spaces	26					25
Total Parking Spaces	**936**					**295**
					% reduction	68%

For example, on a weekday the Town would be far better to design against a need for 273 vehicles at the busiest hour under design day conditions[5], rather than 909. Similarly, on a weekend true need for the East Arlington commercial district is closer to **295** spaces, as opposed to 936.

The preceding projections are far from definitive and should not be considered the last word in true need for the study area. However, they do provide an additional data point when considering observed conditions as they demonstrate how parking along Massachusetts Avenue could become overwhelmed fairly easily, causing vehicles to spill over into adjacent residential streets. Under these conditions, the 600± spaces located on those side streets off Massachusetts Avenue become critical overflow for those businesses which do not have adequate off-street parking and cannot accommodate all employees and visitors curbside.

In addition to identifying potential peak hour needs, the ULI methodology also allows the analyst to model accumulation patterns throughout the design day. This modeling can reveal trends and opportunities which can suggest potential avenues for mitigation or correction. For example, on weekdays there is an interplay between office, restaurant and cinema uses, creating efficiencies that allow district to function on the limited amount of parking available curbside along Massachusetts Avenue and adjacent streets.

Figure 1: Design Day Conditions - Weekday

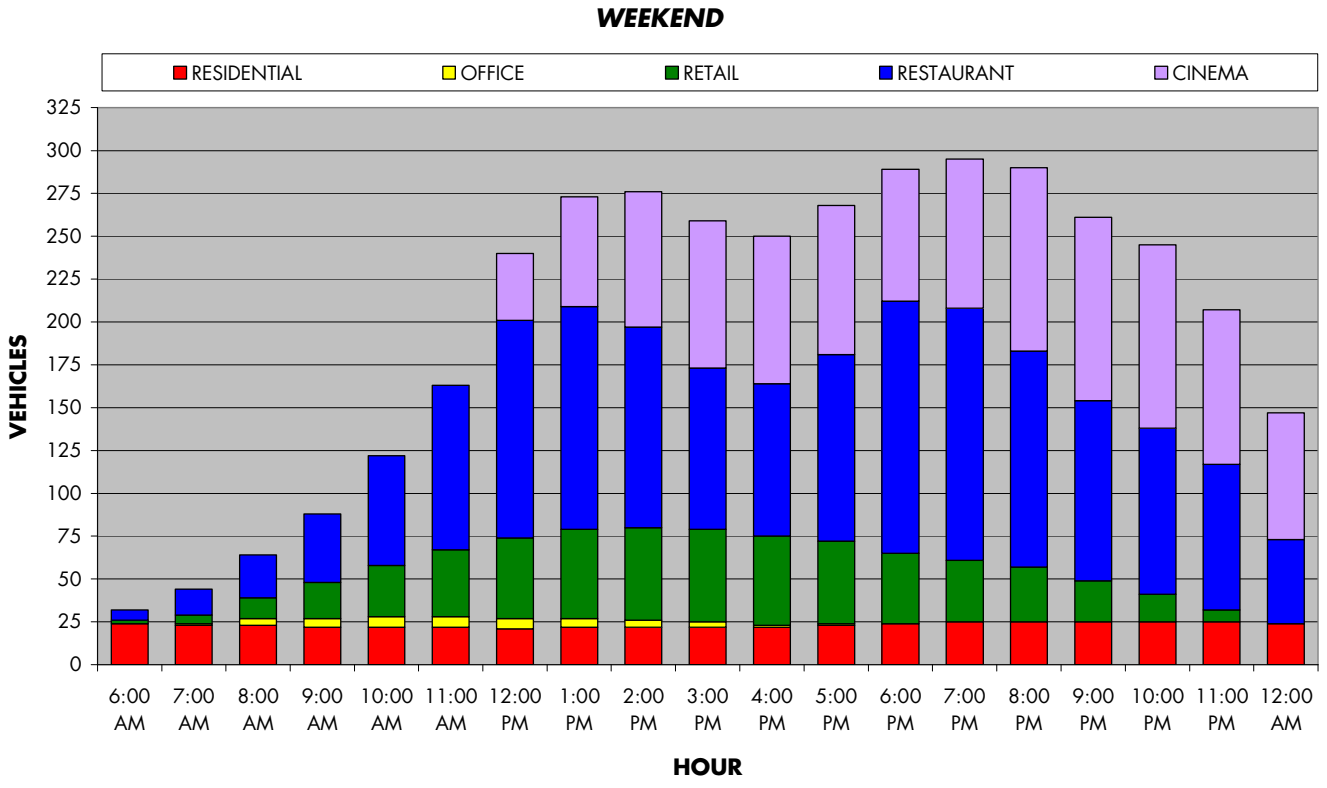


[5] Most municipalities design against an 85th percentile, peak hour standard, which is what is presented in this analysis. The parking industry does not advocated for designing against average conditions, nor peak potential conditions.

