

PARKING ORDINANCE

LEGAL NOTICE

CITY OF CAMBRIDGE

ORDINANCE NO. 1192

FINAL PUBLICATION NUMBER 2752.

**FIRST PUBLICATION IN THE
CHRONICLE ON AUGUST 7, 1997.**

**IN THE YEAR ONE THOUSAND,
NINE HUNDRED NINETY-SEVEN
AN ORDINANCE**

In Amendment to an ordinance entitled
the "Cambridge Municipal Code"

**Be it ordained by the City Council of
the City of Cambridge as follows:**

Title 10 of the Code (Vehicles and Traffic)
is hereby amended by repealing Chapter
10.16 (the Interim Parking Freeze in its
entirety and replacing it with the following
new Chapter 10.16 (Commercial Parking
Space Permits).

NOTE; Pursuant to the provisions of
General Laws, Chapter 40, Section 32A,
Tercentenary Edition, the ordinance as
aforesaid which exceeds in length eight
octavo pages of ordinary book print may
be summarized for publication in a news-
paper of general circulation in the city
with the further provision that said Zoning
Ordinance may be examined and ob-
tained at the City Clerk's Office during of-
fice hours and that any objection to its in-
validity by reason of any defect in the
procedure of adoption may only be made
within ninety days after the posting or the
second publication.

In City Council September 8, 1997.

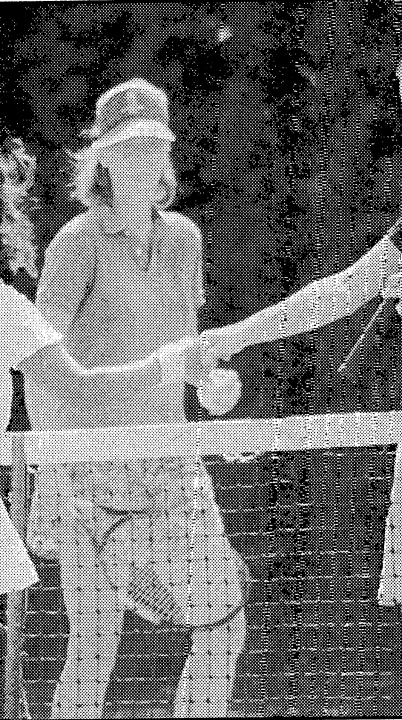
Passed to be ordained by a yea and nay
vote:-

Yeas 7; Nay 1; Absent 0; Present 1.

ATTEST:-

D. Margaret Drury
City Clerk

Cambridge Chronicle, 9/11/97.



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Cummings before their match

**In order
you n**



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Seven

AN ORDINANCE

In Amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze) in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).
Chapter 10.16

COMMERCIAL PARKING SPACE PERMITS

Sections:

- 10.16.010 Definitions
- 10.16.020 Building, operation or expansion of commercial parking facilities
- 10.16.030 Commercial Parking Control Committee
- 10.16.040 Procedure for obtaining a commercial parking permit
- 10.16.050 Permit term and conditions
- 10.16.060 Number of Commercial Parking Permits to be issued
- 10.16.070 Enforcement
- 10.16.080 Non-Transferability of Parking Spaces
- 10.16.090 Parking and Transportation Demand Management Plan
- 10.16.010 Definitions

"Commercial Parking Space" means a parking space available for use by the general public at any time for a fee. The term shall not include (i) parking spaces which are owned or operated by a commercial entity whose primary business is other than the

operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents but which are not available for use by the general public; (ii) parking spaces restricted for the use of the residents of a specific residential building or group of buildings; (iii) spaces located on public streets; or (iv) spaces located at a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Commercial Parking Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or operation of a parking space or the construction, operation, or modification of a parking facility.

"Determination of Exclusion" means a determination made by the Director prior to the effective date of this Chapter that a parking facility or a parking space did not require a CPFP.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Existing Commercial Parking Permit" means (i) a permit or approval issued prior to the effective date of this Chapter pursuant to the Procedures, Criteria, and Memorandum of Agreement

dated November 15, 1984; (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iii) a letter from the Director confirming the number of spaces at a specified location that were in existence and being used as Commercial Parking Spaces as of October 15, 1973.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

10.16.020 Building, operation or expansion of commercial parking facilities

No person shall operate a Commercial Parking Space in Cambridge, or modify an existing Parking Facility so as to increase the number of Commercial Parking Spaces therein, unless said person shall have first obtained a Controlled Parking Facility Permit, a Determination of Exclusion, an Existing Commercial Parking Permit, or a New Commercial Parking Permit authorizing each such Commercial Parking Space.

10.16.030 Commercial Parking Control Committee

All applications for New Commercial Parking Permits shall be reviewed by the Commercial Parking Control Committee (CPCC or Committee) consisting of five Cambridge residents with appropriate experience, appointed by the City Manager for staggered terms of three (3) years. Effective immediately, the members of the Interim Parking Control Committee shall be the initial members of the CPCC, and they shall be assigned staggered terms ranging from one (1) to three (3) years by the City Manager. No person shall be appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee shall maintain complete and accurate records of all applications for New Commercial Parking Permits. In carrying out its duties, the Committee may consult with and seek the assistance of other appropriate departments and agencies in the

City, state and federal governments such as the Community Development Department, the License Commission, the Inspectional Services Department, the Department of Traffic, Parking, and Transportation, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).

10.16.040 Procedure for obtaining a commercial parking permit

(a) An application for a New Commercial Parking Permit shall be submitted to the Director on a form available at the Cambridge Traffic, Parking and Transportation Department. Upon receipt of such application, the Director shall promptly transmit copies thereof to the CPCC. The CPCC shall hold hearings at least twice in each calendar year provided an application is pending and permits may be issued consistently with Section 10.16.060. The CPCC shall establish a deadline for receipt of applications prior to each hearing. All applications received by the deadline established by the CPCC shall receive consideration, provided that permits may be issued pursuant to Section 10.16.060. Applications not considered due to the restriction on the CPCC's ability to issue permits pursuant to Section 10.16.060 shall be considered in the order received at such time as the CPCC may issue permits.

(b) The CPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic, Parking, and Transportation Department.

(c) Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.

7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. A plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measures which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Six copies of every application shall be submitted, with the above information, to the Commercial Parking Control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

(d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

(e) At least 14 days before the hearing, the Commercial Parking Control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by section 10.16.040(c).

(f) Within thirty (30) days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making determinations, the CPCC shall consider the following criteria:

- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
- (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
- (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and documentation as it deems appropriate for substantiation of compliance with the above criteria.

(g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall (i) state the name, address and total number of authorized parking spaces at the facility; (ii) specify how many spaces are authorized for use as Commercial Parking Spaces; and (iii) describe any conditions upon which the application is approved. A copy of the Director's approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

10.16.050 Permit Term and Conditions

(a) Each New Commercial Parking Permit shall be conditioned on satisfactory implementation by the permittee of (i) the plan submitted under 10.16.040(c)(9), as approved by the City Manager's Designee for regulation and control of air pollution from motor vehicles and (ii) the plan submitted under 10.16.040(f)(2).

(b) Each New Commercial Parking Permit shall have a two-year term and shall automatically revert to the City if an occupancy permit, building permit, or operating license has not been issued for the permitted spaces within such two-year term; provided that, for good cause based on a demonstration of the status of the project development and financing therefor, the Director in consultation with the City Manager may grant one two-year extension.

(c) A New Commercial Parking Permit shall automatically terminate and revert to the City as to any Commercial Parking Space(s) that has been used for non-commercial purposes for one year or more.

(d) No New or Existing Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Permit shall automatically revert to the City for allocation in accordance with this Chapter.

10.16.060 Number of New Commercial Parking Permits to be Issued

(a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§52.1128(b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060(b).

(b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if (i) the permit or authorization therefor has reverted to the City; (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers; (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

10.16.070 Enforcement

(a) The City may enforce the terms and conditions of any permit or Determination of Exclusion, regardless of when it was issued.

(b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provisions of this Chapter, a New or Existing Commercial Parking Permit, a CPFP, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:

(i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040(c)(9) and (f)(2); or

(ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility holding a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It

shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

(c) Upon the expiration of any permit or Determination of Exclusion, the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing.

10.16.080 Non-Transferability of Parking Spaces

Rights to Commercial Parking Spaces that are permanently taken out of service or as to which the permit has expired, terminated, or been revoked may not be transferred between private parties. Such spaces automatically revert to the City. Qualifying spaces may be subject to further allocation by the City.

10.16.090 Parking and Transportation Demand Management Plan

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040(c)(9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The

Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a New Commercial Parking Permit is granted.

In City Council September 8, 1997.
Passed to be ordained by a yea and nay vote:-
Yeas 7; Nays 1; Absent 0; Present 1.

ATTEST:-

D. Margaret Drury, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Seven

AN ORDINANCE

In Amendment to an ordinance entitled the "Cambridge Municipal Code"

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NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

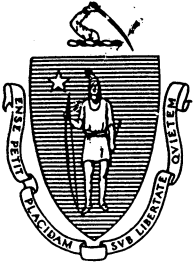
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Passed to be ordained by a ye and nay vote:-

Yeas 7; Nays 1; Absent 0; Present 1.

ATTEST:-

D. Margaret Drury, City Clerk



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT-GOVERNOR

July 17, 1996

Mr. Robert W. Healy
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy,

You have inquired whether the signature of David Struhs, Commissioner of the Department of Environmental Protection, is sufficient to bind the Commonwealth to the July 17, 1996 Memorandum of Agreement between the Department of Environmental Protection and the City of Cambridge. In my judgment, the matter falls within the jurisdiction of the Department and, accordingly, the signature of the Commissioner binds the Commonwealth to the undertaking contained in said Memorandum of Agreement.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carol Lee Rawn".

