

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUFFOLK SUPERIOR COURT

Docket No: 24-1823

Chinese Christian Church of New
England

Plaintiff

v.

Boston Air Pollution Control
Commission

Defendant

COMPLAINT

2024 JUL 11 P 1:04
SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
JANET PYLETSKI
ACTION DEPT. ASSISTANT

This Complaint is brought pursuant to G.L. c.111, § 31C, G.L. c. 30A § 14, and G.L. c. 249 § 4, and seeks a judgment reversing the determination of the Boston Air Pollution Control Commission that denied an application for a parking freeze exempt parking permit ("Permit") by Tufts Shared Services Inc. ("Tufts") for property owned by the Chinese Christian Church of New England and leased to Tufts for day surgery valet parking.

PARTIES

1. The Plaintiff, the Chinese Christian Church of New English ("Chinese Christian Church") is the owner of the property located at 50-60 Harvard Street and 65 Hudson Street,

known as the Tyler Street Lot, that is the subject of this action. The Chinese Christian Church has a principal place of business at 1835 Beacon Street, Brookline, MA 02445.

2. The Defendant, Boston Air Pollution Control Commission ("BAPCC"), is an agency of the City of Boston with a principal place of business at 1 City Hall Square, Boston, MA 02201 and is designated by the Commonwealth to regulate the Parking Freeze Ban Program under the MA Clean Air Act, pursuant to M.G.L.c. 111, § 31C and 310 C.M.R. 7.31(1)(a).

JURISDICTION AND VENUE

3. Pursuant to G.L. c.111, § 31C, G.L c. 30A, § 14, and G.L. c. 249 , §4 the jurisdiction and venue is proper in the Suffolk Superior Court, Massachusetts.

BACKGROUND

4. For a number of years, the Chinese Christian Church has leased the Tyler Street Lot to Tufts for valet parking for its day surgery patients on weekdays.
5. Tufts has made the Tyler Street Lot available to The Saint James the Greater Church on weekends at no cost for its parishioners and to the Buds & Blossom Child Care and Early Education Center at no cost during the week, providing a safe place for the young children of the Center to be dropped off and picked up by parents and caregivers.
6. The incomplete records of the APCC show that there was an APCC permit for the Tyler Street Lot beginning at least in 1983 if not earlier (Permit No. 83-09) and renewed in 1987 **(a copy of Parking Permit Records is herein attached and marked as Exhibit 1).**

On information and belief the Tyler Street Lot has been permitted either under a separate permit or as part of the exempt permit for the adjoining and connected Hudson Street Lot during the entirety of the Chinese Christian Church's lease of the Lot to Tufts. Plaintiff's

review of the APCC records is continuing, but challenging because of the incolpeteness of the APCC's historical records.

7. In or about 2022 the APCC issued a Hudson Street Lot exempt Parking Freeze Permit with an expiration date of July 1, 2023, for a total of 97 spaces, of which up to 30 spaces are actually located on the **Tyler Street Lot ("Lot")**.
8. However, in or about 2022 the staff administrator of the BAPCC erroneously informed Tufts that there was no permit of record for the Tyler Street Lot, despite the above stated permit history, and required to apply for a separate new permit for that Lot.
9. Tufts filed applications for a separate Parking Freeze exempt permit in November 2023 for both the Hudson Street Lot (renewal) and the Tyler Street Lot (new permit) and the APCC held a hearing on those applications on December 13, 2023.
10. The APCC approved the Hudson Street permit for a total of 67 spaces, but the permit notably referenced the Tyler Street tax assessment parcels in addition to the Hudson Street tax assessment parcels, adding to the administrative confusion regarding the permitting of the Tyler Street Lot.
11. While the Hudson Street permit was unanimously approved by BAPCC, **it did not approve the Tyler Street Lot Permit Application, although the applicant met all of the criteria for issuance of an exempt permit under the APCC regulations.**
12. The APCC has never issued a formal written permit decision regarding its denial of the Tyler Street Lot permit application at its December 2023 hearing.
13. Effective March 30, 2024, upon relocating its Patient Parking Valet service for Day surgeries, Tufts closed the Tyler Street Lot for parking by anyone, including Tufts patients, The Saint James the Greater Church, and the Buds & Blossom Child Care and

Early Education Center. Pending this appeal, the Lot is not open for parking or other uses.

14. On or about May 10, 2024, Tufts on behalf of the Chinese Christian Church re-submitted an Exempt Parking Freeze Application Form to BAPCC. **A true copy of the Parking Freeze Application package is hereto attached and marked "Exhibit 2".**
15. This application reflects the fact that Tufts is already facing an imminent shortage of parking appropriate for day surgery patients and occasional staff which would be made worse if this Permit was not issued.
16. The Tufts' Application indicated that all required elements under the APCC regulations, Sections VI are unequivocally met.
17. On June 12, 2024, the Board of APCC held a public hearing.
18. The APCC public hearing demonstrated nothing but an unfair and biased process. The BAPCC hearing allowed lengthy and irrelevant comments by opponents to dominate the hearing, limiting the applicant's opportunity to present their position adequately, and ignored or publicly undercounted the many oral and written comments submitted by supporters.
19. The BAPCC misleadingly announced that the application for Tyler Street was for a "new" permit, whereas as its records showed and the Application stated, the Tyler Street Lot had long been permitted for exempt parking. This mischaracterization resulted in the APCC and opponents ignoring the reality of its many years of operation for the benefit of the Chinatown community and the emergency day surgery patients of Tufts and treating the Application as if it would impose new traffic and open space burdens on the community.