This interplay also suggests that the 35-space parking lot behind the Cambridge Savings Bank building could be leveraged against area restaurant and cinema demand after office hours, if a shared use agreement between the parties could be enacted. Similarly, the surface lot next to the Trinity Baptist Church could also be used to mitigate office demand in the area on weekdays when the church is not hosting a special event.

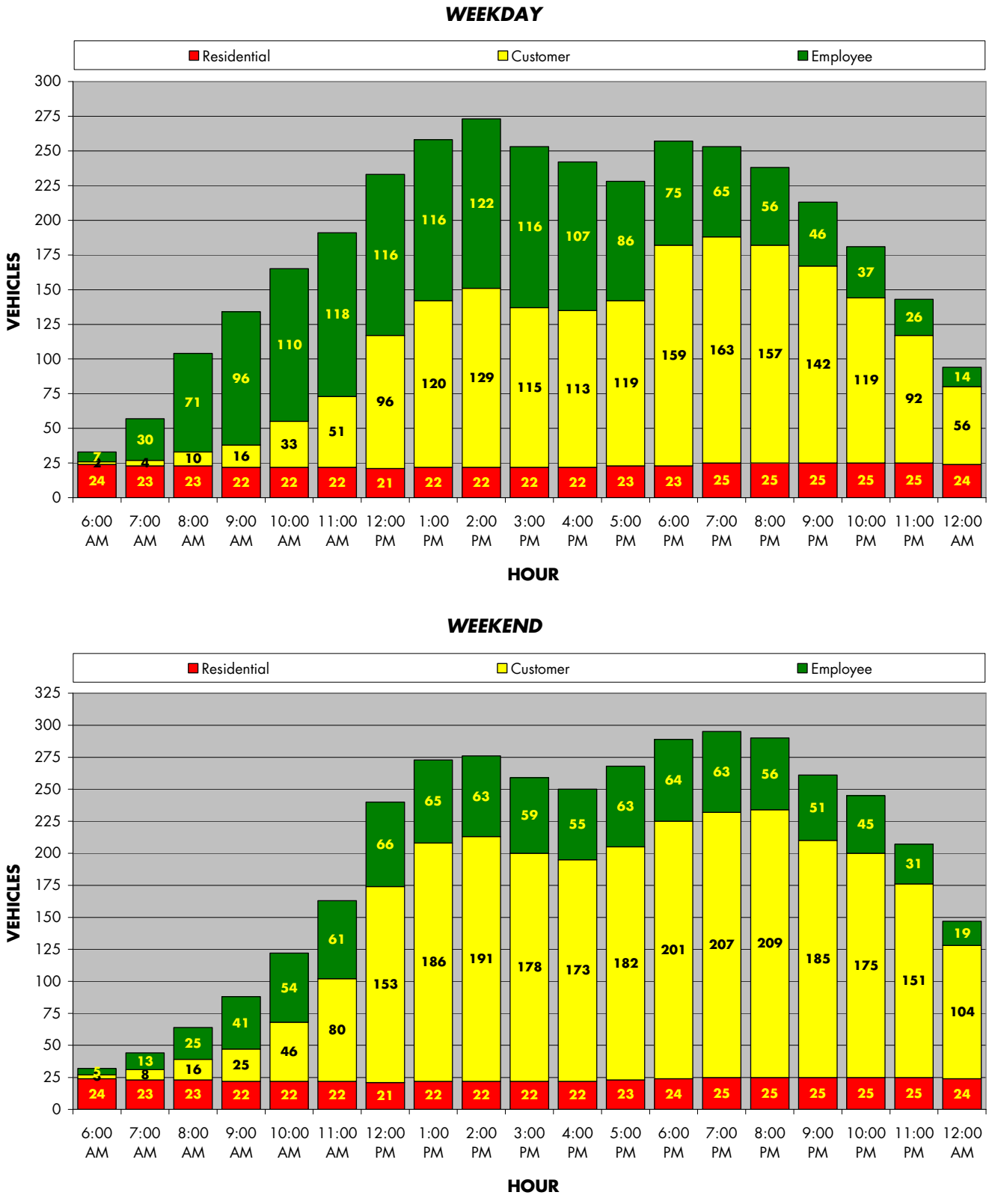
Review of demand accumulation patterns on weekend days illustrates why parking conditions are perceived to be much worse in comparison to weekdays. Because of the composition of the commercial district, the land uses build atop each other, creating increasing parking demand accumulation through out the day. By early evening, the combined need of retail and restaurant staff and patrons may have absorbed all of the curbside parking along Massachusetts Avenue and a considerable amount of parking along the side streets as well, forcing cinema patrons deeper into the surrounding neighborhoods in search of an available spot.

Figure 2: Design Day Conditions - Weekend



Trending by user group is also a critical consideration. Parking industry best practices recommend that the spaces closest to the intended destination, with the best access route and wayfinding connections, be set aside for patrons and visitors. These users tend to have limited knowledge or comfort within a given area and need to be close to their intended destination to have a satisfactory experience. These users are often referred to as *discretionary* as the trips they make are done by choice, not necessity.