Carol Lee Rawn
Deputy Legal Counsel

cc: Wendy B. Jacobs

JULY 17, 1996
MEMORANDUM OF AGREEMENT BETWEEN
THE COMMONWEALTH OF MASSACHUSETTS AND
THE CITY OF CAMBRIDGE

WHEREAS, it is the position of the Commonwealth of Massachusetts (the "Commonwealth") that the commercial parking freeze imposed on Cambridge pursuant to 40 C.F.R. §§ 52.1128(b), 52.1135 (the "Cambridge Parking Freeze") is a part of the Massachusetts State Implementation Plan ("SIP"); and

WHEREAS, between 1990 and 1992, the City of Cambridge (the "City") and the Commonwealth through its Department of Environmental Protection ("DEP") agreed to work together to amend the SIP under the Federal Clean Air Act, 42 U.S.C. § 7401, et seq., to rescind the Cambridge Parking Freeze and replace it with a flexible program of transportation control measures designed to reduce vehicle trips in the City (the "Vehicle Trip Reduction Program" or "VTRP"); and

WHEREAS, since 1990, the City has regularly consulted with the Commonwealth about development of the VTRP; and

WHEREAS, the City engaged Cambridge Systematics, Inc. ("CSI") to analyze the reduction in vehicle miles travelled ("VMT") and pollutant emissions associated with various elements of the VTRP and to compare the impact of the VTRP on VMT and air quality with the impacts of several types of parking freezes on air quality utilizing conservative assumptions; and

WHEREAS, CSI concluded that the VTRP would generate more VMT reductions and be better for air quality than the Cambridge Parking Freeze; and

WHEREAS, in 1992, the City submitted to the Commonwealth the CSI analyses and impact projections together with a detailed description of the City's VTRP and a petition to promulgate a rule to rescind and replace the Cambridge Parking Freeze; and

WHEREAS, since 1992, the City has been implementing, refining, and expanding its VTRP; and

WHEREAS, the City's VTRP targets and is achieving reductions in VMT and air emissions generated by both commuter and non-commuter vehicle trips; and

WHEREAS, the City and the Commonwealth have worked together to develop a monitoring and demonstration plan for the City to use to confirm CSI's projections about VMT reductions achievable by the VTRP, to document some of the VMT reductions achieved by the City between 1992 and 1996, and to monitor additional VMT reductions to be achieved by the City in connection with a rule to rescind and replace the Cambridge Parking Freeze (the "Monitoring Plan"); and

WHEREAS, the City and the Commonwealth have consulted the U.S. Environmental Protection Agency ("EPA") and will continue to consult EPA concerning the rule to rescind and replace the Cambridge Parking Freeze; and

WHEREAS, the Commonwealth agrees to proceed expeditiously to promulgate a rule requesting EPA to approve rescission and replacement of the Cambridge Parking Freeze; and

WHEREAS, the City agrees to implement the Monitoring Plan and expeditiously collect and submit the information and data required therein to EPA and the Commonwealth;

NOW THEREFORE, the City and the Commonwealth agree to take the following actions on the following schedule:

1. No later than July 22, 1996, the City and the Commonwealth shall submit an agreed-on draft of the Monitoring Plan to EPA.

2. The City and the Commonwealth agree to work together to draft a rule to rescind the Cambridge Parking Freeze and replace it with a commitment that the City implement a VTRP designed to offset VMT associated with the addition of new commercial parking spaces in the City (the "Rule"). No later than September 13, 1996, the Commonwealth and the City shall submit to EPA an agreed-on draft of the Rule.

For purposes of the Rule, a commercial parking space shall mean a parking space available for use by the general public at any time for a fee and shall not include parking spaces which are owned or operated by a commercial entity whose primary business is other than the operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents and not available for use by the general public. [This definition is taken from Section C.4 of the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits and South Terminal Corp v. EPA, 502 F.2d 646, 671-672 (1st Cir. 1974).]

3. No later than October 30, 1996, the City and the Commonwealth shall consult with EPA about the proposed Monitoring Plan and Rule and the monitoring data submitted by the City pursuant to paragraph 6, below.

4. No later than December 4, 1996, the Commonwealth shall

publish notice of the rulemaking and schedule a public hearing on the proposed Rule. The hearing shall be scheduled for the earliest possible date thereafter and no later than January 4, 1997.

5. The Commonwealth shall promptly complete its rulemaking process and submit the final Rule to EPA requesting approval to rescind and replace the Cambridge Parking Freeze no later than February 28, 1997.

6. No later than September 30, 1996, the City shall submit to the Commonwealth and EPA the documentation and demonstrations about the City's VTRP and its impacts on VMT as specified in paragraphs 1 through 8 of the Monitoring Plan (i.e., the pre-rulemaking component of the Monitoring Plan). Other data and information required to be collected by the City pursuant to the Monitoring Plan shall be submitted by the City to EPA and the Commonwealth within four months of the date EPA issues its determination that the state's request for a SIP revision (i.e., the Rule) is complete pursuant to Section 110(k) of the Clean Air Act, 42 U.S.C. § 7410(k), or such other time as EPA, the Commonwealth, and the City agree is appropriate to facilitate completion of the rulemaking process. The City will be responsible for meeting the requirements of Section 193 of the Clean Air Act, 42 U.S.C. § 7515.

7. Effective immediately, this Memorandum of Agreement shall supersede the Memorandum of Agreement between the Massachusetts Department of Environmental Protection and the City of Cambridge dated August 10, 1990 and the Amended Memorandum of Agreement dated June 19, 1992.

8. Until EPA issues its approval to rescind and replace the Cambridge Parking Freeze, the City shall not issue any new parking permits for construction or operation of additional commercial parking spaces (as defined in paragraph 2, above) unless the permits are issued to replace commercial parking spaces that have been permanently taken out of service as commercial parking spaces (e.g. converted to residential parking or physically eliminated from the parking supply) after the date of this Memorandum of Agreement. Prior to issuing such replacement permits, the City shall notify and consult with DEP and EPA. The City may issue permits for non-commercial parking spaces.

9. Notwithstanding anything in paragraph 8 to the contrary, the City may authorize up to eighty-one (81) new commercial parking spaces, which is the number of spaces remaining in the interim parking freeze bank.

10. The City will continue to work with the Commonwealth to explore additional ways to manage travel demand and demand for parking in the City and ways in which it can facilitate the transfer of parking space permits and/or parking spaces within the City. The City will also examine its Zoning Ordinance to determine whether reduction of the minimum and/or maximum parking space ratios would achieve additional vehicle trip reductions within the City and will report back to the Commonwealth concerning this determination within two (2) years.

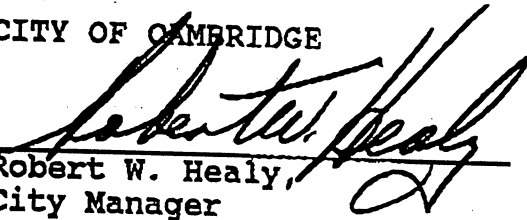
11. The City will periodically inspect all non-residential parking facilities to ensure that they are operating pursuant to appropriate permits and approvals and that non-commercial spaces are

being used solely for non-commercial purposes and are not available as commercial spaces for use by the general public for a fee. The City will take enforcement action against violators to ensure that each such facility has a valid permit or approval to operate and that each such facility is in compliance with the terms and conditions of such permit or approval. The type of enforcement action the City may undertake may include, but need not be limited to, imposing fines, revoking permits or approvals for those spaces operating in violation of their permits or approvals, and/or eliminating those spaces or facilities found to be operating with no approval.

The terms of this Memorandum of Agreement become effective upon signing by the parties. This Memorandum of Agreement is intended to be binding on the Commonwealth.

CITY OF CAMBRIDGE

By:

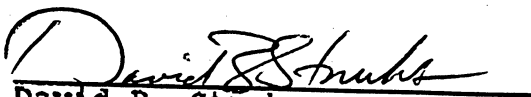

Robert W. Healy,
City Manager

Date:

7/17/96

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


David B. Struhs,
Commissioner

Date:

7/17/96

MONITORING PLAN

Paragraphs 1 through 8 comprise the pre-rulemaking demonstration about the City's VTRP and some of the VMT reductions achieved by the City between 1992 and 1996. This information will be submitted by the City to the Commonwealth and EPA pursuant to paragraph 6 of the foregoing Memorandum of Agreement dated July 17, 1996. The remainder of the Monitoring Plan will be implemented by Cambridge for up to two years so long as DEP and EPA are processing a rule to rescind and replace 40 C.F.R. §§ 52.1128(b) and 52.1135, the commercial parking freeze in Cambridge.

1. Describe the staffing, tasks, and budget for the personnel and departments assigned between 1992 and 1996 to implement the City's vehicle trip reduction program.
2. Identify the locations and number of on-street parking spaces which the City (between 1992 and 1996) has restricted by obstructing/prohibiting all use, converting to residential use, or imposing time-use constraints to preclude/discourage commuter use.

(Note: any such spaces that were redistributed through the interim parking freeze bank will not be included in this listing.)

3. Identify development projects that received permission from the City between 1992 and 1996 to operate fewer non-residential parking spaces than were allowed by the maximum parking ratios under the Cambridge Zoning Ordinance and calculate the VMT reductions achieved by reference to the numeric value of 15.2 (hereafter called the "VMT Value"). Credit will not be requested for more than the VMT value of 475 such parking spaces.
4. Calculate impacts of the municipal employee vehicle trip reduction program from 1992 to 1996, including:
 - Estimated VMT reductions achieved by municipal employees using City-subsidized transit passes;
 - Estimated VMT reductions achieved by employee use of municipal shuttle services in lieu of driving;
 - Estimated VMT reductions achieved by employee use of City-supplied bicycles in lieu of driving;
 - Estimated VMT reductions achieved by required bicycle and foot patrols for Cambridge police in lieu of driving; and
 - Compare with CSI's predicted VMT reductions.

