



Town of Natick

2017 Spring Annual Town Meeting – Supplement #2

May 2, 2017

Greetings to all Town Meeting Members and Citizens of Natick,

This supplement to the Finance Committee Recommendation Book provides the summary of the public hearings for Article 39 and 40. Town Meeting Members have already received the traditional large and weighty Recommendation Book, but at the time of publication a number of articles including these two had not completed the public hearings and therefore Finance Committee had no recommendation at that time.

Finance Committee held public hearings on April 4 and April 26 on Article 39 and on April 26 for Article 40. As is our practice the Finance Committee took testimony, asked questions and received information from the sponsors on the subject matter of the articles. Finance Committee also heard from citizens during the public comments and questions portion of the public hearing.

The following pages provide a summary of the public hearing and include the Finance Committee recommendations to Town Meeting for Article 39 & 40.

Respectfully,

Patrick Hayes
Finance Committee Chair



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ARTICLE 39
Amend the Natick Zoning Bylaw to Create a Transitional Overlay Option Plan District (TOOP)
(Peter M. Burke et al)

To see if the Town will vote to amend the Zoning Bylaw of the Town of Natick, to create a zoning overlay district to be known as the Transitional Overlay Option Plan District (TOOP) or act on anything relating thereto, including but not limited to:

- 1) specifying the purpose and objective of the TOOP;
- 2) creating new, or modifying existing definition(s) for this purpose, in the Zoning Bylaw;
- 3) specify how a TOOP District will be created and how parcel(s) will qualify for inclusion in a TOOP District and the process for such inclusion;
- 4) setting any and all minimum and maximum dimensional and intensity regulations for a TOOP District or project areas within a TOOP District, including without limitation:
 - a) height;
 - b) any and all setbacks;
 - c) lot frontage;
 - d) lot depth;
 - e) number of residential units;
 - f) type and size of residential units;
 - g) number of residents;
 - h) open space;
 - i) lot coverage;
 - j) building coverage;
 - k) Floor Area Ratio (FAR);
 - l) Landscape Surface Ratio (LSR); and
 - n) lot area.
- 5) specifying whether a TOOP project requires a Special Permit, setting forth the Special Permit and/or Site Plan Review process and requirements and specifying the Special Permit Granting Authority;
- 6) specifying whether and to what extent the Special Permit Granting Authority may waive or modify dimensional or intensity regulations;
- 7) specifying the Permitted and Allowed uses in a TOOP District;



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8) specifying design criteria provisions for buildings and grounds, which may or may not include the use of the Design Review Board to make recommendations, including but not limited to:

- a) Preservation and enhancement of landscaping;
- b) Relation of buildings to the environment;
- c) Open space;
- d) Signs and advertising devices; and
- e) Protection of Heritage.
- f) Barrier Free housing design
- g) Zero-Step housing design

9) establishing requirements for:

- a) screening and/or buffering of structures, site improvements, parking and the site from adjacent and surround residences and land uses;
- b) orientation, location and/or screening of loading docks, dumpsters, service and main entrances;
- c) the extent to which requirements of underlying zones, or other overlay district requirements, will apply to property within a TOOP and the ability of the Special Permit Granting Authority to waive or modify such requirements;
- d) ability or prohibition to place mechanical, ventilation or other structures on rooftops and any screening or noise abatement requirements which may apply;
- e) any or all activities to be conducted in such a manner that noise, smoke, dust, odor, vibration, waste disposal or other objectionable features are confined to the premises, buildings and structures;
- f) any and all matters currently included an/or addressed in “Section V – Special Requirements” section of the existing Zoning By Law, whether such matters are, i) specifically and/or differently addressed in the TOOP, ii) modified for the TOOP within said Section V, or iii) applied to the TOOP as set forth in said Section V;
- g) height, elevation and/or orientation of windows and other building features in relation to neighboring properties and/or other neighborhood and abutter protections;
- h) parking and loading requirements including but not limited to shared parking, underground parking, shared access provisions and allowance of compact parking spaces;

10) specifying the applicability of the Aquifer Protection District and the Flood Plain District to the TOOP and the ability of the Special Permit Granting Authority to waive or modify such requirements.

And taking any other action consistent with the creation of this TOOP or otherwise act



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thereon.

