

City of Cambridge

MASSACHUSETTS

Agenda #1 Proposed City Ordinance estab- In City Council October 24 1977
lishing a Commercial Parking Program.

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann				
Mr. Clem				
Mr. Clinton				
Mr. Danehy				
Mr. Duehay				
Mrs. Graham				
Mr. Russell				
Mr. Sullivan				
Mayor Vellucci				



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Mr. James L. Sullivan, City Manager Date April 19, 1977
From *G. Teso* Mr. George Teso, Traffic Director Reference
Subject Commercial Parking Freeze (EPA Regulations) for the City of Cambridge

As you know there is a freeze in effect in the City of Cambridge on all commercial parking spaces as required by the Environmental Protection Agency's Clean Air Act of 1970. One of the requirements of this Act is that the City of Cambridge set up a system to control and monitor this freeze along with making the necessary reports to the Governor's Regional Administrator.

After discussing this freeze with the Law Department, it was decided that a City Ordinance establishing a Commercial Parking Program which would include a Commercial Parking Control Committee would be the best way to meet the requirements of the EPA.

I have enclosed several copies of the proposed Ordinance as drafted by the Law Department for your viewing and would be happy to meet with you and discuss this matter at your convenience. If you agree with this proposal, we can then submit it to the City Council for their approval.

Enc.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinance of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Chapter 18 entitled: "Vehicles and Traffic" is hereby amended by adding at the end thereof the following new sections:

Article 1. Commercial Parking Program

Section 18-4. Definitions.

Unless the context of this ordinance specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

"Commercial Parking Facility" (CPF) shall be defined to include any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (1) a parking facility, the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, (2) parking on public streets, and (3) commercial parking facilities designated as park-and-ride facilities to be operated in conjunction with the Massachusetts Bay Transportation Authority. All parking spaces available for use by the general public for a fee at any time of the day which are not so excluded shall be included in this definition.

"Freeze" shall be defined as the maximum allowable number of commercial parking spaces available within the City as established by the United States Environmental Protection Agency and promulgated in 40 CFR 25162, section 52.1135 (a) (6), and all amendments thereto.

"Freeze Area" shall be defined as that area of land within which the freeze provisions shall apply, to and including the City of Cambridge, as established by the United States Environmental Protection Agency and set forth in 40 CFR 25161, section 52.1128 (b) (4).

"Person" shall be defined in the same manner as said term is defined by section 1-6 of the City Code, and shall, moreover, include for the purpose of this ordinance all state, regional and political subdivisions, agencies, departments, authorities and boards.

"The Regulations" shall be defined as those rules and regulations promulgated by the United States Environmental Protection Agency and published in 40 CFR, sections 52.1128 - 52.1135, including all amendments thereto.

Section 18-5. Commercial Parking Control Committee: Establishment.

There be and hereby is established a Commercial Parking Control Committee to be composed of five (5) members, consisting of the Director of Traffic and Parking, the Assistant City Manager for Community Development, and the three (3) member traffic board appointed by the City Manager pursuant to the provisions of Chapter 455 of the Acts of 1961.

Section 18-6. Duties of Commercial Parking Control Committee.

a) The Commercial Parking Control Committee shall have the responsibility, on behalf of the City of Cambridge, to coordinate and administer the issuance of commercial parking permits under authority to be delegated to the City by the Governor of Massachusetts pursuant to the Regulations. In carrying out this responsibility the Committee shall perform, or cause to be performed, the following duties, among others: (1) Maintain complete and accurate records which indicate the current inventory of commercial parking facilities located within the City of Cambridge constructed subsequent to October 15, 1973, the current number, location and date of commercial parking spaces and legal on-street parking spaces physically eliminated or prohibited to commuters subsequent to the effective date of the freeze, and the current number and location of commercial parking spaces which remain available for allocation pursuant to these procedures and criteria;

(2) In accordance with the procedure set out below, process all applications for commercial parking permits; (3) Prepare the annual report to the Regional Administrator required by the Regulations; and (4) Make any procedural changes that are from time to time deemed necessary by the Committee to facilitate application and processing methods involved in the allocation process, provided said changes are within the Regulation guidelines.

b) In carrying out these duties the Committee shall consult with and seek the assistance of other appropriate departments and agencies of the city, state and federal governments, such as the Department of Community Development, the Licensing Board, the Building Department and the Department of Traffic and Parking.

