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Chapter 10.18 PARKING AND TRANSPORTATION DEMAND MANAGEMENT PLANNING; PARKING SPACE REGISTRATION 

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**10.18.010 Purpose.** 

- (a) It is the purpose of this Chapter to regulate and control atmospheric pollution from motor vehicles by formalizing parking and transportation demand management planning, programs, and coordination which have been ongoing for a number of years. This Chapter will reduce vehicle trips and traffic congestion within the City, thereby promoting public health, safety, and welfare and protecting the environment. This Chapter requires parking and transportation demand management (PTDM) plans for commercial parking facilities and other types of non-residential parking facilities over a specified size as set forth in [10.18.050](#) and [10.18.070](#). This Chapter also establishes a process whereby City officials will be able to track the number, use and location of off-street parking spaces in the City.
- (b) A Parking and Transportation Demand Management Planning Officer will be designated by the City Manager with the responsibility for reviewing, conditioning, approving and/or denying PTDM plans. Any project subject to the requirements of this Chapter shall not be qualified to receive a permit from the Planning Board, a commercial parking permit from the Commercial Parking Control Committee, a special permit or variance from the Board of Zoning Appeal, a building permit from the Commissioner of Inspectional Services, a certificate of occupancy from the Commissioner of Inspectional Services, or an operating license from the License Commission absent written approval of its PTDM plan from the PTDM Planning Officer or evidence of registration of its parking spaces with the Department of Traffic, Parking, and Transportation.

*(1211, Added, 11/16/1998)*

**10.18.020 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, employes, 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 Facility" means a parking facility owned or operated by a commercial entity whose primary business is the operation of a parking facility and at which there are at least five (5) Commercial Parking Spaces.

"Commercial Parking Permit" means a (i) permit issued under chapter 10.16 of the Cambridge Municipal Code, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces; (ii) 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; (iii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or (iv) 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.

"Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director prior to the effective date of this Chapter, which authorized the construction or 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 that a parking facility or a parking space did not require a controlled parking facility permit.

"Director" means Director of the Cambridge Department of Traffic, Parking, and Transportation.

"Effective Date" means November 16, 1998, the original date of final adoption of this Chapter of the Cambridge Municipal Code.

"Existing Parking Facility" shall mean a parking facility for which (i) a certificate of occupancy was issued by the Commissioner of Inspectional Services; (ii) an operating license was issued by the License Commission; or (iii) the Director issued a letter confirming the number of spaces at that location which spaces were in existence and being used as commercial parking spaces as of October 15, 1973 (a "Director's Letter").

"New Project" means a project to construct or operate parking spaces within a new facility or an existing parking facility which will cause such facility to have a net increase in the number of spaces for which a certificate of occupancy, operating license, variance, special permit, or Director's Letter has not been issued as of the effective date of this Chapter and which is not a park-and-ride facility operated in conjunction with the Massachusetts Bay Transportation Authority.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked, except any such facility used in association with or by a municipal police or fire station, and in the case of university or college campuses, the stock of parking spaces maintained within the City by the university or college which supports university or college activities within the City.

"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.

"Planning Officer" means the City official responsible for PTDM plan reviews.

"PTDM" means Parking and Transportation Demand Management.

"Small Project" means a project to construct or operate five (5) to nineteen (19) non-commercial, non-residential parking spaces within a new facility or an existing parking facility which will cause such Facility to have a net increase in the number of spaces for which a certificate of occupancy, operating license, variance, special permit, or Director's Letter has not been issued as of the effective date of this Chapter. To qualify as a Small Project, the total number of non-commercial, non-residential parking spaces at the parking facility must remain at or below nineteen (19).