5. Identify development projects between 1992 and 1996 for which the City has required aggressive parking and transportation demand management programs (i.e., municipal projects and issuance of special permits for private development projects) and other City efforts between 1992 and 1996 to encourage and facilitate employers to promote private employee vehicle trip reductions, including for example:
 - Estimated vehicle trip and/or VMT reductions associated with ridesharing by employees;
 - Estimated vehicle trip and/or VMT reductions associated with employee use of transit passes purchased through payroll deduction;
 - Estimated vehicle trip and/or VMT reductions associated with use of employee shuttles;
 - Number of bicycle, carpool/vanpool/ZEV parking spaces;
 - Other special permit transportation demand management requirements; and
 - Compare with CSI's predicted VMT reductions.

6. Describe the impact of the bicycle and pedestrian mobility improvements that have been implemented by the City between 1992 and 1996, including:
 - Linear feet of exclusive bicycle lanes and guidelines;
 - Number of bicycle parking facilities;
 - Number of City-owned bicycles available for use by municipal employees;
 - Number of pedestrian crosswalk and sidewalk improvements;
 - Number of traffic signage and/or signal improvement locations;
 - Linear feet of crosswalk crossing distances reduced (by curb extensions, travel lane reductions, addition of islands);

- Programs for maintenance of infrastructure improvements; and
 - Compare with CSI's predicted VMT reductions.
7. Describe restrictions imposed and enforced by the City on use of official visitor parking passes and resident visitor parking passes.
 8. Describe City efforts to increase the use and accessibility of public transit:
 - Documentation of City efforts to improve routing of buses to reduce number of connections and changes;
 - Number of bicycle parking facilities at or near subway and bus transit nodes;
 - Number of locations and volume of distribution of T routes and schedule information; and
 - Improved multi-modal linkages between T-stations and bike and pedestrian facilities.
 9. Identify off-street parking spaces and that have been eliminated, converted to residential use, or restricted to preclude commuter use since 1992 and calculate the VMT reductions achieved by reference to the VMT value.
 10. Identify on-street parking spaces that have been eliminated, converted to residential use, or restricted to preclude commuter use since 1996 and calculate the VMT reductions achieved by reference to the VMT Value.
 11. Identify development projects that have received permission since 1996 to operate fewer non-residential parking spaces than would be allowed by the maximum parking ratio in the Cambridge Zoning Ordinance and calculate the VMT reductions achieved by reference to the VMT value.
 12. Identify fleets in the City that have been converted since 1996 to clean fuels or replaced by zero emission vehicles and calculate the VOC, CO, and NOx reductions associated therewith by a pre-determined formula.
 13. By reference to logs maintained by City departments, calculate the VMT reductions associated with use of bicycles and T-tokens by City employees in lieu of cars for the conduct of City business since 1996.

14. Identify the ridership of paratransit and high occupancy vehicles ("HOV") for non-commute trips since 1996 and convert ridership numbers to VMT reductions by reference to the average trip length number utilized by the Massachusetts Central Transportation Planning Staff ("CTPS") in its calculations concerning intra-city trips.
15. Test (and credit the City for) CSI's projections for VMT reductions attributable to an increase in the number of Cambridge residents working within the City of Cambridge by confirming the increase in local employment since 1992.
16. Test (and credit the City for) CSI's projections for VMT reductions achieved by the municipal employee trip reduction program (which includes subsidized T-passes as one element) by confirming the VMT reductions achieved since 1996 by municipal employees using City-subsidized transit passes.
17. Test (and credit the City for) CSI's projections for VMT reductions achieved by the City's enhanced commuter mobility program since 1996 (i.e., outreach by the City's Environmental Program staff to private employers to encourage and facilitate private employee vehicle trip reductions) by converting the following data to VMT reductions by reference to the CTPS average journey-to-work trip length utilized by CSI in its projections:
 - a. Ridership of privately-operated shuttles and vans;
 - b. Numbers of employees purchasing T-passes through private employer;
 - c. Numbers of private employee parking spaces that have been restricted to use by carpool (or other HOV use), low emission vehicles, or zero emission vehicles.
18. Confirm that municipal parking fees have been raised to the extent specified by CSI in order to achieve (and credit the City for) the VMT reductions predicted by CSI.
19. Using the Highway Capacity Manual, calculate the future VMT reductions associated with the elimination of a vehicle travel lane in Central Square on Massachusetts Avenue.

Note: Any off-street or on-street parking space that was transferred to the interim parking freeze bank will not be included in the calculation of VMT reductions under this monitoring plan.

Derivation of the VMT Value

The VMT value of a new commuter parking space in Cambridge is at most 15.2. The basis for this value is described in the attached memorandum prepared by CSI (April 30, 1996). Note that when CSI developed its projections about the impact of the City's vehicle trip reduction programs, DEP asked the City to focus its limited resources on commuter trips and impacts. Accordingly, CSI's projections relied heavily on journey-to-work trip data and mode split information generated by the Massachusetts Central Transportation Planning Staff (CTPS). CSI did not attempt to quantify the significant (but expensive to analyze) non-commuter impacts of the City's programs. Absent the expenditure of significant additional funds for data collection and analysis, we will need to use the VMT value of a commuter parking space as a surrogate for the value of any non-residential parking space, including a commercial parking space. Note, however, that all of CSI's analyses are conservative in that they analyze the VMT impact of an across-the-board, absolute ban on new parking spaces in the City, which is a much broader form of parking freeze than the commercial parking freeze set forth at 40 C.F.R. §§52.1128(b), 52.1135.

04/30/96 12:40 JETEX 000 055 page 210

Memorandum
Cambridge Systematics, Inc.

TO: Wendy Jacobs (Foley, Hoag & Eliot)
FROM: Sam Lawton
DATE: April 30, 1996
RE: VMT Associated with Commuter Parking in City of Cambridge

At your request, I have reviewed the Technical Appendix (September, 1992) prepared by Cambridge Systematics in support of the Cambridge Proposed SIP Amendment for the purpose of deriving a figure for estimated vehicle miles of travel (VMT) generated by new commuter parking spaces. Section 4 of the Technical Appendix provides analyses of alternative future parking conditions in the City of Cambridge which include baseline conditions, various parking freeze conditions, and some components of the Cambridge Vehicle Trip Reduction Program. These analyses were based on available journey-to-work mode share data and trip generation rates applied to a pivot point model used initially to test the effectiveness of some trip reduction strategies included in the City's proposed SIP Amendment. This section contains an analysis of the effect of an absolute parking freeze prohibiting issuance of any new non-residential parking space permits. Data from this analysis was used to estimate the VMT which would be generated as a result of parking spaces which might be added to Cambridge's parking supply.

The analysis of an absolute parking freeze in Section 4 is calculated for hypothetical parking demand which would be generated if an additional 8 million square feet of new development were authorized allowing approximately 2 new parking spaces for each 1000 square feet of development. New development would include office, retail, research and light industrial uses based on forecasts prepared by the Cambridge Community Development Department. Assumed travel conditions for the analysis would not change substantially from baseline conditions in terms of trip generation rates, although, as a result of a higher number of new employees who would originate outside of Cambridge and other inner metropolitan core communities, mode shares would change slightly.

Table 3 in Section 4 provides the calculations for the effect of an absolute parking freeze with 8 million square feet of development. Using parking supply factors consistent with 1990 conditions, an estimated 16,029 new spaces would be required to meet the parking demand generated by this hypothetical new development. Without any controls in place which would substantially change travel behavior, the employment generated by this new development would produce an additional 250,432 vehicle miles of travel. Using these two data points alone, each new parking space would have a net VMT value of 15.6. However, the fact that the City has been implementing a variety of trip reduction programs since 1992 must also be factored into the calculation. These programs were designed to create and enhance paratransit opportunities, improve access to public transit, and facilitate mode shifts away from single-occupancy vehicles. The effect of the City's now-established vehicle trip reduction programs is to further reduce the rate of VMT generation, resulting in a calculated VMT value for each new parking space of 15.2 vehicle miles of travel. (Note that this factor does not account for any offset/reduction in regional VMT resulting from the reallocation of employment from municipalities with no parking restrictions to the City of Cambridge.)

Proposed
6/23/97

City of Cambridge

In the Year One Thousand Nine Hundred Ninety Seven

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

WHEREAS, the City of Cambridge (City) and the Commonwealth of Massachusetts acting through its Department of Environmental Protection (DEP) have agreed to cooperate in an effort to amend the State Implementation Plan (SIP) adopted pursuant to the Clean Air Act, 42 U.S.C. §7401 et seq., regarding the measures to be taken by the City to control air pollution associated with issuance of new commercial parking space permits; and

WHEREAS, the City and DEP entered into a Memorandum of Agreement, dated July 17, 1996 (the MOA) establishing a schedule of actions to accomplish such SIP amendment; and

WHEREAS, the MOA imposes restrictions on the number of new commercial parking space permits the City may issue pending such SIP amendment; and

WHEREAS, the City has authority to enact the provisions of this Ordinance pursuant to G. L. c. 111, § 31C, as well as by authority derived from the City's general police powers.

NOW, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Proposed
6/23/97

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze) in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).

Chapter 10.16

COMMERCIAL PARKING SPACE PERMITS

Sections:

- 10.16.010 Definitions
- 10.16.020 Building, operation or expansion of commercial parking facilities
- 10.16.030 Commercial Parking Control Committee
- 10.16.040 Procedure for obtaining a commercial parking permit
- 10.16.050 Permit term and conditions
- 10.16.060 Number of Commercial Parking Permits to be issued
- 10.16.070 Enforcement
- 10.16.080 Non-Transferability of Parking Spaces
- 10.16.090 Parking and Transportation Demand Management Plan

10.16.010 Definitions

"Commercial Parking Space" means a parking space available for use by the general public at any time for a fee. The term shall not include (i) parking spaces which are owned or operated by a commercial entity whose primary business is other than the

Proposed
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operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents but which are not available for use by the general public; (ii) parking spaces restricted for the use of the residents of a specific residential building or group of buildings; (iii) spaces located on public streets; or (iv) spaces located at a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Commercial Parking Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or operation of a parking space or the construction, operation, or modification of a parking facility.