PURPOSE OF THE ARTICLE

To provide an updated zoning option for the redevelopment of residential and non-residential properties located along East Central Street, West Central Street, North Main Street, within one mile of the town center.

FINANCE COMMITTEE DISCUSSION

This article was heard in Public Hearing on two nights, April 4 and April 26. The information below combines testimony and discussion from both nights into one summary.

For purposes of providing a reference to Town Meeting members a copy of the sponsor's proposed motion is included in the Appendix to this Supplement in the back of this document.

The sponsor provided the following information in the questionnaire response to the Finance Committee prior to the Public Hearing and testimony offered directly to the Finance Committee:

- The proposed bylaw is intended to be a new zoning tool for the redevelopment of outdated commercial and residential properties
 - The revitalization of these properties has been stymied by current zoning, which is designated more for development than redevelopment
 - Current zoning permits redevelopment of older commercial properties in less than optimal ways with little flexibility for properties that are obsolete or non-conforming
 - The sponsors have participated in a Planning Board Working Group.
 - The working group recommendations to the sponsor suggested the bylaw should be utilized on a limited basis to begin with and expanded later if it was felt it was appropriate, such as HOOP I and HOOP II Districts
- The sponsors suggest the proposed bylaw will permit continued development and redevelopment of the downtown business area consistent with planning and development objectives of the Town such as:
 - Encouraging additional business, providing for downtown residences and more walking friendly neighborhoods, transit oriented neighborhoods and service oriented neighborhoods, thereby reducing vehicular traffic and providing for more open space
 - The bylaw also introduces as an objective the creation of barrier free housing



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- The subject matters of parking and proximity to neighbors are all specifically dealt with in the bylaw
- A TOOP project may include multiple developers, each managing a portion of the overall TOOP Project Area (TPA)
- The locus of the TOOP zoning by-law change would only be along the East and West Central and North Main Street business/residential corridors
 - It is important to note that the sponsors originally had included South Main Street in earlier iterations of the so-called one-mile radius map. (See map provided in this document)
 - Sponsors indicated in testimony, which was corroborated by the Chair of the Planning Board, that South Main Street was later removed, as it was determined that there was such limited commercial property, and such property was in very close proximity to the Routes 27/135 intersection that there seemed to be no need to have a transitional district
- The proposed bylaw would become a new section at the end of the current affordable housing section of the bylaw
 - It is formatted to be consistent with the previous provisions in that bylaw, such as HOOP and Smart Growth
 - A limitation on the TOOP district was inserted to limit the project areas to one mile from the center of town and only on East Central, West Central and North Main Streets
 - The bylaw promotes the recommendations of the “Natick Center Plan 2016” as developed by the Metropolitan Area Planning Council, see page 8 of the Plan. <http://natickma.org/DocumentCenter/Home/View/4116>

During the Public Hearing period Finance Committee took testimony, asked questions and received information from the sponsors on a number of topics and areas of interest or concern.

- Members learned from the sponsor that a key objective of the proposed zoning by-law is to find more ways to better utilize under-performing commercial property.
 - The sponsor identified a number of examples, in general terms, on each of the four directions of Central Street and Main Street but reminded Finance Committee that South Main Street was not part of the TOOP motion
 - Members queried more than once why South Main Street was removed or not included in the final motion reflecting opinions that South Main Street should be considered, if the TOOP were to be approved
 - There was continued concern expressed by members about why the TOOP zoning language in Section 4 TOOP PROJECT AREA didn't specifically require a non-residential (i.e. commercial type) lot to be required as part of



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the TOOP Project Area (TPA) when parcels are put together for a Town Meeting vote. Members pressed the point that not requiring a commercial lot as part of any TPA quickly becomes just a redevelopment of solely residential lots into a commercial district, under the guise of a transitional zoning district, thereby intensifying density and use.