20. At the end of the hearing, the Board took up a motion to deny raised by the leading Board opponent of the application, without first considering a motion to approve, and the vote was 4-1 with the Chair voting no.
21. The APCC regulations, Sections V, D(viii) provides in relevant part:
the Air Pollution Control Commission shall approve or disapprove the application for a Parking Freeze Permit or Exemption Certification **based upon the criteria set forth in Section VI** and on consideration of the information contained in the application and presented at the public hearing. The Commission's findings and determination **shall be in writing.**
22. The Board has not, through the date of the filing of this Complaint, provided its decision in writing, nor has it provided any basis for denial.
23. The Board's denial decision disregarded clear evidence that the permit application met all of the criteria for approval in the APCC regulations and instead relied on anecdotal and unsupported statements by the leading Board opponent about the supposed availability of comparable parking in the area that were directly rebutted by the Executive Director of Tufts, and on other criteria that were not in the APCC regulations.
24. The Board appeared to base its decision on a preference to have the Tyler Street Lot converted into a park, although the Chinese Christian Church clearly stated at the hearing and in the Application that the Church did not wish to sell the Tyler Street Lot. This vote based on preference, of course, is outside the APCC's jurisdiction, even though the APCC Chair cautioned that the APCC had no jurisdiction or power to consider a different use for private property other the regulatory criteria for the applied-for exempt parking. That decision was arbitrary and capricious.

Count I (Judicial Review Pursuant to G.L. c. 30A§14)

25. G.L. 30A§ 14 provides that where no statutory form of judicial review or appeal is provided and judicial review is not precluded, judicial review of the action of an “agency” shall be obtained by means of a civil action under that chapter.
26. There is no express right of judicial review or appeal provided for this action under Massachusetts General Laws, nor is there any provision precluding such review.
27. M.G.L. c. 111, § 31C grants jurisdiction to the APCC “to regulate and control atmospheric pollution” and “from time to time [to] adopt ... reasonable rules and regulations for the control of atmospheric pollution.”
28. The APCC is an “agency” for purposes of G.L.c. 30A.
29. An actual controversy exists between the private property owner, the Chinese Christian Church on the one hand, and the City of Boston on the other hand, concerning its denial of the parking freeze application
30. The action and inaction of the APCC is a violation of Plaintiff’s substantial rights pursuant to G.L. c. 30A§14 :
 - (a) In violation of constitutional provisions related to due process;
 - (b) In excess of the statutory authority or jurisdiction of the agency;
 - (c) Based upon an error of law;
 - (d) Made upon unlawful procedure;
 - (e) Unsupported by substantial evidence;
 - (f) Unwarranted by facts found by the court on the record as submitted or as amplified under paragraph (6) of this section, in those instances where the court is constitutionally required to make independent findings of fact;
 - (g) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law
31. The Plaintiff is entitled to relief in the form of reversal and an order directing the BAPCC to grant the permit.

CERTIORARI (Pursuant to G.L. c. 249 § 4)

32. Plaintiff hereby reavers and realleges the allegations contained in paragraphs 1 through 24, as if fully set forth herein.

33. An actual controversy exists between the Chinese Christian Church, a private property owner on the one hand, and the City of Boston on the other hand, concerning its denial of the parking freeze application.

34. To the extent the Court finds that Plaintiff has no legal remedy to appeal the APCC's decision, then an alternative cause of action in the nature of certiorari is allowed pursuant to G.L. c. 249 § 4.

35. The Plaintiff is entitled to an order (1) declaring that the process by which BAPCC denied the Parking Freeze Application with no basis provided, while all elements laid out in the APCC regulations are met, is unreasonable, arbitrary, and unlawful, (2) declaring that the BAPCC's denial decision is null and void, and (3) granting the permit.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff, the Chinese Christian Church of New England requests that this Court:

- A. Enter judgment reversing the denial of the Parking Freeze Application by the Boston Air Pollution Control Commission;
- B. Enter an order granting the application for an exempt parking permit for the Tyler Street Lot; and
- C. Grant such other relief as this Court deems just.

EXHIBIT 1

AGENDA

PARKING FREEZE PUBLIC HEARING
MARCH 30, 1987



City of Boston
The Environment
Department

Boston City Hall/Room 895
Boston, Massachusetts 02201
617-25-4916 or 725-5850

1. The renewal of annual permits. The permittees are as follows:

9-13 Ping-On Street, 3-5 Ping-On & 10-12 Oxford Sts., 130 Essex &
15 Columbia Sts., 140-150 Causeway St., 124 North Washington St.,
52-56 Chatham St., 1200 Washington St., New Chardon St., Russia
Wharf, 176 Tremont St., 148-192 Harrison St., Devonshire Towers,
Sargent's Wharf, Haverhill St., 11-17 Kingston St., 280-292
Commercial St., Causeway & Beverly Sts., Martha Rd., 575-577
Washington St., 130-132 Arlington St., 1283 Washington St.,
597-603 Washington St., 400-406 Stuart St., 52-56 Harvard & 62
Tyler Sts., and Marketplace Center;

2. 95 Berkeley Street project; and
3. Three requests for exemption, Parkside West Project at 170 Tremont
St.; Fulton Place at 80-98, 100 & 102 Fulton St. and 19-21
Lancaster St.

1-126

*in the name of the
city of Boston*

*Wright
at 310*

and 6230



BOSTON AIR POLLUTION CONTROL COMMISSION

RENEWAL APPLICATION

JOINT STAFF REPORT

DATE.....: December 15, 1983

APPLICANT..... : Mr. Carlo Barresi
12 South Bremen Street
East Boston, MA 02128

LOCATION OF FACILITY: 52-56 Harvard Street
62 Tyler Street

NUMBER OF SPACES.....: 28

PERMIT NUMBER.....: 83-09

The facility has met all the criteria set forth in the City of Boston Procedures and Criteria for Issuance of Parking Freeze Permits, Section E, and the conditions set forth in the current permit.

The applicant is reminded that Criterion C.9 states..."All temporary permits issued are subject to the right of the Commission to reallocate its spaces to a permanent parking facility.

