

PBOT Staff Response to Dr. Shoup's Editorial on Overnight Parking Permits

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The following brief addresses Dr. Donald Shoup's editorial which was printed in the Oregonian on January 5, 2013. Dr. Shoup's editorial addressed the recent building of large apartment buildings with little or no parking along main corridors in Portland's inner neighborhoods. He recommended overnight parking permits as a solution to maintain parking privileges for current residents and create a parking market for those moving into apartments.

Many residents, as well as some Councilors, have mentioned Dr. Shoup's permit parking recommendation as a key part of a parking solution. While PBOT believes that Dr. Shoup presents some interesting concepts and points, there are many realities of Portland's situation that make his permit ideas unfeasible.

Below, we walk through the editorial and debrief how parts of Dr. Shoup's suggestion can and cannot be applied to Portland. Hopefully, this will lead to a more informed and realistic conversation between staff, Council, and the public.

The quoted text is verbatim from the Oregonian. The bulleted "PBOT Notes" are Portland Bureau of Transportation staff reflections and responses to the points made in the editorial.

Portland should consider overnight permits to solve its parking headache

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By Donald Shoup

"Portland is at the center of a national planning debate about off-street parking requirements. Advocates often claim that parking requirements are necessary because banks will never finance new apartment buildings without parking, developers will never build them and tenants will never want to live in them.

Portland has tested these claims by removing the parking requirements for new apartment buildings near transit. What happened? Banks are lending, developers are building, and tenants are renting the new apartments without parking.

Some residents of these new apartment buildings own cars, however, and park them on the nearby streets. The residents of nearby neighborhoods are now complaining about parking spillover, and who can blame them? Fortunately, the city of Portland can solve this spillover problem without new parking requirements. The problem is not a lack of off-street parking spaces, but the lack of on-street parking management.

Portland can allow the residents of any block to adopt an overnight permit parking district that prohibits overnight parking on the block except for cars with resident permits. This will prevent nonresidents from storing their cars on the block, and it will eliminate the parking spillover from apartments without parking. In Los Angeles, for example, the fee for a resident's overnight permit is only \$15 a year. Enforcement officers need to make only one quick visit during a night to cite all cars parked without permits. If the residents of a block object to an overnight permit parking district, the spillover parking problem can't be serious.”

PBOT Note: According to the LADOT website, “The Department of Transportation implements and enforces Overnight Parking Districts created to prohibit the parking of all vehicles between 2:00 a.m. and 6:00 a.m. to deter public nuisance crimes associated with people in parked vehicles late at night. If one of these Overnight Parking Districts is in or near a residential area with inadequate off-street parking, the City Council may also authorize the sale of permits to the residents that will exempt the residents and their guests from the overnight parking restrictions.”

In other words, there are areas of LA, dubbed “Overnight Parking Districts” where there is little to no parking demand in the evenings. Overnight Parking Permits allow those who live in areas where parking is difficult to buy a permit to park in one of these Overnight Parking Districts overnight. In Portland, the parking issue arose because of the permeable flow between parking due to residents, visitors of the residents, and those frequenting businesses in the area all at the same time. There is no adjoining area in Portland that empties at night and would not be impacted by nearby residents’ parking. The LA situation is too different from Portland’s situation to offer the same tool.

“The city can make residents of apartment buildings without off-street parking ineligible for residential parking permits on nearby blocks, so anyone who rents an apartment in those buildings will know that overnight parking in front of nearby homes is illegal. Tenants will have to live without a car or make arrangements to pay for off-street parking. The market for these apartments without parking is large, however, because almost a quarter of renter households in Portland do not own a car.”

PBOT Note: Dr. Shoup’s proposed parking permit program would regulate parking amongst the residents of a particular neighborhood assigning a priority for parking to a ‘class’ of residents (single-family home vs. apartment dweller).

This question of privilege is a vexing one, which requires decision-makers to ask and answer a few fundamental questions, including:

1. Should residents, who live in single family residences, be given parking privileges that are not afforded to their neighbors that live in apartments (even if neither have off street parking)? Why or why not?
2. Should residents who live in an area of the neighborhood that was developed many years ago be given parking privileges distinct from residents that are living in a newly developed area? Why or why not?

There is no equitable justification for these types of distinctions. In fact, these types of policy discussions raise the concern that we may be perpetuating patterns of discrimination based on home ownership status, which correlates to income, race, and ability.

In many of the neighborhoods where the new apartments are permitted and/or being built, there is a mixture of single family homes, small multi-family units (duplexes, quads) and businesses along the main street. Large apartment buildings are new additions to the neighborhoods, and much of the conversation has created an “us (existing residents) versus them (new apartment residents)” framework in discussing who has the right, or more right than others, to use the public right-of-way.