Figure 3: Design Day Accumulations by User Type



If a discretionary user has a negative experience, they are less likely to return to the location a second time, so making parking a non-issue is critical to maintaining strong and steady patronage in a commercial district. For patrons and visitors in the commercial district of East Arlington, this means making sure that the spaces along Massachusetts Avenue are available when they arrive.

Employees and residents, often called *mandated* users, will have a better knowledge of the area and higher comfort level parking some distance or off direct site lines to the their intended destination. One of the great paradoxes of the relationship between discretionary and mandated users, is while patrons and visitors need that space in front of the shop or restaurant to assure their return visit, employees often occupy it because they have arrived in the area earlier. Without a mechanism in place to compel mandated users to seek alternate parking, the curbside spaces along Massachusetts Avenue have the potential to fill early and stay full all day.

As final note, the reader is cautioned against drawing specific findings from the preceding analysis, which is intended to illustrate potential issues, not quantify existing shortfalls. Substantial additional field work and analysis would be required to develop a model capable of accurately representing market conditions in East Arlington.

FUTURE CONDITIONS

To Walker's knowledge, there are no major emerging developments planned for the study area. During our tours of the area, we did not witness any major vacancies that could dramatically change the demand conditions or plots of vacant land which would support a significant new building. A change of use for several businesses, from a land use of lesser parking demand density (i.e. retail or office) to greater need (i.e. restaurant, tavern, etc.) could drive up demand in the area, but as of this writing Walker was unaware of plans for such an event within the study area.

Town staff estimate that the Massachusetts Avenue Corridor project currently in design will reduce capacity along Massachusetts Avenue nominally (1-2 spaces). Changes in the streetscape caused by the project may actually be conducive to making certain recommended changes, such as installing meters.

RECOMMENDED PROGRAMS

Based on the preceding analysis, Walker believes East Arlington would benefit from operational changes which:

1. Reserve curbside spaces along Massachusetts Avenue for discretionary users and compel regular turnover, assuring availability.
2. Provide for employee and resident needs as well.
3. Leverage availability in private facilities for the greater public good.
4. Protect the rights of all users.

The following section details Walker's recommendations for meeting these objectives.

METERING

Parking meters were first introduced in 1935 in Oklahoma City as a mechanism for regulating use of public streets. Contrary to popular opinion, parking meters are generally not intended to generate revenue for a municipality, but rather as a mechanism to compel turnover and aid compliance with posted time limits. By requiring the motorist to perform a physical task to secure use of the space – exit the vehicle, insert money into a meter, turn the handle, etc. – the municipality is seeking to make the individual cognizant of the time limitations on use of that space. Pairing the act with a nominal fee for service reinforces the message and also helps defray the cost of purchase, installation and maintenance of the meter. Metering also aids in enforcement of posted time limits. The flag indicating an expired meter serves as a visual cue to municipal personnel that the time has expired on the current user's stay.

There are many potential benefits to installing meters along Massachusetts Avenue in East Arlington. Meters will:

1. Assure turnover of curbside spaces needed to support area businesses;
2. Deter commuters from using the area as 'free' parking;
3. Improve the efficiency and impact of current enforcement efforts;
4. Generate new revenues for the Town.

Installing meters also presents certain liabilities which must be considered as well. Meters may:

1. Drive employees into adjacent residential streets, creating tension with surrounding neighbors;
2. Create initial discomfort for existing patrons unused to paying for parking;
3. Cost a significant sum to purchase, install and maintain;
4. Necessitate hiring of additional Town staff to supervise and maintain.

Often, the decision to install meters is met with concern that charging for parking in an area where it was formerly free will create a competitive disadvantage for the district and strangle commerce. However, both local and national experience suggests that metering actually aids area businesses by creating turnover for those critical curbside spaces. Some examples of where installation of meters has benefited local businesses include:

- *Waban, MA* – The Newton City Council elected to install meters in Waban Center after MBTA commuters began to intrude onto surrounding city streets, taking up curbside spaces needed for customers. Since installing the meters, the commuters have largely ceased the practice and local merchants have experienced an appreciable increase in business.
- *Aspen, CO* – The residents of Aspen elected to install meters on main commercial streets when a 2000 study showed that the average length of stay at curbside spaces was over four hours – nearly twice the posted limits. One year after installation of the meters, downtown business owners reported an increase in sales and general comments of satisfaction from visitors and customers.

- *Norfolk, VA* – The City of Norfolk removed meters along the length of Granby Street in the early 1970's in an attempt to curb retail migration from the district into surrounding suburbs. Despite this, by 2000 the vacancy rate for buildings along the eight block district was over 30%. In 2002, the City began to reinstall meters along Granby Street as office workers, seeking to avoid fees for parking on- and off-street in the central business district, began to migrate to the district. By 2004, the City has metered the entire street and raised rates to facilitate turnover of spaces. Despite these actions, occupancy of buildings along the street dropped nearly 20% in the same four year period. In 2005, the City voted to extend both meter and enforcement hours in response to the district's emergence as the region's premier entertainment and dining destination. Today, the Granby Street district is model for urban redevelopment.