PARKING FREEZE NUMBERS

APPLICANT

SITE

SPACES

1983

1984

1983	1984	APPLICANT	SITE	SPACES
83-05	84-01	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	30-34 Boylston St.	6 P 12 E 18 TC
83-12	84-02	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	400-406 Stuart St.	93
83-13	84-03	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	597-603 Washington St.	29
83-14	84-04	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	43 Boylston St.	43 E 32 P 75 TC
83-15	84-05	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	83 Federal St.	65 E 39 P 104 TC
83-16	84-06	Allright Boston Parking, Inc. P.O. Box 1863 Boston, MA 02105	575-577 Washington St.	31 E 14 P 45 TC
83-07	84-07	BRA City Hall Plaza Boston, MA 02201	269-293 Commercial St. 19-69 Eastern Ave. (Sargent's Wharf)	230
83-08	84-08	BRA City Hall Plaza Boston, MA 02201	Part of BRA South Cove Parcel R-3 bounded by Washington & Pine Streets and Marginal Rd.	89

PARKING FREEZE NUMBERS

APPLICANT

SITE

SPACES

1983

1984

83-01

84-09

Bradford Auto Parks, Inc.
130 Essex Street
Boston, MA 02111

36-38 Lincoln St.

10 E
16 P
26 TC

83-30

84-10

Bradford Auto Parks, Inc.
130 Essex Street
Boston, MA 02111

3-5 Ping-On St. &
10-12 Oxford St.

28 E
1 P
29 TC

83-31

84-11

Bradford Auto Parks, Inc.
130 Essex Street
Boston, MA 02111

9-13 Ping-On St.

18 E
4 P
22 TC

83-32

84-12

Bradford Auto Parks, Inc.
130 Essex Street
Boston, MA 02111

130 Essex St. & 15 Columbia St.

51 E
4 P
55 TC

83-20

84-13

Mr. Philip F. Coury
687 Cummins Highway
Mattapan, MA 02126

52-56 Chatham St.

38 P

83-26

84-14

Mr. Philip F. Coury
687 Cummins Highway
Mattapan, MA 02126

49-51 Chatham St.

4 P
10 E
14 TC

83-50

84-15

Simon B. Gottlieb, Trustee
Stanhope Realty Trust
25 Huntington Ave.
Boston, MA 02116

33-37 Essex St. &
5-15 Harrison Ave.

47 E
2 P
49 TC

83-51

84-16

Stanhope Garage, Inc.
25 Huntington Ave.
Boston, MA 02116

Russia Wharf
300 Congress St.

54 E
8 P
62 TC

83-45

84-17

Mr. William Lima, Trustee
1283 Washington Street Realty
Trust

1283 Washington St.
South End

69 P
69 TC

257 West Newton Street
Boston, MA 02116

PARKING FREEZE NUMBERS

APPLICANT

SITE

SPACES

1983

1984

83-03

84-18

Western Auto Parks, Inc.
47 Broad Cove Road
Hingham, MA 02043

11-17 Kingston Street

12

83-09

84-20

Mr. Carlo Barresi
12 South Bremen Street
East Boston, MA 02128

52-56 Harvard St.
62 Tyler St.

28

83-11

84-21

Jeffrey Realty Trust
124 North Washington Street
Boston, MA 02114

124 North Washington St.

14

83-17

84-22

Mr. Robert C. Linnell, Trustee
140 Trust and 150 Trust
150 Causeway Street
Boston, MA 02114

North Station Auto Park
140-150 Causeway Street
Parcel No's: 1912, 1914, 1915

153 E
252 P
405 TC

83-40

84-23

Mr. Harvey E. Rothenberg, Trustee
Devonshire Towers Trust
600 Madison Ave.
New York, NY 10022

Devonshire Towers
One Devonshire Place

87 P
143 E
230 TC

83-29

84-24

Sunrise Auto Theatre, Inc.
1150 Park Square Bldg.
Boston, MA 02116

130-132 Arlington St.

17 P
54 E
71 TC

PARKING FREEZE NUMBERS

APPLICANT

SITE

SPACES

1983

1984

83-04

84-26

Mr. Bruce Doe, Treasurer
20 Custom House, Inc.
20 Custom House Street
Boston, MA 02110

159-163 Milk Street

9 P
60 E
69 TC

83-10

84-27

Fitz-Inn Auto Parks, INC.
216 Tremont Street
Boston, MA 02116

155-163 High Street

26

83-45

84-30

BRA
City Hall Plaza
Boston, MA 02201

1200 Washington Street

120

83-46

84-31

Allright Boston Parking, Inc.
P.O. Box 1863
Boston, MA 02105

176 Tremont Street & Avery

94

83-18

84-32

City of Boston
Real Property Department
Room 811, Boston City Hall
Boston, MA 02201

Haverhill Street Under Artery
Downramp, Parcel 1536

49

EXHIBIT 2



City of Boston
Environment

PARKING FREEZE APPLICATION FORM

Air Pollution Control Commission

APCC Permit Number _____

A. GENERAL APPLICATION INFORMATION

1. Project Location

50-60 Harvard Street and 65 Hudson Street a. Street Address	Boston b. City/Town	02111 c. Zip Code
See attached list of Parcel Numbers f. Assessors Map/Plat Number		g. Parcel/Lot Number

2. Applicant

James a. First Name	Foley b. Last Name	Tufts Shared Services, Inc. c. Company
75 Kneeland Street, Suite 701 d. Mailing Address		
Boston e. City/Town		MA f. State
02445 g. Zip Code		
617-636-9100 h. Phone Number		i. Fax Number
j. Email address		

3. Property Owner

		Chinese Christian Church of New England, Inc. c. Company
1835 Beacon Street d. Mailing Address		
Brookline e. City/Town		MA f. State
02445 g. Zip Code		
617-232-8652 h. Phone Number		i. Fax Number
j. Email address		

Check if more than one owner:

(if there is more than one property owner, please attach a list of these property owners to this form.)