"Determination of Exclusion" means a determination made by the Director prior to the effective date of this Chapter that a parking facility or a parking space did not require a CPFP.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Existing Commercial Parking Permit" means (i) a permit or approval issued prior to the effective date of this Chapter pursuant to the Procedures, Criteria, and Memorandum of Agreement

Proposed
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dated November 15, 1984; (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iii) a letter from the Director confirming the number of spaces at a specified location that were in existence and being used as Commercial Parking Spaces as of October 15, 1973.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

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10.16.020 Building, operation or expansion of commercial parking facilities

No person shall operate a Commercial Parking Space in Cambridge, or modify an existing Parking Facility so as to increase the number of Commercial Parking Spaces therein, unless said person shall have first obtained a Controlled Parking Facility Permit, a Determination of Exclusion, an Existing Commercial Parking Permit, or a New Commercial Parking Permit authorizing each such Commercial Parking Space.

10.16.030 Commercial Parking Control Committee

All applications for New Commercial Parking Permits shall be reviewed by the Commercial Parking Control Committee (CPCC or Committee) consisting of five Cambridge residents with appropriate experience, appointed by the City Manager for staggered terms of three (3) years. Effective immediately, the members of the Interim Parking Control Committee shall be the initial members of the CPCC, and they shall be assigned staggered terms ranging from one (1) to three (3) years by the City Manager. No person shall be appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee shall maintain complete and accurate records of all applications for New Commercial Parking Permits. In carrying out its duties, the Committee may consult with and seek the assistance of other appropriate departments and agencies in the

Proposed
6/23/97

City, state and federal governments such as the Community Development Department, the License Commission, the Inspectional Services Department, the Department of Traffic, Parking, and Transportation, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).

10.16.040 Procedure for obtaining a commercial parking permit

(a) An application for a New Commercial Parking Permit shall be submitted to the Director on a form available at the Cambridge Traffic, Parking and Transportation Department. Upon receipt of such application, the Director shall promptly transmit copies thereof to the CPCC. The CPCC shall hold hearings at least twice in each calendar year provided an application is pending and permits may be issued consistently with Section 10.16.060. The CPCC shall establish a deadline for receipt of applications prior to each hearing. All applications received by the deadline established by the CPCC shall receive consideration, provided that permits may be issued pursuant to Section 10.16.060. Applications not considered due to the restriction on the CPCC's ability to issue permits pursuant to Section 10.16.060 shall be considered in the order received at such time as the CPCC may issue permits.

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(b) The CPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic, Parking, and Transportation Department.

(c) Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.

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7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. A plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measures which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

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Six copies of every application shall be submitted, with the above information, to the Commercial Parking Control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

(d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

(e) At least 14 days before the hearing, the Commercial Parking Control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by section 10.16.040(c).

(f) Within thirty (30) days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making determinations, the CPCC shall consider the following criteria:

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- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
- (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
- (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and documentation as it deems appropriate for substantiation of compliance with the above criteria.

(g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall (i) state the name, address and total number of authorized parking spaces at the facility; (ii) specify how many spaces are authorized for use as Commercial Parking Spaces; and (iii) describe any conditions upon which the application is approved. A copy of the Director's approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

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10.16.050 Permit Term and Conditions

(a) Each New Commercial Parking Permit shall be conditioned on satisfactory implementation by the permittee of (i) the plan submitted under 10.16.040(c)(9), as approved by the City Manager's Designee for regulation and control of air pollution from motor vehicles and (ii) the plan submitted under 10.16.040(f)(2).

(b) Each New Commercial Parking Permit shall have a two-year term and shall automatically revert to the City if an occupancy permit, building permit, or operating license has not been issued for the permitted spaces within such two-year term; provided that, for good cause based on a demonstration of the status of the project development and financing therefor, the Director in consultation with the City Manager may grant one two-year extension.

(c) A New Commercial Parking Permit shall automatically terminate and revert to the City as to any Commercial Parking Space(s) that has been used for non-commercial purposes for one year or more.

(d) No New or Existing Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Permit shall automatically revert to the City for allocation in accordance with this Chapter.

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10.16.060 Number of New Commercial Parking Permits to be Issued

(a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§52.1128(b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060(b).

(b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if (i) the permit or authorization therefor has reverted to the City; (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers; (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

Proposed
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10.16.070 Enforcement

(a) The City may enforce the terms and conditions of any permit or Determination of Exclusion, regardless of when it was issued.

(b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provisions of this Chapter, a New or Existing Commercial Parking Permit, a CPFPP, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:

(i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040(c)(9) and (f)(2); or

(ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility holding a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It

Proposed
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shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

(c) Upon the expiration of any permit or Determination of Exclusion, the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing.

10.16.080 Non-Transferability of Parking Spaces

Rights to Commercial Parking Spaces that are permanently taken out of service or as to which the permit has expired, terminated, or been revoked may not be transferred between private parties. Such spaces automatically revert to the City. Qualifying spaces may be subject to further allocation by the City.

10.16.090 Parking and Transportation Demand Management Plan

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040(c)(9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The

Proposed
6/23/97

Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a New Commercial Parking Permit is granted.

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CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139



TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1997

To The Honorable, The City **Council**:

Enclosed for your consideration are two proposed ordinances, one addressing permits for commercial parking and the other addressing parking and transportation demand management planning in the City. These ordinances grow out of our ongoing efforts to reduce air pollution from motor vehicles and traffic congestion.

The first proposed ordinance would replace the interim parking freeze ordinance set forth at Chapter 10.16 of the Code in order to conform the City's procedures for issuing commercial parking permits to the Memorandum of Agreement entered into between the City and the Department of Environmental Protection on July 17, 1996. The proposed ordinance sets certain limits on commercial parking space permits and requires traffic mitigation and implementation of parking and transportation demand management measures at new commercial parking facilities.

The second proposed ordinance would add a new chapter to the Code to formalize parking and transportation demand management planning and programs that have been ongoing for a number of years. Pursuant to this proposed ordinance, a planning officer will be designated to review, condition, approve, and/or deny parking and transportation demand management plans in order to regulate and control air pollution from motor vehicles and reduce traffic congestion. Based on site-specific factors, the plan will specify vehicle trip reduction measures to be undertaken as well as the appropriate number and location of parking spaces for a project. A project proponent who receives approval for a plan specifying fewer parking spaces than the minimum set forth by zoning or for spaces at a greater off-site distance than allowed by zoning will need to obtain a special permit. It may be useful to add language to the Zoning Ordinance to assist in coordination and streamlining of the planning and permitting process.

This second proposed ordinance also requires registration of parking spaces at projects that are not subject to the plan requirements.

Very truly yours,



Robert W. Healy

Proposed
6/23/97

City of Cambridge

In the Year One Thousand Nine Hundred Ninety Seven

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

WHEREAS, the City of Cambridge (City) and the Commonwealth of Massachusetts acting through its Department of Environmental Protection (DEP) have agreed to cooperate in an effort to amend the State Implementation Plan (SIP) adopted pursuant to the Clean Air Act, 42 U.S.C. §7401 et seq., regarding the measures to be taken by the City to control air pollution associated with issuance of new commercial parking space permits; and

WHEREAS, the City and DEP entered into a Memorandum of Agreement, dated July 17, 1996 (the MOA) establishing a schedule of actions to accomplish such SIP amendment; and

WHEREAS, the MOA imposes restrictions on the number of new commercial parking space permits the City may issue pending such SIP amendment; and

WHEREAS, the City has authority to enact the provisions of this Ordinance pursuant to G. L. c. 111, § 31C, as well as by authority derived from the City's general police powers.

NOW, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Proposed
6/23/97

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze) in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).

Chapter 10.16

COMMERCIAL PARKING SPACE PERMITS

Sections:

- 10.16.010 Definitions
- 10.16.020 Building, operation or expansion of commercial parking facilities
- 10.16.030 Commercial Parking Control Committee
- 10.16.040 Procedure for obtaining a commercial parking permit
- 10.16.050 Permit term and conditions
- 10.16.060 Number of Commercial Parking Permits to be issued
- 10.16.070 Enforcement
- 10.16.080 Non-Transferability of Parking Spaces
- 10.16.090 Parking and Transportation Demand Management Plan

10.16.010 Definitions

"Commercial Parking Space" means a parking space available for use by the general public at any time for a fee. The term shall not include (i) parking spaces which are owned or operated by a commercial entity whose primary business is other than the

Proposed
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operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents but which are not available for use by the general public; (ii) parking spaces restricted for the use of the residents of a specific residential building or group of buildings; (iii) spaces located on public streets; or (iv) spaces located at a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Commercial Parking Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or operation of a parking space or the construction, operation, or modification of a parking facility.

"Determination of Exclusion" means a determination made by the Director prior to the effective date of this Chapter that a parking facility or a parking space did not require a CPFP.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Existing Commercial Parking Permit" means (i) a permit or approval issued prior to the effective date of this Chapter pursuant to the Procedures, Criteria, and Memorandum of Agreement

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dated November 15, 1984; (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iii) a letter from the Director confirming the number of spaces at a specified location that were in existence and being used as Commercial Parking Spaces as of October 15, 1973.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

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10.16.020 Building, operation or expansion of commercial parking facilities

No person shall operate a Commercial Parking Space in Cambridge, or modify an existing Parking Facility so as to increase the number of Commercial Parking Spaces therein, unless said person shall have first obtained a Controlled Parking Facility Permit, a Determination of Exclusion, an Existing Commercial Parking Permit, or a New Commercial Parking Permit authorizing each such Commercial Parking Space.