Section 18-7. Commercial Parking Permits.

a) No person shall be issued a Building permit as required by the provisions of Chapter 5 of the Cambridge City Code, for the construction or modification of a commercial parking facility within the City of Cambridge without first obtaining a commercial parking permit from the Commercial Parking Control Committee pursuant to the procedures set forth herein.

b) Any person who has commenced or completed construction or modification of a commercial parking facility subsequent to October 15, 1973 including but not limited to the period in which the provisions of the regulations were suspended by the United States Environmental Protection Agency (October 15, 1973 - June 12, 1975) shall obtain a commercial parking permit pursuant to the procedures set forth herein.

c) Any modification of an existing parking facility or lot which increases the number of available parking spaces shall be subject to the requirements of this ordinance.

Section 18-8. Allocation of Parking Spaces.

a) In determining the number of commercial spaces available for allocation hereunder, both commercial parking spaces, and legal on-street parking spaces which have been physically eliminated and on-street parking spaces which have been prohibited to commuter parking shall be included. Physically eliminated commercial and legal on-street parking spaces may be replaced by an equivalent number of new spaces. On-street parking spaces prohibited to commuters may be replaced by a number of commercial spaces equal to one-half the number removed. The number of spaces shall be determined according to the following formula whenever the spaces are conspicuously delineated:

Self-parking Facility - 1 space/300 sq. ft.

Attendant Parking Facility - 1 space/200 sq. ft.

b) Any possessory right to parking spaces that have been eliminated pursuant to the terms of this ordinance shall not be transferred to any other person but shall revert back to the City for listing as parking space available for allocation.

c) Any modification or closing of a commercial parking facility which reduces the number of commercial parking spaces available at a specific site shall be reported to the Commercial Parking Control Committee in writing, specifying the exact number and location of spaces eliminated and the reasons for the elimination. All such spaces shall then be added to the listing of spaces available for allocation within the freeze area pursuant to these procedures and criteria; provided, that a temporary decrease for less than one year in the number of commercial parking spaces available at a lot or facility does not have to be reported, if after the interim period the original number of spaces is not exceeded and the entrances and exits are not changed.

d) Any commercial parking permit for a temporary lot which is granted pursuant to these procedures and criteria shall expire at the end of one year from the date of issuance. At the expiration date, the spaces in the temporary lot shall automatically revert back to the listing of spaces available for allocation. Any holder of such a permit must reapply pursuant to these procedures and criteria for any extension of the permit. All temporary lots are subject to future reallocation of their spaces to a permanent parking facility.

e) Any construction or modification of a commercial parking facility authorized pursuant to a permit issued under these procedures and criteria shall be carried out in accordance with the site plan and design submitted with the application. The Commercial Parking Control Committee shall approve any change in said plan or design prior to the applicant undertaking such construction or modification.

f) The commercial parking permit shall in no way constitute approval of any of the other requirements of any other agency in the City of Cambridge.

Section 18-9 Permit Application and Hearing Process.

a) The Commercial Parking Control Committee shall hold hearings for commercial parking permit applications on the fourth (4th) Wednesday of every month, provided that there is a need and that there are at least 10 parking spaces available for reallocation within the limits of the freeze at that time. An advance notice of the date of the next hearing will be published by the Committee in one local daily newspaper at least two (2) weeks prior to the said date.

b) Only applications received at least 30 days prior to the next scheduled hearing will be considered at this date. Applications received less than 30 days prior to the next hearing will be considered at the following hearing.