- Members expressed further concerns in a number of areas including the following:
 - The impact on the residential character of the three roadways
 - With an increase of height restrictions up to fifty (50) feet for one full mile in each direction, on both sides of the street, members noted there is no “transitional” height reduction from 50 feet to the height restriction of the underlying residential zoning and expressed concern on the visual impact
 - Adding some number of TPA’s along each of the three cardinal directions of the roads might greatly expand the “downtown” look and feel of Natick since each TPA requires a non-residential type use in the front portion of each parcel
 - The Henry Wilson Historic District is not exempted from the TOOP zoning. Members noted that any property that is in the Historic District receives oversight from the Historic District Commission but the property could possibly be included in a TPA
 - The Historic District Commission is not identified within the language of the motion as having any oversight on the approval of projects and is not a Special Permit Granting Authority for zoning purposes
 - Needing a better understanding of how parking in general (surface lots and underground) and the evolving concept of shared parking might work based on the language in the TOOP motion
 - Parking in general would likely require a Special Permit Granting Authority process and would be subject to Site Plan Review
 - For some of the TOOP projects to be developed it is possible there would be a need for the a group of developers to have cross-easements across different lots within the TPA parcel
 - Shared parking’s intent is to gain leverage of the use of spaces during the 24 hour day so that the space has high utilization of use and thereby reduces the number of total spaces required, that might otherwise have lower utilization overall
 - There is no specific framework of the motion includes that provides a consistent structure of how many spaces per type of residential or non-residential use might be required or expected,



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- Lack of detail on how the combining of uses might impact identifying time-based use of spaces versus purpose based use
- The sponsors felt that the Planning Board and the current zoning by-laws had sufficient tools available to make appropriate decisions on implementing shared parking
- The motion contemplates the use of underground parking as a key means to meet whatever parking requirements are necessary to support the density of the site development
 - Underground parking would not count when determining the maximum building coverage in a TOOP development under the proposed motion
 - It would be up to the Building Commissioner to determine if a structure and what part of said structure is to be considered underground.

Both TOOP hearing nights included comments from citizens, some whom would be directly affected as abutters to known and proposed TOOP projects. Finance Committee notes that there was not one citizen who attended the two public hearings, or who submitted opinions via email to the committee, who expressed any level of positive support.

Comments from citizens included the following:

- The one-mile lengths of Central Street in each direction and North Main Street are too much.
 - It impedes in to the traditional residential district too deeply.
 - Six miles of street frontage (1 mile in each direction, times both sides of the street) will change the character of Natick's downtown far more than anyone can begin to understand
 - At a minimum the distance should be far less, more like ½ mile at most.
- These types of development will bring significant impacts to the residential neighborhoods behind and to the sides of the TPA
 - The scaling of such developments will likely change the character of the neighborhood too greatly
 - Traffic on the side roads will increase as developers and the Planning Board divert parking and commercial/retail visitors to travel side streets to access parking
 - Underground parking that is open for non-residential use throughout the day and evening raises security and safety concerns for neighbors with respect to public safety



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- It is not prudent, nor in Natick’s best interest to consider ad-hoc, developer led zoning by-law changes
 - The Master Plan should be driving the desired objectives of how we change zoning, not a developer. Wait for the Master Plan’s completion before we look at further intensifying the downtown area
 - Where does the residential neighborhood go for the protection of their rights if developers continue to bring independent, purpose designed proposals to Town Meeting with no linkage to a Master Plan
 - The Town needs to move slower and find an appropriate balance between the needs of the Town, the impact to the Town and the profit motives of the developer
 - Town Meeting must be the steward of the town, for the Town; Natick must not let itself be over-developed. Stop now before it’s too late.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee recommends the following action supported by its vote for the motion as presented below.

Article #39	Date	Action	Vote
	April 26, 2017	Indefinite Postponement	12-0-1

MOTION:

Move Indefinite Postponement of the subject matter of Article 39



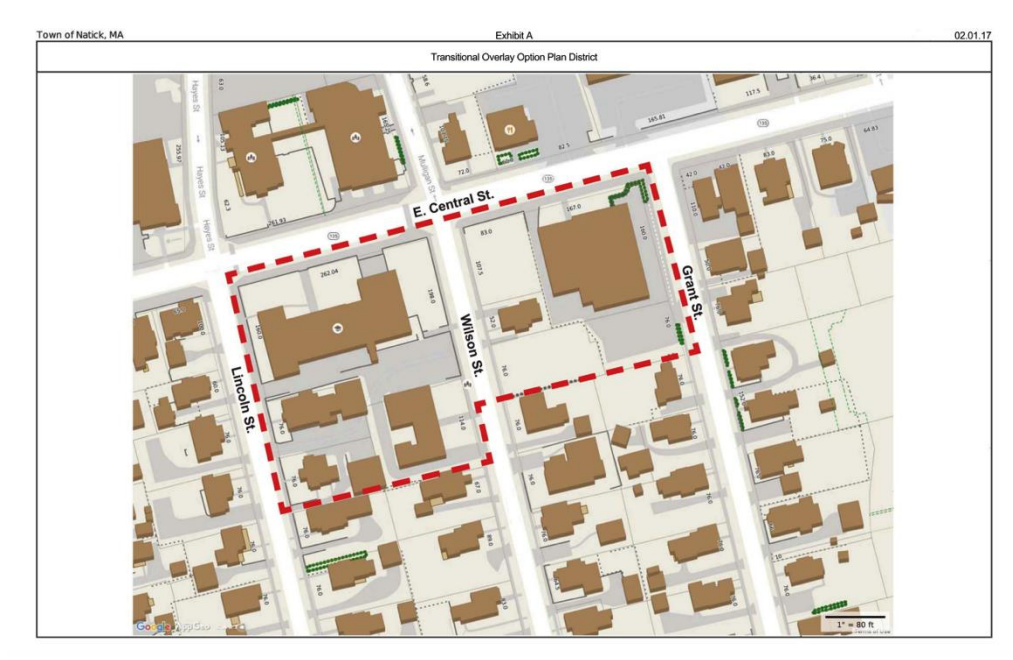
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ARTICLE 40

To Include Certain Parcels of Land on East Central Street, Lincoln Street, Wilson Street and Grant Street in the Transitional Overlay Option Plan District (Peter M. Burke et al)

To see if the Town will vote to designate those parcels of land, located on the southerly side of East Central Street, the easterly of Lincoln Street, the easterly and westerly side of Wilson Street and the westerly side of Grant Street and being on shown on Assessors Map 44, as Lots 180, 181, 182, 195, 196, 197, 198, 216 and 217, and depicted on the attached plan marked as “Exhibit A”, entitled “Transitional Overlay Option Plan District”, dated February 1, 2017, as a Transitional Overlay Option Plan (TOOP) District in accordance with the Natick Zoning By-laws, or act on anything related thereto.



PURPOSE OF THE ARTICLE

To designate those parcels of land described in the Motion, which includes the former St. Patrick’s Parish properties, the nearby Verizon property, and a single-family home as a TOOP District.

FINANCE COMMITTEE DISCUSSION

The sponsor provided the following information in the questionnaire response to the Finance Committee prior to the Public Hearing and testimony offered directly to the Finance Committee:



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Designating these parcels as a TOOP District will allow for the redevelopment of the former St. Patrick Parish properties into a mixed use development providing both small retail/restaurant businesses mixed with multiple housing types including a mix of affordable, elderly and barrier free housing units. Significant underground parking provides open and walk-able spaces and its location is both public service and transit oriented.

The sponsor of the article also provided the following supporting information to the proposal in its responses to the Finance Committee Questionnaire:

- The concept development of this Bylaw began in June of 2015. It was initiated by Stonegate Group LLC, the new owners of the St. Patrick's Parish properties located at 45 East Central Street, 4 and 6 Lincoln Street, and 5 Wilson Street.
- There have been public meetings of the Planning Board and Working Group as well as meetings with neighbors.
- This is an opportunity to create an anchor in the streetscape that will transition the mixed uses around it in a way that meets goals of the Town (affordable housing, walk-able neighborhoods, and open space) and create new benefits (barrier free housing units, shared parking, underground parking) and at the same time be oriented to the transit and service needs of the residents who will live there.
- The sponsor claims that their initial traffic study has shown minimal impacts and significant underground parking will help alleviate already existing on-street parking issues.
 - Finance Committee notes that no traffic studies were submitted to the committee in advance of the scheduled hearing date
- The sponsor believes that all of the relevant issues will be fully handled by the Planning Board in the Special Permit process for the redevelopment.

At the Public Hearing the Finance Committee took no testimony from the sponsors primarily due to the outcome of the preceding article (#39) and the Finance Committee recommendation after a lengthy hearing on Article 39.

The sponsors of Article 40 requested Referral to the Planning Board.