10.16.030 Commercial Parking Control Committee

All applications for New Commercial Parking Permits shall be reviewed by the Commercial Parking Control Committee (CPCC or Committee) consisting of five Cambridge residents with appropriate experience, appointed by the City Manager for staggered terms of three (3) years. Effective immediately, the members of the Interim Parking Control Committee shall be the initial members of the CPCC, and they shall be assigned staggered terms ranging from one (1) to three (3) years by the City Manager. No person shall be appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee shall maintain complete and accurate records of all applications for New Commercial Parking Permits. In carrying out its duties, the Committee may consult with and seek the assistance of other appropriate departments and agencies in the

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City, state and federal governments such as the Community Development Department, the License Commission, the Inspectional Services Department, the Department of Traffic, Parking, and Transportation, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).

10.16.040 Procedure for obtaining a commercial parking permit

(a) An application for a New Commercial Parking Permit shall be submitted to the Director on a form available at the Cambridge Traffic, Parking and Transportation Department. Upon receipt of such application, the Director shall promptly transmit copies thereof to the CPCC. The CPCC shall hold hearings at least twice in each calendar year provided an application is pending and permits may be issued consistently with Section 10.16.060. The CPCC shall establish a deadline for receipt of applications prior to each hearing. All applications received by the deadline established by the CPCC shall receive consideration, provided that permits may be issued pursuant to Section 10.16.060. Applications not considered due to the restriction on the CPCC's ability to issue permits pursuant to Section 10.16.060 shall be considered in the order received at such time as the CPCC may issue permits.

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(b) The CPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic, Parking, and Transportation Department.

(c) Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.

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7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. A plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measures which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Proposed
6/23/97

Six copies of every application shall be submitted, with the above information, to the Commercial Parking Control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

(d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

(e) At least 14 days before the hearing, the Commercial Parking Control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by section 10.16.040(c).

(f) Within thirty (30) days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making determinations, the CPCC shall consider the following criteria:

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- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
- (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
- (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and documentation as it deems appropriate for substantiation of compliance with the above criteria.

(g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall (i) state the name, address and total number of authorized parking spaces at the facility; (ii) specify how many spaces are authorized for use as Commercial Parking Spaces; and (iii) describe any conditions upon which the application is approved. A copy of the Director's approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

10.16.050 Permit Term and Conditions

(a) Each New Commercial Parking Permit shall be conditioned on satisfactory implementation by the permittee of (i) the plan submitted under 10.16.040(c)(9), as approved by the City Manager's Designee for regulation and control of air pollution from motor vehicles and (ii) the plan submitted under 10.16.040(f)(2).

(b) Each New Commercial Parking Permit shall have a two-year term and shall automatically revert to the City if an occupancy permit, building permit, or operating license has not been issued for the permitted spaces within such two-year term; provided that, for good cause based on a demonstration of the status of the project development and financing therefor, the Director in consultation with the City Manager may grant one two-year extension.

(c) A New Commercial Parking Permit shall automatically terminate and revert to the City as to any Commercial Parking Space(s) that has been used for non-commercial purposes for one year or more.

(d) No New or Existing Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Permit shall automatically revert to the City for allocation in accordance with this Chapter.

Proposed
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10.16.060 Number of New Commercial Parking Permits to be
Issued

(a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§52.1128(b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060(b).

(b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if (i) the permit or authorization therefor has reverted to the City; (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers; (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

Proposed
6/23/97

10.16.070 Enforcement

(a) The City may enforce the terms and conditions of any permit or Determination of Exclusion, regardless of when it was issued.

(b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provisions of this Chapter, a New or Existing Commercial Parking Permit, a CPFP, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:

(i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040(c)(9) and (f)(2); or

(ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility holding a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It

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shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

(c) Upon the expiration of any permit or Determination of Exclusion, the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing.

10.16.080 Non-Transferability of Parking Spaces

Rights to Commercial Parking Spaces that are permanently taken out of service or as to which the permit has expired, terminated, or been revoked may not be transferred between private parties. Such spaces automatically revert to the City. Qualifying spaces may be subject to further allocation by the City.

10.16.090 Parking and Transportation Demand Management Plan

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040(c)(9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The

Proposed
6/23/97

Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a New Commercial Parking Permit is granted.

189264.6



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1997

To The Honorable, The City **Council**:

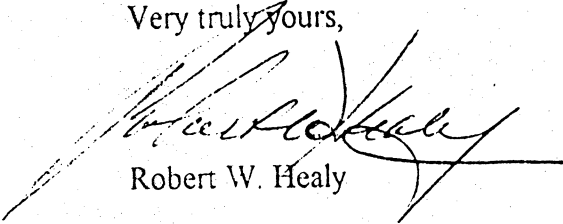
Enclosed for your consideration are two proposed ordinances, one addressing permits for commercial parking and the other addressing parking and transportation demand management planning in the City. These ordinances grow out of our ongoing efforts to reduce air pollution from motor vehicles and traffic congestion.

The first proposed ordinance would replace the interim parking freeze ordinance set forth at Chapter 10.16 of the Code in order to conform the City's procedures for issuing commercial parking permits to the Memorandum of Agreement entered into between the City and the Department of Environmental Protection on July 17, 1996. The proposed ordinance sets certain limits on commercial parking space permits and requires traffic mitigation and implementation of parking and transportation demand management measures at new commercial parking facilities.

The second proposed ordinance would add a new chapter to the Code to formalize parking and transportation demand management planning and programs that have been ongoing for a number of years. Pursuant to this proposed ordinance, a planning officer will be designated to review, condition, approve, and/or deny parking and transportation demand management plans in order to regulate and control air pollution from motor vehicles and reduce traffic congestion. Based on site-specific factors, the plan will specify vehicle trip reduction measures to be undertaken as well as the appropriate number and location of parking spaces for a project. A project proponent who receives approval for a plan specifying fewer parking spaces than the minimum set forth by zoning or for spaces at a greater off-site distance than allowed by zoning will need to obtain a special permit. It may be useful to add language to the Zoning Ordinance to assist in coordination and streamlining of the planning and permitting process.

This second proposed ordinance also requires registration of parking spaces at projects that are not subject to the plan requirements.

Very truly yours,


Robert W. Healy

Proposed
6/23/97

City of Cambridge

In the Year One Thousand Nine Hundred Ninety Seven

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

WHEREAS, the City of Cambridge (City) and the Commonwealth of Massachusetts acting through its Department of Environmental Protection (DEP) have agreed to cooperate in an effort to amend the State Implementation Plan (SIP) adopted pursuant to the Clean Air Act, 42 U.S.C. §7401 et seq., regarding the measures to be taken by the City to control air pollution associated with issuance of new commercial parking space permits; and

WHEREAS, the City and DEP entered into a Memorandum of Agreement, dated July 17, 1996 (the MOA) establishing a schedule of actions to accomplish such SIP amendment; and

WHEREAS, the MOA imposes restrictions on the number of new commercial parking space permits the City may issue pending such SIP amendment; and

WHEREAS, the City has authority to enact the provisions of this Ordinance pursuant to G. L. c. 111, § 31C, as well as by authority derived from the City's general police powers.

NOW, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Proposed
6/23/97

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze) in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).

Chapter 10.16

COMMERCIAL PARKING SPACE PERMITS

Sections:

- 10.16.010 Definitions
- 10.16.020 Building, operation or expansion of commercial parking facilities
- 10.16.030 Commercial Parking Control Committee
- 10.16.040 Procedure for obtaining a commercial parking permit
- 10.16.050 Permit term and conditions
- 10.16.060 Number of Commercial Parking Permits to be issued
- 10.16.070 Enforcement
- 10.16.080 Non-Transferability of Parking Spaces
- 10.16.090 Parking and Transportation Demand Management Plan

10.16.010 Definitions

"Commercial Parking Space" means a parking space available for use by the general public at any time for a fee. The term shall not include (i) parking spaces which are owned or operated by a commercial entity whose primary business is other than the

Proposed
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operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents but which are not available for use by the general public; (ii) parking spaces restricted for the use of the residents of a specific residential building or group of buildings; (iii) spaces located on public streets; or (iv) spaces located at a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Commercial Parking Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or operation of a parking space or the construction, operation, or modification of a parking facility.

"Determination of Exclusion" means a determination made by the Director prior to the effective date of this Chapter that a parking facility or a parking space did not require a CPFP.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Existing Commercial Parking Permit" means (i) a permit or approval issued prior to the effective date of this Chapter pursuant to the Procedures, Criteria, and Memorandum of Agreement

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dated November 15, 1984; (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iii) a letter from the Director confirming the number of spaces at a specified location that were in existence and being used as Commercial Parking Spaces as of October 15, 1973.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

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10.16.020 Building, operation or expansion of commercial parking facilities

No person shall operate a Commercial Parking Space in Cambridge, or modify an existing Parking Facility so as to increase the number of Commercial Parking Spaces therein, unless said person shall have first obtained a Controlled Parking Facility Permit, a Determination of Exclusion, an Existing Commercial Parking Permit, or a New Commercial Parking Permit authorizing each such Commercial Parking Space.

10.16.030 Commercial Parking Control Committee

All applications for New Commercial Parking Permits shall be reviewed by the Commercial Parking Control Committee (CPCC or Committee) consisting of five Cambridge residents with appropriate experience, appointed by the City Manager for staggered terms of three (3) years. Effective immediately, the members of the Interim Parking Control Committee shall be the initial members of the CPCC, and they shall be assigned staggered terms ranging from one (1) to three (3) years by the City Manager. No person shall be appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee shall maintain complete and accurate records of all applications for New Commercial Parking Permits. In carrying out its duties, the Committee may consult with and seek the assistance of other appropriate departments and agencies in the

Proposed
6/23/97

City, state and federal governments such as the Community Development Department, the License Commission, the Inspectional Services Department, the Department of Traffic, Parking, and Transportation, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).