The Committee will be responsible for publishing in at least one local daily newspaper a notice of the proposals and hearing. The notice shall set forth a specific hearing date not less than two (2) weeks and not more than thirty 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 Department. A notice of all applications to be heard at the hearing shall be sent at least 3 weeks before the hearing to the Commissioner, Massachusetts Department of Environmental Quality Engineering.

c) If two (2) weeks prior to a monthly hearing there are less than 10 parking spaces available for reallocation, that monthly hearing will be cancelled. All applicants will be notified immediately.

d) Every application for a permit shall be submitted on forms to be provided by the Commercial Parking Control Committee, and shall include the following information:

- a) Name and address of owner.
- b) Name and address of proposed parking facility.
- c) Type of facility (parking lot or garage).
- d) Type of construction (new or modification) proposed.
- e) Proposed number of new commercial parking spaces to be built, or in the case of proposals to modify an existing commercial parking facility, the total present and proposed future numbers of commercial parking spaces, or in the case of any proposal which includes construction on non-commercial parking spaces as well as commercial parking spaces, the number and description of both commercial and non-commercial parking spaces to be constructed.
- f) A site plan showing the location and general design of the proposed facility.

e) Two copies of every application for a permit shall be submitted, with the above information, to the Commercial Parking Control Committee, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139. A copy thereof shall be sent to the Commissioner, Massachusetts Department of Environmental Quality Engineering, 100 Cambridge Street, Boston, Massachusetts 02202.

f) Not less than 14 days before the hearing date, the Commercial Parking Control Committee will send to each applicant which has submitted a complete and timely application an analysis of the application in regard to the criteria set out in Section 18-10. This analysis will highlight any further information required in order to make a full assessment of the application. Any applicant which has filed an incomplete or late application shall be so notified at that time.

g) Within 14 days after the hearing, the Commercial Parking Control Committee shall approve or disapprove the application for a parking permit based on the criteria set forth in Section 18-10 and full consideration of all the facts contained in the application. The Committee's determination shall indicate on the permit the conditions, if any, upon which approval is given. A copy of said determination shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Quality Engineering.

h) A commercial parking permit application shall be approved at the time the Chairman of the Committee signs the application. When the decision is made to approve an application, the application shall state the name, address and authorized number of spaces of the facility and any conditions upon which the permit is approved.

Section 18-10 Criteria for Issuance of Commercial Parking Permits.

The Committee may approve an application for Commercial Parking Permit only if all of the following criteria are met:

a) All requirements of the Regulations, and the procedures and criteria adopted thereto, have been met including, without limitation, that enough spaces are available for allocation without exceeding the freeze level.

b) The proposed facility will be consistent with the following planning objectives.

- 1) It will not add commercial off-street parking in an area which is already adequately served by existing parking facilities.
- 2) It will not contribute significantly to traffic flow during peak traffic periods.
- 3) It is located and designed so that the surrounding sidewalks and streets are sufficient to accommodate pedestrians and vehicular movements.
- 4) It has satisfactory access to the major highways serving the area.
- 5) It directly serves development in the surrounding area.
- 6) Its design, including height, bulk, ground floor use, and landscaping where applicable is consistent with architectural and land use patterns in the surrounding area.



CITY OF CAMBRIDGE

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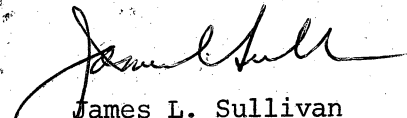
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 24, 1977

To the Honorable, the City Council:

I transmit herewith self-explanatory communication from George Teso, Traffic Director, relative to the Commercial Parking Freeze (EPA Regulations) for the City of Cambridge, with a proposed City Ordinance establishing a Commercial Parking Program.

Very truly yours,



James L. Sullivan
City Manager

JLS/b

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Proposed City Ordinance establishing a Commercial Parking Program.

In City Council,

Oct. 24, 1977

10/24/77

Referred to the Com.

on Ordinances

Copies sent to Ordinance
Committee 10/26/77 dl.