**City of Boston
Environment**

PARKING FREEZE APPLICATION FORM

Air Pollution Control Commission

APCC Permit Number _____

4. Representative (if any)

Barbara a. First Name	Zhang b. Last Name	Chinese Christian Church of New England, Inc. c. Company	
1835 Beacon Street d. Mailing Address			
Brookline e. City/Town		MA f. State	02445 g. Zip Code
617-232-8652 h. Phone Number	 i. Fax Number	 j. Email address	

5. What kind of application is being filed?

- Request a New Parking Freeze Permit or Exemption Certification
- Modify an existing Parking Freeze Permit or Exemption Certification

6. Which Parking Freeze is your facility located in

- Downtown Boston
- South Boston

B. PARKING FACILITY INFORMATION

1. Applicant

Downtown Boston		South Boston	
Commercial Spaces	0	Commercial Spaces	0
Exempt Spaces	30	Residential Included Spaces	0
Residential Excluded Spaces	0	Residential Excluded Spaces	0

2. Do you currently or will you charge for parking?

- Yes
- No
- Not sure

3. What is your current or proposed parking method and facility type? (select all that apply)

- Valet
- Self-Parking
- Surface Lot
- Garage



4. Is your project compliant with the City's Bicycle Parking Guidelines?

Number of Long-Term Bicycle Spaces: 0	Number of Showers: 0
Number of Short-Term Bicycle Spaces: 0	Bikeshare Station Size and Contribution: 0
Number of Lockers: 0	Other Amenities (Please List): NA

5. Is your project compliant with the City's Electric Vehicle Readiness Policy?

EVSE-Installed Points: A 0	Total number of spaces: C 0
EV-Ready Points: B 0	Does A + B = C? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Note: Please attach the Electric Vehicle Equivalency Calculator to this application, available at www.boston.gov/recharge-boston.

6. Please fill out the information below:

Total Number of Proposed Spaces: 30	Total Parking Facility Square Footage: 18 ACRE
Number of New Spaces: 0	Ratio of Residential Spaces to Units: NA
Number of Existing Spaces: 30	(Optional) Number of Spaces Returned: NA

7. Please list the total facility square footage by use type:

Residential Sqft: 0	Retail Sqft: 0
Office/Admin Sqft: 0	Institutional Sqft: 0
Industrial Sqft: 0	Lodging Sqft: 0

8. Are you required to execute a Transportation Access Plan Agreement (TAPA)?

Yes

No

(If yes, please attach the draft or final TAPA to this form if available.)



C. SIGNATURES AND SUBMITTAL REQUIREMENTS

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Applicant will place notification of this Application in a local newspaper at the expense of the applicant in accordance with the Procedures and Criteria for the Issuance of Parking Freeze Permits.

<i>James O. Foley</i> Signature of Applicant	<u>5/7/24</u> Date
<i>Barbara Zhang</i> Signature of Property Owner (if different)	<u>5/7/24</u> Date
<i>Barbara Zhang</i> Signature of Representative (if any)	<u>5/7/24</u> Date

D. ADDENDUM: IMPORTANT APPLICATION INFORMATION

PAYMENT

Please include a check or money order made payable to the City of Boston, Air Pollution Control Commission. The fee is \$20 per parking space. Application and renewal fees apply to all locations within the Downtown, East Boston, and South Boston Parking Freeze Zones.

WRITTEN PROOF

Please attach written proof that the applicant is the owner of record or has written approval from the owner of record to file this application.

STATEMENT OF NEED

Please attach a general description of the facility and the parking needs of the project, local entities, and patrons that the proposed facility will serve. Any written support (letters, etc.) that you wish to supply in support of this statement should be attached



SITE PLANS

Please attach a site plan of the parking facility showing:

- location of the facility;
- layout of the spaces;
- entry and exit locations;
- total square footage of the parking area;
- location, type and amount of electric vehicle parking;
- location and amount of bicycle parking and bicycle facilities.

OTHER APPLICABLE REVIEWS

If you are working in a historic district or on a designated landmark, you should consult with the appropriate historic or architectural commission. If you are working in the floodplain or within 100 feet of a wetland, you should consult with the Conservation Commission. Visit boston.gov/landmarks and boston.gov/conservation before starting any work.

WHERE TO SEND

We prefer you complete the digital application using this form. Export the form as a PDF and email your application and supporting documents to APCC@boston.gov. You can also mail your application, documents, and payment to: Air Pollution Control Commission, Boston City Hall, 1 City Hall Square, Room 709, Boston, MA 02201. Please notify us that you have sent an application by mail at APCC@boston.gov.

v. 5/8/24

Boston Air Pollution Control Commission

Statement of Need for Application of the Chinese Christian Church of New England, Inc.
for a Downtown Parking Freeze Exempt Spaces Permit

Tyler Street Lot, 50-60 Harvard Street and 65 Hudson Street

This Statement of Need is submitted by Tufts Shared Services, Inc. ("Applicant") on behalf of the Chinese Christian Church of New England, Inc. (the "Church" or "Owner") as part of its Application for a Parking Freeze Exempt Spaces Permit for the Tyler Street Lot ("Lot") that is owned by the Church.

Background

For a number of years, the Church has leased the Lot to Tufts Shared Services, Inc. ("TSS") for valet parking for its patients on weekdays. TSS has made it available to The Saint James the Greater Church on weekends at no cost for its parishioners and to the Buds & Blossom Child Care and Early Education Center at no cost during the week, providing a safe place for the young children of the center to get dropped off and picked up.

As the APCC was made aware, through an inadvertent oversight the Lot itself has never had an exempt Parking Freeze permit, although it is physically connected to the much larger adjacent Hudson Street Lot that is owned by the BPDA and leased to TSS. The Hudson Street Lot has an exempt Parking Freeze Permit for a total of 97 spaces, of which up to 30 spaces are actually located on the Tyler Street Lot. When TSS became aware of the permit situation with the Tyler Street Lot, it filed an application for a Parking Freeze exempt permit in November 2023, and the APCC held a hearing on this application on December 13, 2023. TSS also filed a separate Application to renew the Hudson Street exempt permit and the two permit applications were considered at the same hearing. While the Hudson Street permit was approved by APCC, it did not approve the Tyler Street Lot permit application.