10.16.040 Procedure for obtaining a commercial parking permit

(a) An application for a New Commercial Parking Permit shall be submitted to the Director on a form available at the Cambridge Traffic, Parking and Transportation Department. Upon receipt of such application, the Director shall promptly transmit copies thereof to the CPCC. The CPCC shall hold hearings at least twice in each calendar year provided an application is pending and permits may be issued consistently with Section 10.16.060. The CPCC shall establish a deadline for receipt of applications prior to each hearing. All applications received by the deadline established by the CPCC shall receive consideration, provided that permits may be issued pursuant to Section 10.16.060. Applications not considered due to the restriction on the CPCC's ability to issue permits pursuant to Section 10.16.060 shall be considered in the order received at such time as the CPCC may issue permits.

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(b) The CPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic, Parking, and Transportation Department.

(c) Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.

Proposed
6/23/97

7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. A plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measures which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Proposed
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Six copies of every application shall be submitted, with the above information, to the Commercial Parking Control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

(d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

(e) At least 14 days before the hearing, the Commercial Parking Control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by section 10.16.040(c).

(f) Within thirty (30) days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making determinations, the CPCC shall consider the following criteria:

Proposed
6/23/97

- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
- (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
- (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and documentation as it deems appropriate for substantiation of compliance with the above criteria.

(g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall (i) state the name, address and total number of authorized parking spaces at the facility; (ii) specify how many spaces are authorized for use as Commercial Parking Spaces; and (iii) describe any conditions upon which the application is approved. A copy of the Director's approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

10.16.050 Permit Term and Conditions

(a) Each New Commercial Parking Permit shall be conditioned on satisfactory implementation by the permittee of (i) the plan submitted under 10.16.040(c)(9), as approved by the City Manager's Designee for regulation and control of air pollution from motor vehicles and (ii) the plan submitted under 10.16.040(f)(2).

(b) Each New Commercial Parking Permit shall have a two-year term and shall automatically revert to the City if an occupancy permit, building permit, or operating license has not been issued for the permitted spaces within such two-year term; provided that, for good cause based on a demonstration of the status of the project development and financing therefor, the Director in consultation with the City Manager may grant one two-year extension.

(c) A New Commercial Parking Permit shall automatically terminate and revert to the City as to any Commercial Parking Space(s) that has been used for non-commercial purposes for one year or more.

(d) No New or Existing Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Permit shall automatically revert to the City for allocation in accordance with this Chapter.

10.16.060 Number of New Commercial Parking Permits to be Issued

(a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§52.1128(b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060(b).

(b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if (i) the permit or authorization therefor has reverted to the City; (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers; (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

10.16.070 Enforcement

(a) The City may enforce the terms and conditions of any permit or Determination of Exclusion, regardless of when it was issued.

(b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provisions of this Chapter, a New or Existing Commercial Parking Permit, a CPFP, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:

(i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040(c)(9) and (f)(2); or

(ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility holding a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It

Proposed
6/23/97

shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

(c) Upon the expiration of any permit or Determination of Exclusion, the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing.

10.16.080 Non-Transferability of Parking Spaces

Rights to Commercial Parking Spaces that are permanently taken out of service or as to which the permit has expired, terminated, or been revoked may not be transferred between private parties. Such spaces automatically revert to the City. Qualifying spaces may be subject to further allocation by the City.

10.16.090 Parking and Transportation Demand Management Plan

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040(c)(9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The

Proposed
6/23/97

Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a New Commercial Parking Permit is granted.

189264.6



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1997

To The Honorable, The City **Council**:

Enclosed for your consideration are two proposed ordinances, one addressing permits for commercial parking and the other addressing parking and transportation demand management planning in the City. These ordinances grow out of our ongoing efforts to reduce air pollution from motor vehicles and traffic congestion.

The first proposed ordinance would replace the interim parking freeze ordinance set forth at Chapter 10.16 of the Code in order to conform the City's procedures for issuing commercial parking permits to the Memorandum of Agreement entered into between the City and the Department of Environmental Protection on July 17, 1996. The proposed ordinance sets certain limits on commercial parking space permits and requires traffic mitigation and implementation of parking and transportation demand management measures at new commercial parking facilities.

The second proposed ordinance would add a new chapter to the Code to formalize parking and transportation demand management planning and programs that have been ongoing for a number of years. Pursuant to this proposed ordinance, a planning officer will be designated to review, condition, approve, and/or deny parking and transportation demand management plans in order to regulate and control air pollution from motor vehicles and reduce traffic congestion. Based on site-specific factors, the plan will specify vehicle trip reduction measures to be undertaken as well as the appropriate number and location of parking spaces for a project. A project proponent who receives approval for a plan specifying fewer parking spaces than the minimum set forth by zoning or for spaces at a greater off-site distance than allowed by zoning will need to obtain a special permit. It may be useful to add language to the Zoning Ordinance to assist in coordination and streamlining of the planning and permitting process.

This second proposed ordinance also requires registration of parking spaces at projects that are not subject to the plan requirements.

Very truly yours,



Robert W. Healy

Proposed
6/23/97

City of Cambridge

In the Year One Thousand Nine Hundred Ninety Seven

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

WHEREAS, the City of Cambridge (City) and the Commonwealth of Massachusetts acting through its Department of Environmental Protection (DEP) have agreed to cooperate in an effort to amend the State Implementation Plan (SIP) adopted pursuant to the Clean Air Act, 42 U.S.C. §7401 et seq., regarding the measures to be taken by the City to control air pollution associated with issuance of new commercial parking space permits; and

WHEREAS, the City and DEP entered into a Memorandum of Agreement, dated July 17, 1996 (the MOA) establishing a schedule of actions to accomplish such SIP amendment; and

WHEREAS, the MOA imposes restrictions on the number of new commercial parking space permits the City may issue pending such SIP amendment; and

WHEREAS, the City has authority to enact the provisions of this Ordinance pursuant to G. L. c. 111, § 31C, as well as by authority derived from the City's general police powers.

NOW, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Proposed
6/23/97

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze) in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).

Chapter 10.16

COMMERCIAL PARKING SPACE PERMITS

Sections:

10.16.010	Definitions
10.16.020	Building, operation or expansion of commercial parking facilities
10.16.030	Commercial Parking Control Committee
10.16.040	Procedure for obtaining a commercial parking permit
10.16.050	Permit term and conditions
10.16.060	Number of Commercial Parking Permits to be issued
10.16.070	Enforcement
10.16.080	Non-Transferability of Parking Spaces
10.16.090	Parking and Transportation Demand Management Plan

10.16.010 Definitions

"Commercial Parking Space" means a parking space available for use by the general public at any time for a fee. The term shall not include (i) parking spaces which are owned or operated by a commercial entity whose primary business is other than the

operation of parking facilities, for the exclusive use of its lessees, employees, patrons, customers, clients, patients, guests or residents but which are not available for use by the general public; (ii) parking spaces restricted for the use of the residents of a specific residential building or group of buildings; (iii) spaces located on public streets; or (iv) spaces located at a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Commercial Parking Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or operation of a parking space or the construction, operation, or modification of a parking facility.

"Determination of Exclusion" means a determination made by the Director prior to the effective date of this Chapter that a parking facility or a parking space did not require a CPFP.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Existing Commercial Parking Permit" means (i) a permit or approval issued prior to the effective date of this Chapter pursuant to the Procedures, Criteria, and Memorandum of Agreement

Proposed
6/23/97

dated November 15, 1984; (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iii) a letter from the Director confirming the number of spaces at a specified location that were in existence and being used as Commercial Parking Spaces as of October 15, 1973.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

10.16.020 Building, operation or expansion of commercial parking facilities

No person shall operate a Commercial Parking Space in Cambridge, or modify an existing Parking Facility so as to increase the number of Commercial Parking Spaces therein, unless said person shall have first obtained a Controlled Parking Facility Permit, a Determination of Exclusion, an Existing Commercial Parking Permit, or a New Commercial Parking Permit authorizing each such Commercial Parking Space.

10.16.030 Commercial Parking Control Committee

All applications for New Commercial Parking Permits shall be reviewed by the Commercial Parking Control Committee (CPCC or Committee) consisting of five Cambridge residents with appropriate experience, appointed by the City Manager for staggered terms of three (3) years. Effective immediately, the members of the Interim Parking Control Committee shall be the initial members of the CPCC, and they shall be assigned staggered terms ranging from one (1) to three (3) years by the City Manager. No person shall be appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee shall maintain complete and accurate records of all applications for New Commercial Parking Permits. In carrying out its duties, the Committee may consult with and seek the assistance of other appropriate departments and agencies in the

Proposed
6/23/97

City, state and federal governments such as the Community Development Department, the License Commission, the Inspectional Services Department, the Department of Traffic, Parking, and Transportation, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA).

10.16.040 Procedure for obtaining a commercial parking permit

(a) An application for a New Commercial Parking Permit shall be submitted to the Director on a form available at the Cambridge Traffic, Parking and Transportation Department. Upon receipt of such application, the Director shall promptly transmit copies thereof to the CPCC. The CPCC shall hold hearings at least twice in each calendar year provided an application is pending and permits may be issued consistently with Section 10.16.060. The CPCC shall establish a deadline for receipt of applications prior to each hearing. All applications received by the deadline established by the CPCC shall receive consideration, provided that permits may be issued pursuant to Section 10.16.060. Applications not considered due to the restriction on the CPCC's ability to issue permits pursuant to Section 10.16.060 shall be considered in the order received at such time as the CPCC may issue permits.

(b) The CPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic, Parking, and Transportation Department.

(c) Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.