There were no questions from the members of the committee

There were comments and concerns expressed by members of the public in attendance, included the following:

- This development will bring significant impacts to the residential neighborhood behind and to the sides of the proposed TPA
 - The scaling of such developments will likely change the character of the neighborhood
 - Traffic on the side roads will increase



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- Underground parking raises security and safety concerns for neighbors with respect to public safety
- The Master Plan should be driving the desired objectives of how we change zoning, not a developer. Wait for the Master Plan’s completion before we look at further intensifying the downtown area
- The Town needs to move slower
- No property should be allowed to be included in such a TPA proposal without the agreement of the property owner. Properties are included in this TPA that either don’t have the expressed support of the property owner (Verizon) or the property owner expressed opposition to the proposal.

There were two motions made by members:

- Referral to the Planning Board (Sidney/Coffey)
- Indefinite Postponement (Collins/Coughlin).

Members support the recommendation of Indefinite Postponement.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee recommends the following action supported by its vote for the motion as presented below.

Article #40	Date	Action	Vote
	April 26, 2017	Indefinite Postponement	12-1-0

MOTION:

Move Indefinite Postponement of the subject matter of Article 40



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APPENDIX

Copy of the proposed motion for Article 39:

Motion A:

Moved: To amend the Town of Natick Zoning By Laws by inserting the following new section, Section III-A.6 D -TRANSITIONAL OVERLAY OPTION PLAN (TOOP), to be added to the Zoning Bylaw after the existing Section III-A.6 C, Smart Growth Overlay District (SGO District) as follows:

“Section III-A.6 D -TRANSITIONAL OVERLAY OPTION PLAN (TOOP)

1. PURPOSE

The purpose of the Transitional Overlay Option Plan (TOOP) is to provide the option to create overlay districts adjacent to East Central Street, West Central Street and North Main (hereinafter “TOOP Roadway(s)”), within one mile of the center of the intersection of Main Street and South Main Street, and East and West Central Streets, that will permit the redevelopment of existing nonresidential and residential properties for transitional development projects. Such projects are intended to allow transitional development that mixes commercial uses and residential uses in a single zoning district so that essential services and housing are provided and maintained, while protecting existing neighborhoods located in or adjacent to such districts from over intensive uses. It is desirable that these overlay districts be near, provide for or be orientated to public transit and/or other public services and provide for pedestrian areas within and between commercial uses, residential uses, public parks, existing open space and additional open space resulting from the creation of under building or underground parking.

2. OVERLAY DISTRICT



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A TOOP district (“TOOP District”) may be established, from time to time, as an overlay district, by the appropriate vote of the Natick Town Meeting, on any parcel or combination of adjoining parcels of land in the Town of Natick having the minimum contiguous frontage on a TOOP Roadway, as hereinafter provided.

3. APPLICABILITY

An applicant may seek a Special Permit for the redevelopment of land and buildings located in a TOOP District in accordance with the provisions of this Bylaw from the Planning Board, which shall act as the Special Permit Granting Authority (“SPGA”) under this section. The regulations for use, dimensional, and all other provisions of the Zoning Bylaw governing the underlying zoning districts shall remain in full force, except to the extent that they are modified by this section. This section does not modify the applicability or any other provisions of the Aquifer Protection District, Section III-A.5 or the Flood Plain District, Section III-A.3, of the Zoning Bylaw. Within the boundaries of a TOOP District, an applicant may elect to develop a project in accordance with the requirements of the regulations for use, dimensions and other provisions of the Zoning Bylaw governing the underlying zoning district.

4. TOOP PROJECT AREA

Applicants under this section shall designate in their application the area of land within a TOOP District for redevelopment, which will be designated as the TOOP Project Area (“TPA”) for which a Special Permit is being sought. The Applicants’ application shall designate within the TPA two areas as follows: Area 1, shall be an area of land extending perpendicular from the TOOP Roadway to a depth of up to 125 feet and Area 2, shall be the remaining area of the TPA.