Metering is common practice within the Commonwealth of Massachusetts, especially in commercial and central business districts. For example:

- *Concord, MA* collects $0.50/hour at its meters located in the historic and downtown centers.
- *Lexington, MA* also collects up to $0.50/hour and has over 200 meters spread across its downtown square, including Massachusetts Avenue and side streets.
- *Cambridge, MA* charges $1.00/hour for curbside parking on most major roadways and around all it commercial centers.
- *Brookline, MA* collects $0.75/hour from the short-term meters located in Brookline Village, Coolidge Corner, Cleveland Circle and other areas.
- *Newton, MA* is considering increase meter fees from $0.50/hour to $0.75/hour across the municipality.
- *Somerville, MA* charges $0.50/hour to park in Union Square, Davis Square and its other business/entertainment centers.
- *Watertown, Waltham* and *Wellesley, MA* all have meters set at $0.25/hour to ensure turnover in their commercial districts.

There are variety of meter models and manufacturers in the market, but only three general types of meters: standard, pay-by-space and pay-and display.

Most individuals are familiar with the standard parking meter (far left in Figure 6, next page), which may be mechanical or electronic and may have a single or multiple meter heads mounted on each pole. These meters tend to be the least expensive to purchase on a per unit basis, but may be more expensive in whole to install in a district as the municipality must purchase one meter per space and at least one pole for every two spaces. Because they are so common, these meters are generally the easiest for individuals to understand and use. Many manufacturers now offer standard meters with enhancements which allow for credit card acceptance and, in some cases, even payment by cell phone.

Pay-by-space meters (middle in Figure 6 on the next page) allow one machine to service up to a dozen or more parking spaces, improving the streetscape and reducing total purchase and installation costs. With a pay-by-space meter, each space the meter covers is painted with an identifying number. The user notes their space number when they park, proceeds to the machine and enters the space number. The user may be prompted to enter the duration of their desired stay or may be prompted to make payment for a fixed

increment of time. Most of pay-by-space meters accept coins and cash and many models now accept debit and credit cards as well.

Figure 6: Meters Types

In addition to improving the streetscape and reducing purchase and installation costs for municipalities, pay-and-display meters are generally very user friendly. Most meters are located in a facility or block face such that, if the user forgot to read the number on the space when they parked, they normally can read from where they are standing in front of the meter. The system allows for the user to immediate proceed to their destination once payment is made, much like a standard meter. Pay-and-display meters are actually easier to enforce than standard meters, as the enforcement officer has to check just one machine administering to several spaces, rather than walk by each meter to inspect it visually.

The limitation of pay-by-space systems is the necessity to mark and be able to read the space number. Pay-by-space systems are highly effective in the American south and southwest, but in other regions where snowfall is a common occurrence during part of the year, this presents a challenge. The City of Lowell recently replaced a number of standard meters with pay-by-space machines and used the poles the older meters once sat on to mount signs identifying the number for each space. This was an elegant and cost effective solution for Lowell, which already had the poles in place and needed to replace the older, traditional meters, but may not be the most favorable for East Arlington, especially given the investment the Town is making in improving the streetscape along Massachusetts Avenue.

Pay-and-display systems (far right in Figure 6) offer some of the same benefits as pay-by-space meters. They can service multiple spaces with one unit, reduce impact on the streetscape and can accept multiple forms of payment. However, with pay-and-display systems, the user must make payment at the meter and then return to their vehicle afterwards to display their receipt for the time purchased. This makes them less user friendly than pay-by-space, but also not prone to issues regarding snow cover or other obstructions obscuring the space number. Inversely, when snow is piled up on the curb separating the

sidewalk from the roadway, this can actually create a barrier for the driver who needs to move between their car and the meter to perform the transaction.

Pay-and-display systems are more labor intensive to patrol and enforce than pay-by-space, as personnel must visually check each receipt in each vehicle to confirm time has not expired, rather than reviewing the readout from a centrally located meter. Some manufacturers have made an effort to mitigate this by creating an adhesive strip on their receipts which allows the driver to mount them on a window so as to be easily read from the sidewalk or roadway by a passing patrolman.

Most modern meters now come equipped with solar panels, which allow the meter to operate on a self-contained battery for 3-7 years before replacement, easing installation costs and efforts. Some meters models 'batch' debit/credit card transactions, requiring weekly visits by personnel to download the data and transfer it to a centrally located server for processing. Other meters are equipped to process the transactions in real time via cellular modems which can transmit and receive the data through common commercial networks. The more advanced meter models can use this function to allow issue service or maintenance alerts to prescribed individuals or agency, accept payment via cell phone and, in some cases, alert the user when their time is about to expire.