Dr. Shoup’s approach also gives the impression that residents’ have ownership of the right-of-way in front of their home or on their block. Given the multitude of purposes that the right-of-way fills, this is a dangerous precedent to set. The City of Portland’s right-of-way is a public good and its use by individuals should not be dependent on the size of one’s personal property.

“A further refinement to the overnight permit system can benefit everyone. Some cities sell special nonresident permits on blocks that have many vacant spaces, and they dedicate the revenue to pay for added services on the blocks that accept the nonresidents' cars. For example, the city can sell a few nonresident permits on blocks that have an overnight vacancy rate greater than 50 percent. Nonresidents pay market prices for the overnight permits, such as \$50 a month per car. Each nonresident permit is valid only on a specific block, with no more than four nonresident permits on any block. This approach ensures that each block has ample open parking spaces for both residents and their guests.”

PBOT Note: This approach does not account for the constant influx of visitors that may be visiting the neighborhood businesses that we have encouraged through mixed use development. For example, using Dr. Shoup’s proposal, there could be a block with 15 parking spaces. Of these 15 spaces, eight get taken by residents. Of the remaining

permits, four are sold to “nonresidents” (aka, apartment residents or employees at nearby businesses). That would leave three remaining spaces for those visiting to frequent the businesses, restaurants, parks, etc. within the neighborhood.

Given the intentional permeability between the neighborhood and the main street, it should be expected that many visitors to the area will look to residential streets surrounding the destination street for parking. Therefore, if more than three visitors park on the block mentioned above from 5pm – 8pm as they get dinner, residents with permits for that block would have to find another block to park on, and then plan on moving their vehicle back to the correct block before the overnight permit hours begin. This seems like an unattractive option for residents who may not be interested in watching the street every evening for spaces to open up.

While Dr. Shoup’s approach is interesting, it appears to be designed for a residential area that is not connected to a thriving and destination-producing main street, and would not be a practical tool to apply in neighborhoods abutting Portland’s main streets.

“The revenue from the nonresident overnight permits can pay for the residents' overnight permits and for added public services, such as repairing sidewalks, planting and trimming street trees, or putting overhead utility wires underground. Four nonresident permits at \$50 a month will raise \$2,400 a year for added public services on a block that allows limited overnight parking by residents of a nearby apartment building without its own off-street parking.”

PBOT Note: The City of Portland operates its existing Area Parking Permit Programs on a cost for service fee structure, meaning that the cost of any permit covers the cost of issuance, administration, operations, and enforcement of the regulations tied to the permit. Our APPPs currently cost \$60 annually. Dr. Shoup’s suggestion of \$600/year for non-residents is ten times Portland’s annual permit cost. This would definitely bring more revenue to PBOT, but would violate the City’s precedent of having permit costs reflect the cost to administer the permit. A discussion would need to be had surrounding how on-street parking should be valued for what purpose, so these prices can be administered consistently throughout the city.

If an area wished to receive an amount of the permit revenue, there would have to be discussions about the cost of the permit in order to cover the City’s costs and have enough to split with the neighborhood.

“Overnight parking permit districts can benefit everyone. Any block can choose to prohibit overnight parking except by residents. Blocks that allow a few nonresident permits, however,

will benefit from new public investments because the nonresidents will become paying guests rather than freeloaders. And Portland can continue its policy of not requiring parking in new apartment buildings well served by public transit.

Overnight permits with nonresident buy-in will also benefit residents of new apartments without off-street parking. Car owners can pay for nearby on-street parking, and those who don't own a car won't pay anything. The money saved by not building off-street parking for new apartments will indirectly pay for public reinvestment in older neighborhoods.”

PBOT Note: Dr. Shoup’s recommendations suggest permitting at a micro-level, potentially by individual block-face. A parking permit program may not be cost-effective at this small area scale. Regulating parking through signage and issuing location specific permits for many small districts would drive-up program administration costs.

“Will overnight permit districts unfairly discriminate against the residents of new apartments without parking spaces? Some may argue that all drivers should pay for on-street parking privileges, but we are a long way from that world, and Portland has to start from where it is. As Supreme Court Justice Benjamin Cardozo wrote, "Justice is not to be taken by storm. She is to be wooed by slow advances.”

PBOT Note: Dr. Shoup seems fairly unconcerned that the permit program he proposes would discriminate against residents of new buildings. For the City of Portland, any foreseen discrimination is unacceptable, especially if the discrimination perpetuates inequities of the past along racial, income, and ability lines. Given that home owners in the Portland area are more likely to be wealthier, whiter, and more abled than renters, permitting based on housing type would further the inequities of the past and not be a productive step in creating a Portland where all residents have equitable access to City resources.

Dr. Shoup’s point about “slow advances” is a point worth taking, and PBOT understands that perfection should not be the enemy of progress. That said, it is important that any step, large or small, points to a more equitable City and one where new residents are welcomed.