7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. A plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measures which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Proposed
6/23/97

Six copies of every application shall be submitted, with the above information, to the Commercial Parking Control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

(d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

(e) At least 14 days before the hearing, the Commercial Parking Control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by section 10.16.040(c).

(f) Within thirty (30) days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making determinations, the CPCC shall consider the following criteria:

Proposed
6/23/97

- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
- (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
- (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and documentation as it deems appropriate for substantiation of compliance with the above criteria.

(g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall (i) state the name, address and total number of authorized parking spaces at the facility; (ii) specify how many spaces are authorized for use as Commercial Parking Spaces; and (iii) describe any conditions upon which the application is approved. A copy of the Director's approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

10.16.050 Permit Term and Conditions

(a) Each New Commercial Parking Permit shall be conditioned on satisfactory implementation by the permittee of (i) the plan submitted under 10.16.040(c)(9), as approved by the City Manager's Designee for regulation and control of air pollution from motor vehicles and (ii) the plan submitted under 10.16.040(f)(2).

(b) Each New Commercial Parking Permit shall have a two-year term and shall automatically revert to the City if an occupancy permit, building permit, or operating license has not been issued for the permitted spaces within such two-year term; provided that, for good cause based on a demonstration of the status of the project development and financing therefor, the Director in consultation with the City Manager may grant one two-year extension.

(c) A New Commercial Parking Permit shall automatically terminate and revert to the City as to any Commercial Parking Space(s) that has been used for non-commercial purposes for one year or more.

(d) No New or Existing Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Permit shall automatically revert to the City for allocation in accordance with this Chapter.

10.16.060 Number of New Commercial Parking Permits to be Issued

(a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§52.1128(b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060(b).

(b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if (i) the permit or authorization therefor has reverted to the City; (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers; (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

10.16.070 Enforcement

(a) The City may enforce the terms and conditions of any permit or Determination of Exclusion, regardless of when it was issued.

(b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provisions of this Chapter, a New or Existing Commercial Parking Permit, a CPFP, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:

(i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040(c)(9) and (f)(2); or

(ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility holding a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It

Proposed
6/23/97

shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

(c) Upon the expiration of any permit or Determination of Exclusion, the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing.

10.16.080 Non-Transferability of Parking Spaces

Rights to Commercial Parking Spaces that are permanently taken out of service or as to which the permit has expired, terminated, or been revoked may not be transferred between private parties. Such spaces automatically revert to the City. Qualifying spaces may be subject to further allocation by the City.

10.16.090 Parking and Transportation Demand Management Plan

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040(c)(9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The

Proposed
6/23/97

Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a New Commercial Parking Permit is granted.

189264.6



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



21.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1997

To The Honorable, The City **Council**:

Enclosed for your consideration are two proposed ordinances, one addressing permits for commercial parking and the other addressing parking and transportation demand management planning in the City. These ordinances grow out of our ongoing efforts to reduce air pollution from motor vehicles and traffic congestion.

The first proposed ordinance would replace the interim parking freeze ordinance set forth at Chapter 10.16 of the Code in order to conform the City's procedures for issuing commercial parking permits to the Memorandum of Agreement entered into between the City and the Department of Environmental Protection on July 17, 1996. The proposed ordinance sets certain limits on commercial parking space permits and requires traffic mitigation and implementation of parking and transportation demand management measures at new commercial parking facilities.

The second proposed ordinance would add a new chapter to the Code to formalize parking and transportation demand management planning and programs that have been ongoing for a number of years. Pursuant to this proposed ordinance, a planning officer will be designated to review, condition, approve, and/or deny parking and transportation demand management plans in order to regulate and control air pollution from motor vehicles and reduce traffic congestion. Based on site-specific factors, the plan will specify vehicle trip reduction measures to be undertaken as well as the appropriate number and location of parking spaces for a project. A project proponent who receives approval for a plan specifying fewer parking spaces than the minimum set forth by zoning or for spaces at a greater off-site distance than allowed by zoning will need to obtain a special permit. It may be useful to add language to the Zoning Ordinance to assist in coordination and streamlining of the planning and permitting process.

This second proposed ordinance also requires registration of parking spaces at projects that are not subject to the plan requirements.

Very truly yours,


Robert W. Healy

Consent Agenda #21

Relative to two proposed ordinances,
one addressing permits for commercial
parking and the other addressing parking
and transportation demand management
planning in the City.

In City Council June 23, 1997

Referred to
Ordinance
Committee

Copy sent

6-25-97 mvc



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: ROBERT W. HEALY, CITY MANAGER
FROM: ^{DMD} D. MARGARET DRURY, CITY CLERK
DATE: July 8, 1997
RE: ORDINANCE COMMITTEE HEARING

Please be advised that Councillor Duehay, Chair of the Ordinance Committee, has scheduled two public hearings for Monday, July 28, 1997 beginning at 5:30 P.M. in the Sullivan Chamber.

The purpose of the hearing at 5:30 P.M. is to consider a proposed amendment to the Cambridge Municipal Code to replace the Interim Parking Freeze Ordinance in order to conform the City's procedures for issuing commercial parking space permits to the Memorandum of Agreement between the City and the Department of Environmental Protection. The proposed ordinance requires traffic mitigation and implementation of parking and transportation demand management measures at new commercial parking facilities.

The purpose of the hearing at 6:30 P.M. is to consider a proposed amendment to add a new chapter to the Code to formalize parking and transportation demand management planning and programs.

You or your designee are requested to attend at this time.

cc: Councillor Duehay

Russell Higley
Susan Clippinger
Robert Bersani
Susan Schlesinger
Elizabeth Epstein



OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

**TO: RUSSELL HIGLEY, CITY SOLICITOR
LAW DEPARTMENT**

FROM: ^{bmd} D. MARGARET DRURY, CITY CLERK

DATE: July 8, 1997

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The purpose of the hearing at 6:30 P.M. is to consider a proposed amendment to add a new chapter to the Code to formalize parking and transportation demand management planning and programs.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Duehay



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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

**TO: SUSAN CLIPPINGER, DIRECTOR
TRAFFIC, PARKING & TRANSPORTATION DEPARTMENT**

FROM: ^{DMD} D. MARGARET DRURY, CITY CLERK

DATE: July 8, 1997

RE: ORDINANCE COMMITTEE HEARING

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cc: Councillor Duehay



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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

**TO: ROBERT BERSANI, MANAGING DIRECTOR
INSPECTIONAL SERVICES DEPARTMENT**
FROM: ^{DMJ} D. MARGARET DRURY, CITY CLERK
DATE: July 8, 1997
RE: ORDINANCE COMMITTEE HEARING

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cc: Councillor Duehay



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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

**TO: SUSAN SCHLESINGER, ASSISTANT CITY MANAGER
FOR COMMUNITY DEVELOPMENT DEPARTMENT**

FROM: ^{DMD} D. MARGARET DRURY, CITY CLERK

DATE: July 8, 1997

RE: ORDINANCE COMMITTEE HEARING

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I HAVE ENCLOSED COPIES OF THIS HEARING NOTIFICATION TO MEMBERS OF YOUR DEPARTMENT WHO HAVE BEEN REQUESTED TO ATTEND. WOULD YOU KINDLY DISTRIBUTE THE NOTICES TO THE APPROPRIATE PERSONNEL.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Duehay



OFFICE OF THE CITY CLERK

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(617) 349-4260

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

**TO: ELIZABETH EPSTEIN, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

FROM: ^{DMD} D. MARGARET DRURY, CITY CLERK

DATE: July 8, 1997

RE: ORDINANCE COMMITTEE HEARING

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cc: Councillor Duehay



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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

TO: THE HONORABLE, THE CITY COUNCIL
FROM: D. MARGARET DRURY, CITY CLERK
DATE: July 8, 1997
RE: ORDINANCE COMMITTEE HEARING

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The purpose of the hearing at 6:30 P.M. is to consider a proposed amendment to add a new chapter to the Code to formalize parking and transportation demand management planning and programs.

Your kind attention in this matter will be greatly appreciated.

Councillor Davis asked whether municipal parking lots are commercial. Ms. Jacobs responded in the affirmative and said the City would need to meet the same criteria.

Councillor Davis asked how criteria will be applied. Ms. Jacobs referred Councillor Davis to page 8 of the proposed ordinance. The City Manager will designate a city employee with expertise in this area to govern the plan.

Ms. Jacobs said that the requirements will comport with the EPA standards. Presently it is 15.2 miles of mitigation per space.

Councillor Davis asked how this would work, for example, with a new library. She asked whether the library parking would be commercial parking spaces. If there were just a parking lot, would it be a commercial facility? If there were metered spaces, would it then be a commercial parking facility?

Ms. Jacobs said if the parking spaces were restricted to library patrons, they would not be commercial, even if there were meters.

Councillor Duehay asked Mr. Healy for his estimate of the need for new commercial parking spaces. Mr. Healy said he believes it would be extremely limited. Most developers would look to provide space for customers and guests. He does not believe there will be speculative private construction of commercial parking garages; nor does he foresee construction of a large-scale municipal commercial parking facility.

Councillor Duehay asked about the previous interpretation of commercial parking spaces. Attorney Jacobs said that EPA basically forgot the history of the parking freeze and what the meaning of "commercial" was. The EPA and Cambridge "agreed to disagree" on an interim basis as to the meaning of "commercial parking spaces."

Councillor Duehay asked what the task of the new committee will be. Ms. Jacobs said the task will be similar but it will only consider applications for commercial parking permits.

Councillor Duehay then asked the reasons for the proposed new ordinance for transportation demand management plans and how it relates to the first ordinance.

Mr. Healy stated that the philosophy of the transportation plan ordinance is based on the City Council policy to be cognizant of the traffic issues raised by new development and to require traffic management plans from developers. It is intended to make the City more livable.