Since our last APCC hearing on December 13, 2023, to comply with the APCC's criteria for a Parking Freeze exempt permit; TSS has been working diligently to vacate the Tyler Street lot and relocate patient parking.

Effective March 30, 2024, upon relocating our Patient Parking Valet service for Day surgeries TSS closed the Tyler Street Lot for parking by anyone, including TSS patients, The Saint James the Greater Church, and the Buds & Blossom Child Care and Early Education Center.

On March 30, 2024, TSS closed the Tyler St. access to the Tyler St. Lot by locking the existing chain link gate and coned off access from the Hudson St. lot to the Tyler St. lot. On April 15, 2024, TSS installed a chain-link fence between the Hudson St. lot and the Tyler St. lot to replace the cones.

Statement of Need for Exempt Permit

Tyler Street Lot

May 2024

As of the date of this Application, the Tyler Street Lot remains closed for parking and will not be opened unless and until the Church and TSS receive a Parking Freeze exempt Spaces permit from the APCC.

The Lot can accommodate a total of 30 spaces. The Lot is not open for public use and neither the Church nor TSS has ever allowed the Lot to be used for commercial parking. The Church has no intent to lease the Lot for commercial purposes in the future or to sell it to a public or private entity for development.

Basis of Need

This application is for a Parking Freeze exempt spaces permit for both patients and staff. TSS expects to lose significant staff parking in the near future. TSS will lose the use of the adjacent Hudson Street Lot (67 spaces) within one year or less because of the BPDA's approval of an ACDC affordable housing project on this Lot. TSS is also facing an imminent loss of 350 parking spaces due to the development of the Motor Mart garage. Although the APCC granted a Parking Freeze exempt permit to TSS for its Traveler Street Lot for a total of 302 spaces, including 60 additional lifts, effective July 1, 2023, due to transportation-related delays those lifts will not be ready to be installed before 2026 at the earliest so, TSS will be short an additional 60 spaces at the Traveler Street Lot until the Lifts are installed. Thus, TSS is already facing an imminent shortage of convenient and below-market-rate parking for its staff and patients which will be made worse if this permit application is not granted.

Moreover, the Church depends on the rental revenue it receives from TSS to operate, and if it were denied a permit for its Lot it would be seriously impacted. The same applies to *The Saint James the Greater Church* and the *Buds & Blossom Child Care and Early Education Center*. This has been an immediate hardship for families utilizing the lot for Buds and Blossoms Child Care and Early Education Center, whose parents have been struggling to find a safe location to pick up their infants and toddlers on a narrow one-way street, Tyler Street.

Both entities are separately submitting letters of support for this Application.

Application Meets All Relevant Criteria for a Parking Freeze Permit

The Application demonstrates that the Church and TSS meet all relevant requirements to obtain a Parking Freeze permit under the APCC regulations.

First, to obtain a Parking Freeze permit there must be: 1) "[enough spaces ...available in the Freeze Bank for allocation to a Commercial Parking Facility."; and 2) [t]he proposed Parking

Statement of Need for Exempt Permit

Tyler Street Lot

May 2024

Facility is currently and shall remain in compliance with all local, state, and federal permit requirements and applicable laws, including these Procedures and Criteria and any Parking Freeze Permit of Exemption Certification issued hereunder". Section VI, A, and B.

We understand that there are enough spaces available in the Freeze Bank for allocation and since the Lot is not currently being used for any purpose and is applying for an Exempt Permit, the Lot meets both of these criteria.

Second, the applicant must meet these additional relevant criteria under the APCC regulations, Sections VI, C, and E:

1. "it will not add off-street parking in an area that is already adequately served by existing Commercial Parking Facilities or that has adequate transit access". **Met.**
The Lot will not add any off-street parking;
2. "it will not contribute significantly to traffic flows during peak traffic period". **Met.**
3. "it is located and designed so that the surrounding sidewalks and streets are sufficient to accommodate pedestrians and vehicular movements". **Met or n/a.**
4. "it directly serves development in the surrounding area". **Met because the Lot will help to serve the parking needs of staff and patients of major medical institutions, the Tufts Medical Center and Tufts University Dental School, that are located in Chinatown.**
5. "Its design, including height, bulk, ground floor use, and landscaping, is in accordance with, and consistent with, architectural and land use patterns in the surrounding area and is itself aesthetically pleasing."

This is a long-standing parking lot. However, the Applicant and Owner are offering to significantly improve and green the Lot by adding trees and other shrubbery, replacing the chain-link fence, and providing creative play space options for after-hours use by members of the Community. See the preliminary draft architectural conceptual design offering a more aesthetically pleasing community use option from a landscape architect retained by the Applicant that is attached to the Application.

