

# HOUSE . . . . No. 1587

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By Mr. Weinberg of Boston, petition of Norman S. Weinberg for legislation to permit the leasing for commercial use of certain designated floors of off-street parking facilities in the city of Boston. Highways and Motor Vehicles.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT TO PERMIT COMMERCIAL USES ON CERTAIN DESIGNATED FLOORS OF OFF-STREET PARKING FACILITIES IN THE CITY OF BOSTON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 474 of the acts of the year 1946  
2 is hereby amended by striking out section 1, clause (e),  
3 as amended by chapter 612 of the acts of the year 1948,  
4 and inserting in place thereof the following:—

5 (e) The power to lease to any person any property  
6 acquired or used for the purposes of this act, to be used  
7 by the lessee for the parking of motor vehicles and none  
8 other; provided, that if a structure or facility is to be  
9 constructed under a lease under this act, the lessee may  
10 use the street level or lower floors of the parking facility  
11 for commercial use, including emergency automobile re-  
12 pair service and the sale by the lessee or his sub-lessee of  
13 any commodity of trade or commerce, or any service,  
14 where in the opinion of the board such use is desirable  
15 and feasible in order to attract private capital to con-  
16 struct the structure, for such period not exceeding forty  
17 years and upon such terms as the board shall determine;  
18 provided, however, that every lease shall contain a  
19 schedule of maximum rates to be charged by the lessee  
20 for the use by the public of the property thereby demised

21 for the parking of motor vehicles, and also with respect to  
22 the use, operation and occupancy of such property; pro-  
23 vided, also, that no lease shall be modified or cancelled,  
24 but nothing herein shall be construed to prevent the  
25 termination of any lease by the lessor, in accordance with  
26 its provisions, for the breach of any covenant or condi-  
27 tion thereof; and provided, further, that any lease for a  
28 period exceeding three years shall be upon the express  
29 condition, and shall contain a covenant on the part of the  
30 lessee, that within such period, not exceeding three years,  
31 after its execution as the board shall fix the lessee shall  
32 construct, or cause to be constructed, upon the demised  
33 premises at the expense of the lessee and without cost to  
34 the city such structures and facilities for parking and  
35 commercial uses as the board shall determine, which  
36 shall at least double the number of motor vehicles the  
37 demised premises can accommodate, shall be constructed  
38 according to plans and specifications prepared under the  
39 supervision of the board, shall forthwith upon construc-  
40 tion become the property of the city, and shall, while the  
41 lease is in force, be kept in good order and condition by  
42 the lessee; and any such lease for a period exceeding  
43 three years shall provide for the immediate reimburse-  
44 ment of the city for the cost of the plans and specifica-  
45 tions, and shall further provide for the payment of such  
46 annual rental as the board shall determine to be reason-  
47 able, but in no event less than four per cent of the total  
48 cost to the city, as ascertained by the board, of the  
49 demised premises, including any improvement thereof  
50 made prior to the execution of the lease.

1 SECTION 2. Chapter 474 of the acts of the year 1946  
2 is hereby amended by striking out the last sentence of  
3 section 3 as amended by chapter 612 of the acts of the  
4 year 1948, and inserting in place thereof the following: —  
5 No person shall be assessed any tax upon any real estate  
6 or buildings or part of said buildings used for the parking  
7 of motor vehicles and no other use of which he is the  
8 lessee under this act, any provision of general or special

9 law to the contrary notwithstanding. The lessee of said  
10 structure or facility shall be required to pay taxes as if he  
11 were the owner on such parts of the building as are used  
12 for commercial use as defined in this act.

1 SECTION 3. This act shall take effect upon its passage.