Walker would recommend purchase and installation of pay-and-display meters for East Arlington. While not as convenient as pay-by-space meters, they are more practical for this environment and setting. There is ample precedent for this purchase, as the cities of Cambridge (MA), Providence (RI), Hartford (CT) and Portsmouth (NH) have all recently purchased and installed pay-and-display systems for their on-street spaces. The City of Boston has installed pay-and-display meters the length of Newbury Street, along much of the streets surrounding the Public Garden and in key locations adjacent to City Hall. Indianapolis (IN), Milwaukee (WI), Madison (WI), Denver (CO), Portland (OR), San Diego (CA), Cincinnati (OH) and Glendale (CA) are all currently engaged in pilot programs to evaluate various brands of pay-and-display meters to replace large numbers of standard meters.

Purchase costs for pay-and-display meters vary widely according to manufacturer, features, number of units to be purchased and economic conditions at the time of purchase. As a rule, manufacturers do not sell units on a retail basis, but rather by competitive bid process, which can substantially influence the price per unit. A basic pay-and-display meter may be acquired for as little $5,000/unit while the top-of-the-line models can run as much as $15,000/unit. Installation costs are typically nominal, as most units are self-contained and only require light concrete work to secure them to the curb or sidewalk. Maintenance costs average roughly $500/unit, although this too can vary according to climate, geographic location, unit features and service agreements.

For this analysis, Walker assumed a per unit cost of $15,000 for purchase and installation of ten (10) units, to be amortized over the anticipated lifespan of the units (7 years), resulting in annual cost of roughly $21,500. It is Walker's opinion that ten units should be able to reasonably service Massachusetts Avenue within the defined study area. Walker assumed annual maintenance costs of $500/unit, which include regular maintenance of unit software and periodic replacement of the unit's battery and other internal mechanisms.

Walker recommends a starting rate of $0.25/30 minutes for each space, with a maximum allowable stay of three (3) hours. Based on Howard/Stein-Hudson's reported 93 minute average length of stay, this will translate into an average fee of $1.00 for each vehicle. Based on observed and reported use trends, meters should be in operation from 8:00 AM to 8:00 PM, Monday through Saturday.

Walker assumed that average utilization for the 96-spaces along Massachusetts Avenue, once the Corridor project is complete, will be roughly 75%; equivalent to 72 occupied meters. Based on the data provided by the Howard/Stein-Hudson and Town staff studies, Walker assumed that these spaces would turn over five times during a standard, twelve-hour day. Assuming an operating window of 300 days per year, this should return a revenue stream of approximately $108,000 annually to offset the cost of purchase, installation and operation of the meters.

PERMIT PROGRAM

As stated previously, installation of meters along Massachusetts Avenue is likely to drive employees and other long-term parkers into the adjacent side streets within the study area. Simply prohibiting this practice is not feasible, as demonstrated in the discussion of area parking supply/demand dynamics; there simply are not enough privately-held off-street parking spaces in the study area to accommodate these users. In addition, casual observations of the study area suggest that the majority of residences in the surrounding neighborhoods have adequate off-street parking, so parking employees on these streets will not displace those users.

Permit programs to control on-street parking are not new to the Boston area. Boston, Cambridge, Brookline, Allston, Somerville and many other communities seek to protect access rights to on-street spaces for their residents by applying stringent application and screening processes before issuing a permit and high penalties for scofflaws who park illegally. In these communities, it is critical to protect curbside parking for the use of residents only, as many of the residential structures were built without any off-street parking.

For East Arlington, Walker would propose a permit program that would essentially license area employees and other long-term parkers to park on the adjacent side streets. This program would allow the Town the right to establish clearly defined limits on when and where these users could park on the streets, but would provide an approved solution against the shortfall of off-street spaces for staff of area businesses. Businesses would have to 'sponsor' applicants for the permits and applicants would have to demonstrate current employment with the sponsoring business to purchase the permit.

Initially, Walker would recommend the permit area be limited to the following:

- Orvis Road between Massachusetts Avenue and Randolph Street;
- Chandler Street between Massachusetts Avenue and Herbert Street;
- Egerton Road between Massachusetts Avenue and Herbert Street;
- Melrose Street between Massachusetts Avenue and Herbert Street;
- Milton Street between Massachusetts Avenue and Herbert Street;
- Varnum Street between Massachusetts Avenue and Herbert Street;

- Harlow Street between Massachusetts Avenue and Raleigh Street;
- Everett Street between Massachusetts Avenue and Raleigh Street;
- Grafton Street between Massachusetts Avenue and Raleigh Street;
- Oxford Street between Massachusetts Avenue and Raleigh Street;
- Winter Street between Massachusetts Avenue and the Dearborn Academy;
- Cleveland Street between Massachusetts Avenue and Waldo Road;
- Marathon Street between Massachusetts Avenue and Waldo Road;
- Trowbridge Street between Massachusetts Avenue and Waldo Road;
- Windsor Street between Massachusetts Avenue and Waldo Road.

Permit types vary from municipality to municipality and can include window stickers (left), bumper decals (middle) and hang-tags (right). The cost to purchase these is normally a few dollars per unit, depending on the manufacturer, media and volume of permits.