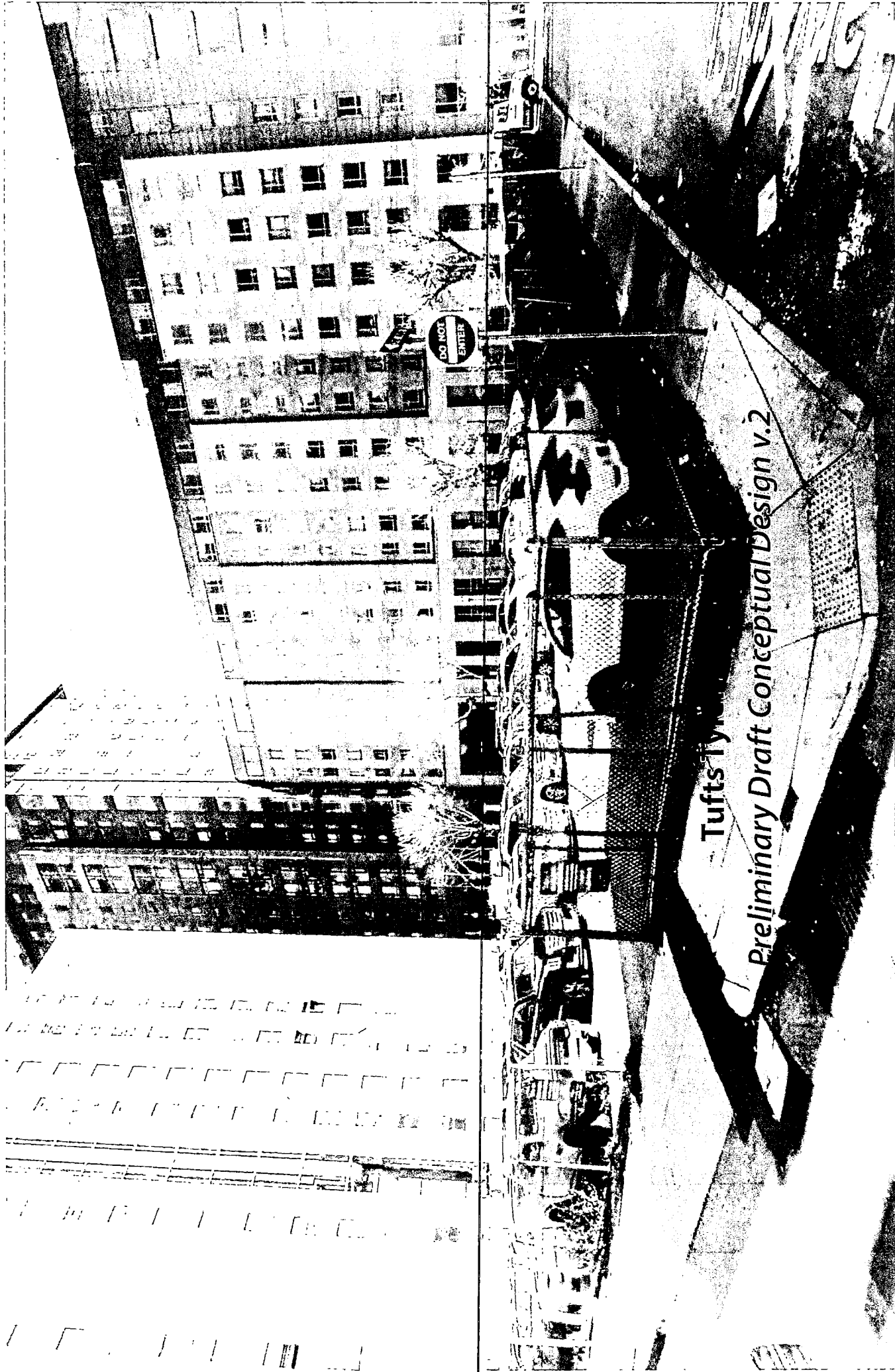
Statement of Need for Exempt Permit

Tyler Street Lot

May 2024

6. The Lot will be “operated in a manner such that the general public is effectively excluded from parking in said Exempt Parking Spaces”. **As it is now doing, Applicant is physically able to prevent any access, other than allowed access, to the Lot.**

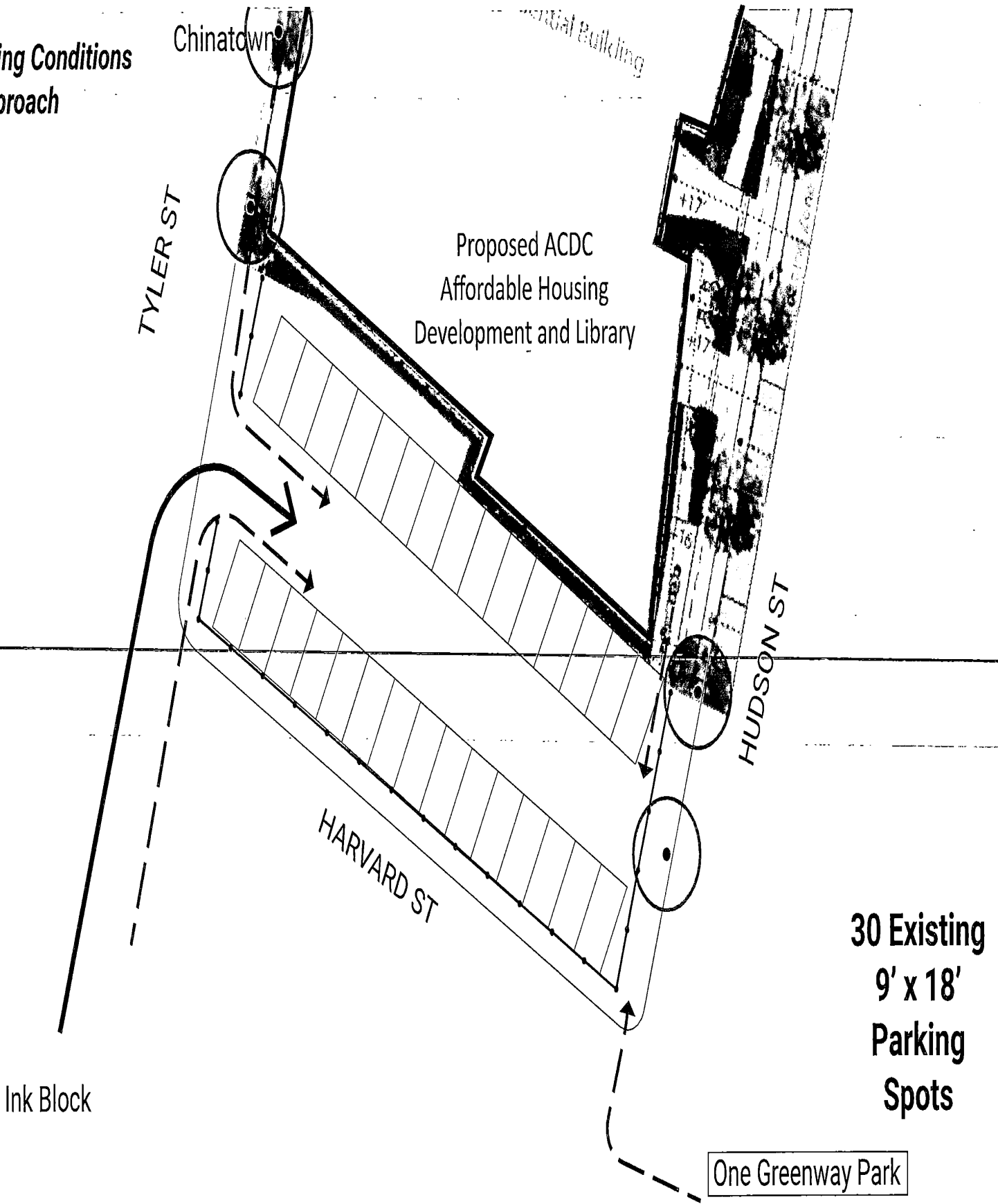
Therefore, we request the Commission grant this permit application for 30 exempt spaces.