Councillor Davis requested further clarification of "commercial parking" Is the parking at the Cambridge Galleria commercial parking? Ms. Jacobs said that parking that is open to the public without restriction is commercial parking. Already-existing parking where there is already a certificate of occupancy or a building permit is not subject to the ordinance.

Vice Mayor Born asked whether this ordinance changes the definition of commercial parking. Ms. Jacobs said that it does not. The City has consistently defined commercial parking as it does in this ordinance. The City agreed with the state to disagree on the definition of commercial parking and utilized the term "controlled parking spaces" until the dispute could be resolved. Finally, last summer, the state agreed that Cambridge's definition of "commercial" parking spaces was correct, and the State and City signed a Memorandum of Understanding.

Vice Mayor Born asked if there is a federal definition of commercial parking. Ms. Jacobs stated that there is, and that is the definition that the City has consistently utilized.

Ms. Jacobs stated that in 1990 the State and City entered into the original agreement and that led to enactment of Chapter 10.16. The agreement was amended in 1992 and the ordinance was then amended to comport with that amendment. Then last summer there was the Memorandum of Understanding that required the present proposed amendment to conform the ordinance with the Memorandum of Understanding.

Vice Mayor Born said that she has some concern about the definition of commercial parking spaces. Ms. Jacobs said that the critical issue is whether any member of the general public can pay a fee to use the space. The fee is not the only element; to fall within the definition, the space must be open to any member of the general public.

Councillor Duehay then invited public testimony.

Tom Lucey, 40 Lake Street, Wakefield, representing the Cambridge Chamber of Commerce, thanked the City Manager and his staff for their work on this ordinance. He expressed the Chamber's strong support for replacing the Interim Parking Freeze ordinance with this proposed ordinance. The Chamber has worked hard with the City to develop a viable alternative to the interim parking freeze.

Jonathan Ginsberg, James Way, Forest City Development, thanked the City administration for its hard work. It has been a long struggle to reach something reasonable.

Jim Gascoyne, Director of Charles River Transportation Management Association, stated that the purpose of the association is to try to achieve economies of scale in transportation and air quality to make these improvements cost-effective for the business and agencies that are members of the association. He applauded the City of Cambridge for its work in this issue. The first ordinance provides a platform that the second ordinance regarding transportation management plans can build upon.

Councillor Duehay then invited testimony in opposition. There was none.

Vice Mayor Born moved that the ordinance be forwarded to the full City Council with a recommendation that it be adopted. On a voice vote the motion passed unanimously.

Councillor Duehay thanked all those present for their attendance. The hearing was adjourned at 6:30 p.m.

For the Committee

Francis H. Duehay

Councillor Francis H. Duehay,
Chair



CITY OF CAMBRIDGE
MASSACHUSETTS 02139 • 617-349-4280
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Councillor Francis H. Duehay
26 LOWELL STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-547-0271
(EMAIL)FDUEHAY@MCIMAIL.COM

July 29, 1997

Edmund G. Hamann
106 Holworthy St
Cambridge MA 02138

Dear Mr. Hamann:

Thank you for sending comments about the proposed change to the Cambridge Municipal Code replacing the Interim Parking Freeze Ordinance in order to conform the City's procedures for issuing commercial parking space permits to the Memorandum of Agreement between the City and the Department of Environmental Protection.

I shall make sure that copies of your letter are sent to all members of the City Council and that your letter is included with the record of the Ordinance Committee's hearing

Sincerely yours,

Francis H. Duehay

*Edmund G. Hamann
106 Holworthy Street
Cambridge, MA 02138*

July 20, 1997

Councilor Francis H. Duehay,
Chair, Ordinance Committee
City of Cambridge
26 Lowell Street
Cambridge, MA 02138

Dear Councilor Duehay:

I am writing in opposition to a proposed amendment to the Cambridge Municipal Code to replace the Interim Parking Freeze Ordinance in order to conform the City's procedures for issuing commercial parking space permits to the Memorandum of Agreement between the City and the Department of Environmental Protection.

I oppose removing the freeze because my objective is to help the City of Cambridge reduce traffic congestion and, commensurably, reduce air pollution. My goal is to help make Cambridge a more livable community through the mitigation of the problems caused by over dependence upon motor vehicles.

I am not convinced that the proposed City of Cambridge Vehicle Trip Reduction Program (VTRP) will achieve the objectives it claims.

I question some assumptions listed on Page 5 of the VTRP under *Development of the Cambridge SIP Revision*.

- is the first claim of traffic diversion to other communities substantiated by hard evidence?

- the second claim that the VTRP will achieve immediate reduction in vehicle trips is not likely to happen. The VTRP, as exemplified by the City's bicycle program (in which I am personally involved), is a long range program that may produce significant results years later. The parking freeze is a method of imposing constraints upon vehicular traffic in Cambridge right now. Must economic development be predicated upon increasing commercial

parking, or could there not be a reallocation of parking spaces within the existing quota to achieve desired economic growth?

- the third claim assumes the effectiveness of the VTRP as opposed to a simple commercial parking freeze, but what follows in the proposal is contra-indicative to this claim.

To make the VTRP work will take a tremendous effort of will and persistence on the part of the City, given the driving habits of Americans. If there is a place to park the automobile, our typical citizen will drive, not walk or bicycle there, or use public transit. There is little in this document that says Cambridge must implement these programs. It says that the City may do this or that. There are no measurable objectives described, no timelines to which the City must be held accountable.

One program in the VTRP that I am well acquainted with is the *Bicycle and Pedestrian Mobility Measure* described on page 16 of the proposal. This program has been in place for about six years, and there has been a modest amount of progress. As we who are involved know, it is a long, slow process to get more people to ride a bicycle from point A to point B. At this time there are some visible signs of progress, such as the bicycle lanes on Huron Avenue between Concord Avenue and the bike/pedestrian crossing in the planned enhancement of the Fresh Pond Parkway, but growth in ridership is not yet documented. Furthermore, a doubling of bicycle transportation miles will have a very small impact in the VTRP. (It should be noted that the VTRP omits the best method of all to determine bicycle ridership which is the periodic "bike count," conducted by the Cambridge Bicycle Committee.)

All in all, the proposal is a weak one. It does not inspire confidence that the Massachusetts Department of Environmental Protection and the City of Cambridge are really serious about the abatement of motor vehicle traffic. The proposal suggests the aphorism that the "road to hell is paved with good intentions." There is substantial evidence available to traffic planners and engineers that controlling the supply of parking is essential to limiting traffic, improving air quality and achieving a more livable community.

The current parking freeze has been no panacea — it has by definition been violated many times — but it should remain in force, *and strengthened*, until such time as the city understands that it cannot have its cake and eat it, that allowing more parking for the sake of “economic development” will not achieve the city’s goal of maintaining Cambridge’s unique quality of life. The City Council should not be tempted by the short term advantages of removing the freeze. It should remain until a vehicle trip reduction program with real teeth in it is ordered by the city.

Yours sincerely,

Ted Hamann

Copy: Susan Schlesinger, Assistant City Manager for Community Development

N.B. I regret that I will be unable to attend the hearing scheduled for July 28th so as to testify in person.

City of Cambridge

The Ordinance Committee held a public hearing on July 28, 1997, beginning at 5:40 in the Sullivan Chamber for the purpose of considering a proposed amendment to the Cambridge Municipal Code to replace the Interim Parking Freeze Ordinance in order to conform the City's procedures for issuing commercial parking space to the Memorandum of Agreement between the City and the Department of Environmental Protection.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou, and City Clerk D. Margaret Drury. Also present were Robert W. Healy, City Manager, Donald Drisdell, Deputy City Solicitor, Elizabeth Epstein, Deputy Director of Community Development Department, Susan Clippinger, Director of Traffic, Parking and Transportation, several other staff members and Attorney Wendy Jacobs who represents the City of Cambridge in state and federal negotiations regarding parking, transportation and air-quality issues.

Councillor Duehay convened the hearing and explained the purpose. He invited Mr. Healy to make a presentation. Mr. Healy stated that there are two proposed ordinances for consideration this evening. The first is a relatively straightforward, technical change to the existing interim parking freeze ordinance set forth at Chapter 10.16 of the code. It is intended to conform the City's procedures for issuing commercial parking permits with the Memorandum of Agreement entered into between the City and the Massachusetts Department of Environmental Protection on July 17, 1996.

Mr. Healy requested that Wendy Jacobs summarize the details of the proposed ordinance. Attorney Jacobs pointed out that the present Interim Parking Freeze, Chapter 10.16, was intended as a one-year interim measure while the State and the City worked together to resolve a dispute about the regulation of commercial parking spaces. Finally last summer, the State, in consultation with the EPA, agreed that the interim parking freeze was far broader than required by state and federal law. The EPA has also confirmed that the federal parking freeze regulation only applies to commercial parking spaces, not customer, visitor, employee or tenant spaces. To avoid confusion it is important to amend Chapter 10.16 to conform it with the 1996 Memorandum of Agreement.

Attorney Jacobs said that the proposed ordinance still tracks the procedural framework and committee structure of the original 10.16. The proposed ordinance continues to limit the number of commercial parking spaces that may be issued until completion of the SIP amendment process. Prior to obtaining a permit, anyone seeking a permit for commercial parking spaces must submit a plan for traffic mitigation, and implementation of parking and trip reduction measures control.

Committee Report #1

*Call of
S-545*

A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Francis H. Duehay, Chair of the Ordinance Committee, for a meeting held on July 28, 1997 for the purpose of considering a proposed amendment to the Cambridge Municipal Code to replace the Interim Parking Freeze Ordinance in order to conform the City's procedures for issuing commercial parking space to the Memorandum of Agreement between the City and Department of Environmental.

September 8, 1997

Passed to be

Ordained

7-1-0-1

In City Council August 4, 1997

*Passed to a
Second Reading*