Figure 7: Permit Types

Program hours should be limited to 8:00 AM to 8:00 PM, Monday through Saturday only. This may require some employees with parking permits arriving earlier or staying later than the program limits to move their cars in or out of the area when access is not permitted, but will protect the resident's rights to quiet enjoyment.

Conceptually, Walker would recommend assessing a $25.00/permit processing charge to cover the program costs. This charge would only be assessed to employees applying for an on-street permit in the district. Area residents should also register for and receive a complimentary resident parking permit to allow them to park curbside without receiving a ticket. Unlike employees, residents will not have any restrictions on when they can park on-street within the program area, although they should be encouraged to use off-street facilities whenever possible. Residents needed curbside parking for special

events at their home should have the opportunity to apply for, and receive, special limited duration passes for their guests at no cost, up to reasonable annual threshold[6].

Both residents and employees would be required to register and receive a new permit each year. Permit colors, shapes and sizes should be changed each year to defeat counterfeiters. Assuming that the Town could sell 250 permits annually at $25.00/permit, gross revenues from the program would be roughly $6,000 per year against annual estimated costs of roughly $2,500 for labor and materials to administer[7].

PARKING SUPPLY ENHANCEMENTS

While the district could benefit from creation of additional off-street parking facilities on or near Massachusetts Avenue, the opportunities for such are extremely limited, given the lack of open space in the area. The Town could conceivably acquire existing buildings through direct purchase or other processes, but would be forced to demolish them to create parking. Even if the new parking was only a surface lot, the premium on those spaces in terms of demolition and construction costs, as well as lost tax revenues would be substantial.

As Walker noted, there are a number of privately held surface lots in the study area which may have available capacity on nights and weekends (Dearborn Academy/Crosby School, Cambridge Savings Bank, Trinity Baptist Church) or weekdays (Summit House and 231-233 Massachusetts Avenue) that could be employed by other users with complimentary schedules. The largest barrier to this is negotiating use rights between the various parties which protect the owner's liability and promote their participation while ensuring reasonable access rights for the user.

Shared Use agreements have long been employed in the City of Boston to establish a viable legal relationship between owners and users. These agreements have primarily been used as part of a permitting process for new development or a change of use application. The City of San Diego has also been proactive in promoting and recognizing Shared Use agreements as a remedy for parking shortfalls and actually provides a 'fill-in-the-blank' form that participating parties can complete and file with the Development Services Department for approval. Communities as diverse as Bar Harbor, ME and Brazos, TX have also adopted ordinances allowing for the formation and formal ratification of Shared Use agreements between parties. Copies of the San Diego and Brazos agreements are included at the conclusion of this report for the reader's edification.

Allowance of formal process for establishing and ratifying Shared Use agreements between the owners noted and area users in need of supplemental parking would be a strong first step towards better utilizing the limited parking supply available within the study area. The requirements of the Town, beyond placing the matter before the Selectmen and ratifying changes in ordinance to enact it, would be nominal as the

[6] Most municipalities limit residents to no more than 20 permits annually without a special hearing. These hearing are usually pro forma appearances before a permitting body to ensure the request is authentic.

[7] Note cost to for labor in administration pertains only to annual expense to process applications and mail/issue approved permits. Additional cost to promote the program and/or enforce compliance is not included.

Town would essentially be acting as an overseer only, rather than actively brokering deals or negotiating terms. In addition, because the foundation of the initiative is between two private parties, the two would be excluded from any liability or risk associated with the agreement. Again, the Town's role in the process is as a ratifying agency once the agreement is reached and signed by both parties. The Town may act, at its discretion, as a mediator in disputes between the two parties, but not is not obligated to do so.

To facilitate the process of establishing a shared parking arrangement, the Walker has included a sample form [Exhibit A at the conclusion of this memorandum] as a starting point for consideration by the Town Selectmen. It should be noted that Walker Parking Consultants does not practice law and recommends that any agreement to be adopted by the Town be reviewed by a qualified attorney prior to submission.

In addition to creation of Shared Use agreements between parties, Walker also considered the possibility of establishing valet service between key destinations in the district (i.e. the Capitol Theatre, various restaurants, etc.) during periods of peak demand and some of the underutilized private assets identified. The purpose of establishing such a service would be to better utilize and maximize the benefit of the privately held assets and increase service to discretionary users by offering 'front door' access.

Walker recommends the Town promote this as an option to various businesses in the district under duress due to constrained parking capacity, but that the Town not formally contract the service themselves. It is Walker's experience that the highest return on investment for contracting such a service is realized by the business served in terms of higher sales and greater patronage. While this may translate into an inflated bottom-line for the business owner, the appreciate increase in local tax revenues rarely covers the cost for providing the service. As such, the Town should allow for such practices in East Arlington under current ordinances, but should convert responsibility to establish and maintaining any type of valet service to the individual businesses.

