



# Boston City Council

## Committee on Government Operations

Michael F. Flaherty, *Chair*

### Report of Committee Chair

December 7, 2016

Dear Councillors:

**Docket #1110, ordinance amending CBC Chapter XVIII 18-1.16 (*Modernize the City's Street Occupancy Permit Program*)**, was sponsored by Councilor Josh Zakim and referred to the Committee on Government Operations on August 24, 2016. The Committee on Government Operations held a hearing on September 19, 2016, where public comment was taken and working sessions on October 31, 2016 and November 22, 2016.

**Docket #1110** would amend the City of Boston Code Chapter 18, Section 18-1.16 by changing the fee structure of street occupancy permits for purposes of building construction, repair, or other alterations. The current fee for a primary permit is \$20.00. **Docket #1110** will amend the permit fee to \$100.00 for primary permits. Councilor Zakim, the sponsor of the proposal, explained that there is a proliferation of street occupancy permits with some not being used. Councilor Zakim explained that the proliferation of the occupancy permits adversely impacts the downtown neighborhoods of Boston and resident parking spaces. Councilor Zakim stated that the fee structure should be modernized as it has not changed for over thirty years and that the City of Boston should also be able to receive fair value for such occupancy. Representatives from the Boston Transportation and Public Works Departments offered testimony and reviewed the current procedures and enforcement policies for street occupancy permits. Administration representatives explained that the city monitors abuse of permits and uses due diligence to ensure that contractors are operating within the spirit of the permit. The city uses a three-prong approach with the BTD, Public Works Department, and Boston Police Department working together to ensure that contractors are not taking advantage of the system. Administration officials explained that the city inspectors perform weekly compliance checks to ensure that the permit matches the actual amount of street occupancy.

The Committee inquired about the standards that the city employs when issuing street occupancy permits and enforcement policies. The Committee discussed the impact of smaller projects; cost to homeowners; remedies for non-use of permits; and, uniform signage. The Committee also discussed imposing a daily fee as opposed to monthly to provide an incentive to finish the work in a timely manner and the need to modernize the ordinance to correspond to the cost of living. The issues raised by public testimony reflected concerns about the quality of life in certain neighborhoods, particularly in the downtown neighborhood of Beacon Hill where parking issues are difficult. The public testimony also addressed the impact of the amount of permits; the increase in construction; congestion on the street; sweeping days; and, moving days.

At the working session held on October 31, 2016, the Committee discussed that the current fee structure for occupying street space is low in comparison to the value of spaces in the City of Boston. The Committee discussed increasing the fees to reflect fair market value including the imposition of an initial fee, a daily fee and a final fee. Councilors discussed having the city provide an analysis of the fair market value of parking spaces. Councilors reasoned that increasing the fee to reflect market value could provide an incentive for contractors to complete the work more quickly. Councilors discussed the effects of multiple occupancy permits on resident spaces, the number of outstanding permits, imposing a cap on the amount of permits, and suggested limiting permits. The following representatives from the Administration attended the working session: Chris Osgood,