5. INTENSITY REGULATIONS

	TPA Area 1	TPA
Area 2		
Minimum TOOP Project Areas	10,000 sf	15,000 sf
Continuous Frontage	100’ on a TOOP Roadway	0’



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Minimum Front-yard setback	15'	30'
Minimum Side-yard setbacks	10'	12'
Minimum Rear-yard setback	20'	25'
Maximum Building Height	50'	40'
Maximum Building Coverage	50%	40%
Minimum Open Space	0%	20%
Maximum Lot Depth	125'	275'

Lot Width of the combined TPA Areas 1 and 2 shall not be less than one-half (1/2) of the frontage on the TOOP Roadway and not more than two (2) times said frontage, at the lot's narrowest points.

Buildings or portions of buildings constructed for Underground Parking, as hereinafter defined, shall not be included in the calculation of Building Coverage and shall be constructed to preserve and maintain existing and potential groundwater and recharge areas and to maximize groundwater recharge without detriment to surrounding properties.

6. PERMITTED USES

The SPGA may permit by Special Permit the Following Uses set forth in Section III-A.2 of the Bylaw, as more fully defined in the Use Regulations Schedule, in a TPA, as follows:

Area 1: Two-Family or Semi-Detached Dwelling (3)

Multiple Family building types (4)

Retail Stores (22)

Business or professional office (27)

Administrative and clerical offices (27A)

Craft, consumer, professional or consumer services (28)

Restaurants, etc. (36) and (38)



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Project uses in TPA 1 must include a combination of at least one of the above residential uses and at least one of the above non-residential uses.

Area 2: Two-Family or Semi-Detached Dwelling (3)

Multiple Family building types (4), not to exceed four (4) units per building

7. RESIDENTIAL DENSITY

The maximum number of dwelling units allowed in a TOOP Project Area shall equal the land area of such District divided by 1,200 square feet, rounded to the nearest whole number. At least 15% of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein. At least 10% of this total number of dwelling units shall be Barrier Free Housing Units, as hereinafter defined, to be as accessible as feasible to a wide variety of residents, particularly seniors and those with physical or other disabilities, including elimination of grade changes and steps by ramps and lifts (elevators) for people with mobility problems. At least 20% of the Affordable Housing Units shall be Barrier Free Housing Units.

8. DESIGN CRITERIA

The Applicant shall submit plans for all sign permits, new construction, or any other exterior alterations or modifications to a building proposed for location in the TPA Area 1 to the Design Review Board. All requests must be submitted to the Design Review Board prior to application to the Special Permit Granting Authority. A written determination must be made within thirty (30) days after the filing of the application or such further time as the applicant may in writing allow, which shall be submitted to the Special Permit Granting Authority for consideration during its Special Permit hearing. The Design Review Board report shall review requests for Special Permits under this Section based on the following standards:

- a. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.



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- b. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building.
- c. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- d. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
- e. Heritage. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f. The Design Review Board may, in its discretion, determine and apply additional Design Criteria that further the purposes of this bylaw.

9. PARKING REQUIREMENTS

The parking requirements applicable for buildings, structures or land uses within the TOOP District shall follow the provisions outlined in Section V-D, except as follows:

Shared Parking. Notwithstanding anything to the contrary herein, the use of Shared Parking, as hereinafter defined, to fulfill parking requirements for buildings, structures and land uses located in the TPA Project Area that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the SPGA through the Special Permit process if the applicant can demonstrate that Shared Parking will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

10. MODIFICATIONS AND WAIVERS

The SPGA may modify and/or waive strict compliance with one or more of the regulations in any TOOP District provided that it makes a specific finding, in writing, that such waiver and/or modification will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located, than if the waiver and/or modification were not granted, and further that such waiver and/or modification is necessary in order to



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encourage the creation of affordable housing units. Any waiver of the Intensity Regulations shall not exceed 10% of the stated requirement.

11. DEFINITION

Shared Parking: When parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners and are all located within the TPA.”

Motion B:

Moved: To amend the Town of Natick Zoning By Laws by inserting in the Definition Section, Section 200 - Definitions, the following definitions, in alphabetical order therein:

“Barrier Free Housing Units: Dwelling Units that meet the requirements of “Accessible Space” as defined in the Regulations of the Massachusetts Architectural Access Board, 521 CMR 5.00.

Shared Parking: When parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners and are all located within a TPA.

Underground Parking: The provision of parking spaces in a building, or a portion of a building, devoted solely to parking that is located completely below ground, with the exception of entrances and exits thereto.”