

MARKUP VERSION – *Additions and creations underlined, deletions in strikethrough* Commercial Parking Space Permits

Amendments to Section 10.16.010 – Definitions

Amend Section 10.16.010 to read as follows:

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 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.

Amendments to Section 10.16.040 – Procedure for obtaining a commercial parking permit

Amend Section 10.16.040(c) to read as follows:

Every application for a New ~~e~~Commercial Parking Permit shall include the following information:

- ~~1.~~ 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 ~~fo~~ of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. ~~For parking facilities with 20 or more total parking spaces, a~~ ~~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 measure 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.

Amend Section 10.16.040(d) to read as follows:

- (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 ~~applications~~ shall be deemed to relate back to the original date of filing.

Amend Section 10.16.040(e) to read as follows:

- (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~~ 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).

Amend Section 10.16.040(f) to read as follows:

- (f) ~~w~~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~~ in the application. In evaluating applications and making the determinations, the CPCC shall consider the following criteria:
- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and ~~wheter~~ 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~~ documentation as it deems appropriate for substantiation of compliance with the above criteria.

Amendments to Section 10.16.050 – Permit term and conditions

Amend Section 10.16.050(d) to read as follows:

- (d) No New or Existing ~~e~~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 Shall automatically revert to the City for allocation in accordance with this Chapter.

Amendments to Section 10.16.060 – Number of commercial parking permits to be issued

Amend Section 10.16.060(a) to read as follows:

- (a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. ~~SS-SS~~ 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).

Amend Section 10.16.060(b) to read as follows:

- (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 ~~s~~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.

Amendments to Section 10.16.070 – Enforcement

Amend Section 10.16.070(b) to read as follows:

- (b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provision of this Chapter, a New or Existing Commercial Parking Permit, a CFPF, 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 of 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 hold 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 CPA 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.

Amendments to Section 10.16.090 – Parking and transportation demand management plan

Amend Section 10.16.090 to read as follows:

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 ~~that~~ shall become a condition upon which a new Commercial Parking Permit is granted.