ENFORCEMENT AND ADMINISTRATION

Installation of meters and a permit program are predicated under the assumption that both changes will be supported with a robust enforcement effort to assure participation and compliance. Based on Walker's exchanges with current agencies in the Town dedicated to providing these services, it is our opinion that the Town will need to supplement efforts significantly to assure success of these new initiatives.

According to representatives of the Arlington Police Department, parking enforcement is managed three civilian Parking Control Officers, with some supplementary staffing from Sector and Traffic Officers on an as-needed basis. [One of the current civilian Parking Control Officers is actually tasked to East Arlington.] The fine for most parking violations is $15.00/incident. Parking citations and payments of fines to the Town are processed by the Town's Parking Clerk's Office. Delinquent fines are subject to a $5.00 to $20.00 surcharge depending on the length of delinquency and are assured payment through state legislation that allows any municipal agency to submit unpaid parking as a lien against renewal of an operator's license or vehicle registration until all fines are cleared.

Town of Arlington by-laws and Massachusetts state law both allow municipalities to contract with civilians to provide parking enforcement services. Walker submits that, rather than increasing staffing for the Arlington Police Department to meet the additional challenges posed by adoption of these recommended changes, the Town may want to consider subcontracting both enforcement efforts and administration of new programs to a private agency. Many commercial parking operators have evolved from their traditional roles as parking garage operators or valet parking firms into multi-disciplined parking operations specialists.

The Town of Plymouth (MA) subcontracted all parking enforcement efforts out to a commercial parking operator several years ago successfully. The City of Chicago sold operating rights for all of its curbside meters to another commercial parking operator for a substantial sum. Parking authorities in Hartford, New Haven and Norwalk (CT) have subcontracted day-to-day operations, management, administration and enforcement duties out to private vendor for years with great success and at substantially less cost than if they had created and staffed a municipal agency to perform the same functions.

For simple tasks such as emptying and maintaining parking meters, performing regular enforcement patrols and issuing tickets, or processing applications for parking permits, most private operators will collect a base management fee and lease labor to the municipality at a fixed rate. This rate will include all wages and payroll taxes, benefits, health and liability insurance, and related administrative costs associated with the employment of an individual. In the Boston area, labor can contracted at an hourly rate of between $17.00 and $22.00 per hour, depending on the operator and duties. For this analysis, Walker assumed a base rate of $20.00 per hour.

At this rate, the Town could contract a private operator to provide labor to process permit applications and oversee the described program for up to twenty (20) hours per week at an annual cost of roughly $20,000. The same operator could provide personnel for up to twelve (12) hours each day, six days a week to supplement existing enforcement efforts by the existing civilian Parking Control Officer and also empty and maintain the proposed meters along Massachusetts Avenue at an annual cost of $72,000. In Walker's opinion, most area parking operators would not bid more than about $750/month in management fees to provide the staffing services. Walker has estimated that annual costs for uniforms, ticketing apparatus, printing and postage associated with these efforts will not exceed $5,000.

Contracting of private party to provide day-to-day services will not completely absolve the Town of all administrative responsibilities. An oversight body will be required to monitor the private operator's performance, provide support for the program in the community and act as liaison between the merchants, employees, patrons and residences of the district and the Town. Walker believes that such a need may be met by establishment of Parking Management District Steering Committee. The Parking Management District would consolidate all the recommended programs and associated revenues and expenses under a single balance sheet.

Direction and oversight would be managed by a Local Advisory or Steering Committee made up of local residents and business owners, Town officials and representative from the private parking operator. This committee would be instrumental in managing implementation of the various programs initially and providing consistent communication between the Town, impacted stakeholders, the contracted operator

and other parties. The committee would also be responsible for determining how funds in excess of annual costs should be reinvested into the study area to further improve the district.
Traditionally such reinvestment has included plantings, new benches and other streetscape improvements, the funding of art shows, festivals and other events meant to boost patronage of area businesses or elevate the general standard of living for impacted tenants of the district. According to Walker's initial estimates, this committee should have roughly $14,000 to reinvest in the district at the close of each year.

Table 4: Net Operating Statement for Parking Management District

REVENUES:			**TOTALS**
	Meters	72 spaces x 5 turns/day x $1.00/turn x 300 days/ year	$ 108,000
	Fines	8 tickets/day x 300 days/year x $15/ticket	$ 36,000
	Permit Sales	250 permits/year x $25/ permit	$ 6,250
TOTAL			***$ 150,250***
EXPENSES:			
	Administration	$20/hour x 4 hours/day x 5 days/week x 50 weeks/yr	$ 20,000
	Enforcement/Maintenance	$20/hour x 12 hours/day x 6 days/week x 50 weeks/yr	$ 72,000
	Meters	$15,000/unit x 10 units / 7 years (amortization)	$ 21,430
	Management Fee	$750/month	$ 9,000
	Equipment/Materials	15% of total labor	$ 13,800
TOTAL			***$ 136,230***
OPERATING BALANCE:			**$ 14,020**

Source: Walker Parking Consultants

A review of parking system operating statistics from surrounding communities suggests that these projections are achievable. For example:

- In FY2008, Lexington (MA) collected a total of $290,177[8] in gross parking revenues versus a stated cost of $74,599 for Parking Operations[9].
- The City of Newton collected $1,534,407 in Parking Violations Fines and supplemental the General Fund with a transfer of $1,130,000 from their Parking Meter Special Revenue Fund[10].
- The Town of Brookline took in $4,141,143 in total parking and court fines in 2007 and another $1,930,000 in Parking Meter Receipts[11].