Tufts Tyndall
Preliminary Draft Conceptual Design v.2

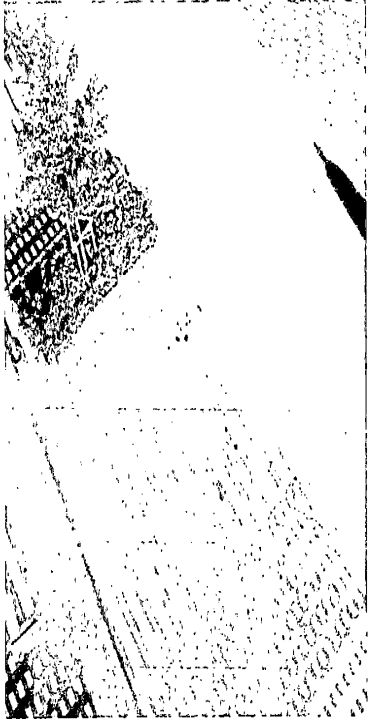
DO NOT
ENTER

**Existing Conditions
& Approach**

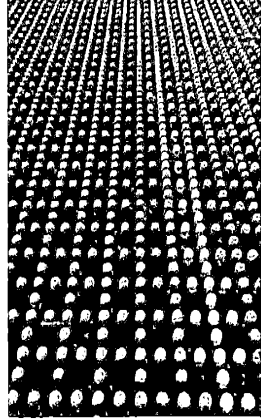


Kit of Parts

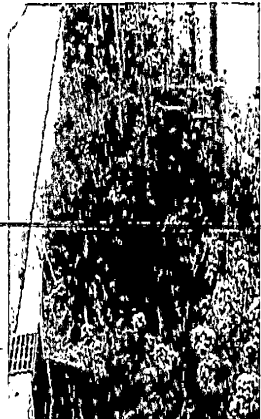
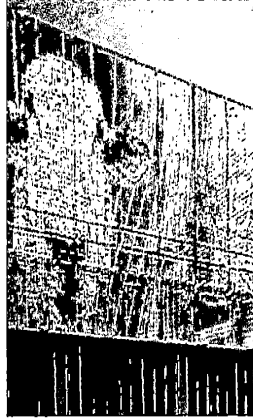
Parking Delineation