[8] $143,296 in fines, $2,713 in permit sales and $144,168 in parking meter receipts.

[9] As taken from FY 2008 actual reported in the FY 2010 Proposed Town Budget [4100 Law Enforcement].

[10] FY2008 actual as reported in the Mayor's Recommended FY2010 Operating Budget.

[11] FY2007 actual as taken from the Town of Brookline FY2009 Financing Plan.

Exhibit A: Sample Shared Use Agreement for Parking Facilities

This Shared Use Agreement for Parking Facilities, entered into this ____ day of _____, _____, between _____, hereinafter called lessor and _____, hereinafter called lessee. In consideration of the covenants herein, lessor agrees to share with lessee certain parking facilities, as is situated in the City of _____, County of _____ and State of _____, hereinafter called the facilities, described as: [Include legal description of location and spaces to be shared here, and as shown on attachment 1.]

The facilities shall be shared commencing with the ____ day of _____, _____, and ending at 11:59 PM on the ____ day of _____, _____, for [insert negotiated compensation figures, as appropriate]. The lessee agrees to pay at [insert payment address] to lessor by the _____ day of each month [or other payment arrangements]. Lessor hereby represents that it holds legal title to the facilities.

The parties agree:

1. USE OF FACILITIES

This section should describe the nature of the shared use (exclusive, joint sections, time(s) and day(s) of week of usage.

> *-SAMPLE CLAUSE - [Lessee shall have exclusive use of the facilities. The use shall only be between the hours of 5:30 PM Friday through 5:30 AM Monday and between the hours of 5:30 PM and 5:30 AM Monday through Thursday.]*

2. MAINTENANCE

This section should describe responsibility for aspects of maintenance of the facilities.
This could include cleaning, striping, seal coating, asphalt repair and more.

> *-SAMPLE CLAUSE - [Lessor shall provide, as reasonably necessary asphalt repair work. Lessee and Lessor agree to share striping, seal coating and lot sweeping at a 50%/50% split based upon mutually accepted maintenance contracts with outside vendors. Lessor shall maintain lot and landscaping at or above the current condition, at no additional cost to the lessee.]*

3. UTILITIES and TAXES

This section should describe responsibility for utilities and taxes. This could include electrical, water, sewage, and more.

> *-SAMPLE CLAUSE - [Lessor shall pay all taxes and utilities associated with the facilities, including maintenance of existing facility lighting as directed by standard safety practices.]*

4. SIGNAGE

This section should describe signage allowances and restrictions.

> *-SAMPLE CLAUSE - [Lessee may provide signage, meeting with the written approval of lessor, designating usage allowances.]*

5. ENFORCEMENT

This section should describe any facility usage enforcement methods.

> *-SAMPLE CLAUSE - [Lessee may provide a surveillance officer(s) for parking safety and usage only for the period of its exclusive use. Lessee and lessor reserve the right to tow, at owners expense, vehicles improperly parked or abandoned. All towing shall be with the approval of the lessor.]*

6. COOPERATION

This section should describe communication relationship.

> *-SAMPLE CLAUSE - [Lessor and lessee agree to cooperate to the best of their abilities to mutually use the facilities without disrupting the other party. The parties agree to meet on occasion to work out any problems that may arise to the shared use.]*

7. INSURANCE

This section should describe insurance requirements for the facilities.

> *-SAMPLE CLAUSE - [At their own expense, lessor and lessee agree to maintain liability insurance for the facilities as is standard for their own business usage.]*

8. INDEMNIFICATION

This section should describe indemnification as applicable and negotiated. This is a very technical section and legal counsel should be consulted for appropriate language to each and every agreement.

> *-NO SAMPLE CLAUSE PROVIDED-*

9. TERMINATION

This section should describe how to or if this agreement can be terminated and post termination responsibilities.

> *-SAMPLE CLAUSE - [If lessor transfers ownership, or if part of all of the facilities are condemned, or access to the facilities is changed or limited, lessee may, in its sole discretion terminate this agreement without further liability by giving Lessor not less than 60 days prior written notice. Upon termination of this agreement, Lessee agrees to remove all signage and repair damage due to excessive use or abuse. Lessor agrees to give lessee the right of first refusal on subsequent renewal of this agreement.]*

10. SUPPLEMENTAL COVENANTS

This section should contain any additional covenants, rights, responsibilities and/or agreements.

> *-NO SAMPLE CLAUSE PROVIDED-*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date Set forth at the outset hereof.

[Signature and notarization as appropriate to a legal document and as appropriate to recording process negotiated between parties.]