Beautification



Dedot Fence Artwork



Planting



Planter Boxes



Gateway Element



Projectors

Flexible Programming



Pop up or Food trucks



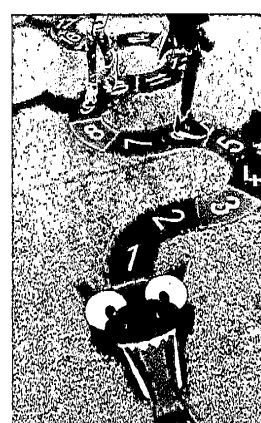
Shade Structure



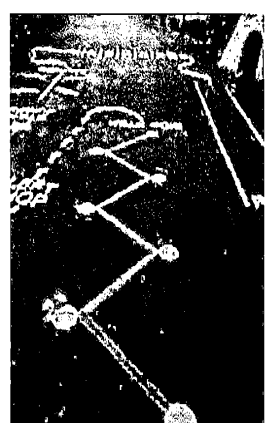
Fixed Basketball Hoop



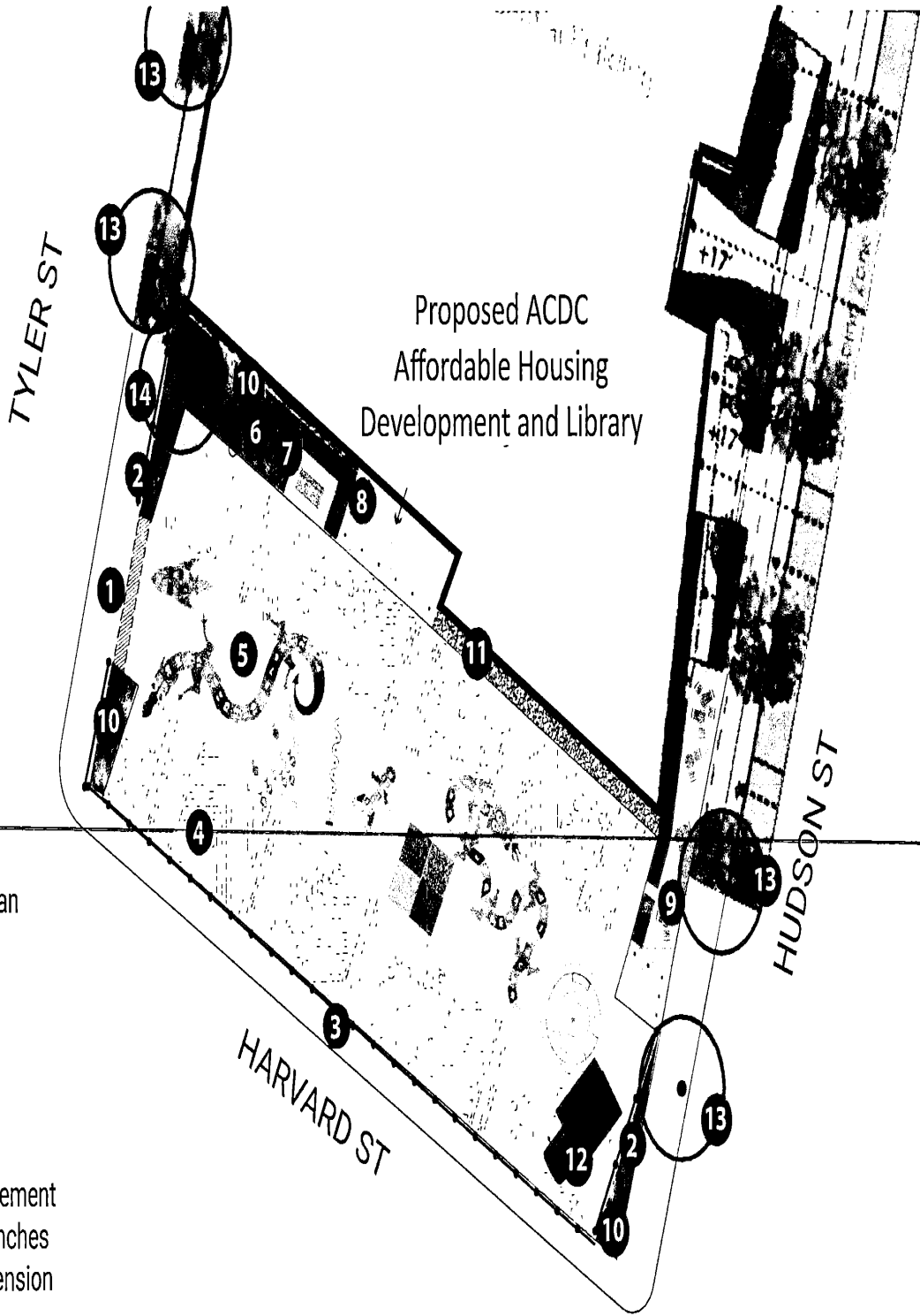
Fixed Seating for Parents



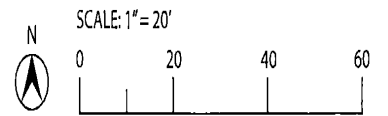
Painted Games



Proposed Design



1. Vehicular And Pedestrian Gateway Entry
2. New Chainlink Fence
3. Dedot Art Fence
4. Painted Parking Stalls
5. Painted Games
6. Basketball Hoop
7. Benches With Shade Element
8. Reading Plaza With Benches
9. Library Entry Plaza Extension
10. New Planting Area
11. Rock Garden
12. Food Truck
13. Existing Tree
14. Proposed Tree



Addendum to Application of Chinese Christian Church of New England, Inc. for Exempt Parking Permit at Tyler St. Lot located at 50-62 Harvard Street Boston, MA

Complete Parcel List under section A.1.g

Street Address	Assessor's Parcel No.
[50] Harvard Street	03-05229-001
[52] Harvard Street	03-05250-000
[54] Harvard Street	03-05249-000
[56] Harvard Street	03-05248-001
58 Harvard Street	03-05247-000
60 Harvard Street	03-05246-000
65 Hudson Street	03-05245-000

Chinese Christian Church of New England, Inc.
1835 Beacon St.
Brookline, MA 02445

November 16, 2023

Boston Air Pollution Control Commission
Environment Department
1 City Hall Square, Room 709
Boston, MA 02201

Re: Application for Exempt Parking Permit for the Tyler Street Lot, 50-60 Harvard Street and 65 Hudson Street, Boston, MA.

To whom it may concern:

As requested by the Commission in support the Church's Application for an Exempt Parking Permit, this certifies that the Chinese Christian Church of New England, Inc. is the owner of the Tyler Street Lot at the above addresses.

Please contact me if you have any questions or need additional information. Thank you.

Sincerely,

Barbara Zhang

Barbara Zhang
Chairperson of the Board of Trustees of the Chinese Christian Church of New England, Inc.

Chinese Christian Church of New England, Inc.
1835 Beacon Street
Brookline MA 02446-4206

May 3, 2024

Boston Air Pollution Control Commission
Environment Department
1 City Hall Square, Room 709
Boston, MA 02201

Re: Application for Exempt Parking Permit for the Tyler Street Lot, 50-60 Harvard Street and 65 Hudson Street, Boston, MA.

To whom it may concern:

This letter is in regard to the above Application regarding the Tyler Street Lot that is owned by the Chinese Christian Church of New England, Inc. ("Church"). This confirms that the Church appoints Tufts Shared Services, Inc. to be listed as the Applicant on this Application. The Church leases the Lot to Tufts Shared Services, Inc. for valet parking for its patients and staff and also makes it available to The St. James the Greater Church on weekends at no cost for its parishioners. The Lot is also made available to the nearby Buds & Blossom Child Care and Early Education Center for temporary parking at no cost during the week for parents dropping off and picking up their children.

Please contact me if you have any questions or need additional information. My phone number is 617-232-8652. Thank you.

Sincerely,

Barbara Zhang

Barbara Zhang

Chairperson of the Board of Trustees of the Chinese Christian Church of New England, Inc.

Site Plan of Tyler Street Lot, 50-60 Harvard Street and 65 Hudson Street, Boston