*(Ord. 1287, Amended, 09/12/2005; 1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)*

### 10.18.030 PTDM Planning Officer.

Within thirty (30) days of the effective date of this Chapter, the City Manager shall designate a Parking and Transportation Demand Management Planning Officer who shall have responsibility for reviewing, conditioning, approving, and/or denying PTDM plans and who shall report to the City Manager. Said officer shall be a Cambridge resident within six months of employment in this position. Prior to rendering his/her determination(s), the Planning Officer shall consult with the PTDM plan applicant, the Director and the Assistant City Manager for Community Development.

*(1211, Added, 11/16/1998)*

### 10.18.040 Registration of All Parking Spaces.

- (a) No person shall build, expand, or reconfigure a parking facility for non-residential parking spaces resulting in a net increase in the number of parking spaces or a change in the use of such spaces based on the categories of use listed below at paragraphs b(v) and (vi), without first submitting a parking registration form to, and obtaining acceptance from, the Director.
- (b) The registration form shall be prepared by the Director and shall be available at the offices of the Department of Traffic, Parking and Transportation. The form will require the following information:
  - (i) name and address of parking facility owner;
  - (ii) name and address of parking facility operator;
  - (iii) address of parking facility;
  - (iv) total number of existing parking spaces;
  - (v) number of existing parking spaces in each of the following categories:
    - residential
    - commercial
    - non-commercial
    - customer
    - employee
    - patient
    - student
    - client
    - guest
  - (vi) number of parking spaces proposed to be added to the parking facility in each of the following categories:
    - residential
    - commercial
    - non-commercial

- customer
  - employee
  - patient
  - student
  - client
  - guest
- (vii) identification of any existing parking permits for the parking facility; and
- (viii) explanation of any enforcement actions against the parking facility.
- (c) The Director shall accept or return a registration form to the registrant with a request for additional information within thirty (30) days after the form was filed.
- (d) The License Commission shall not issue a license and the Commissioner of Inspectional Services shall not issue a building permit or certificate of occupancy for a parking facility subject to this section without evidence (i) that the registration form has been accepted by the Director; and (ii) if required, that the facility has a PTDM Plan approved by the Planning Officer.

*(1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)*

### 10.18.050 Parking and Transportation Demand Management Plans.

- (a) No person shall build, expand, or operate a parking facility subject to the Parking and Transportation Demand Management (PTDM) Plan requirements of this Chapter absent a PTDM Plan approved by the Planning Officer.
- (b) The PTDM requirements of this Chapter shall apply to each of the following:
- (i) any commercial parking facility for which a certificate of occupancy or operating license, variance or special permit was not obtained prior to the effective date of this chapter;
  - (ii) an existing commercial parking facility at which the number of parking spaces is increased after the effective date of this chapter;
  - (iii) any parking facility at which the use of existing or permitted parking spaces is changed to commercial use after the effective date of this chapter;
  - (iv) any new project to build or create by change of use twenty or more non-residential parking spaces; and
  - (v) any new project to expand an existing parking facility resulting in a total number of non-residential parking spaces of twenty (20) or more.
- (c) The PTDM Plan shall be designed to minimize the amount of parking demand associated with the project and reduce single-occupant vehicle trips in and around Cambridge. The PTDM Plan shall be based on the following facts, projections and commitments:
- (i) **Facts and Projections:**
    - nature of development and property use;
    - proximity of project to public transit and other non-Single-Occupant Vehicle facilities;
    - availability of and accessibility to offsite parking spaces which could serve the project;
    - number of employees and their likely place of origin; and
    - type and number of patrons/users of proposed parking supply and their likely place of origin.
    - number of vehicle trips expected to be generated by the project and description of measures to reduce associated traffic impacts on Cambridge streets; and
    - other factors published by the Planning Officer.
  - (ii) **Commitments:**
    - commitment to work with the Cambridge Office of Work Force Development;

- commitment to implement vehicle trip reduction measures including some or all of the following:

subsidized MBTA passes and other incentives; shuttle services; ride-sharing services; bicycle and pedestrian facilities; flexible working hours; preferential parking for Low Emission Vehicles/Zero Emission Vehicles/bicycles/carpools/vanpools (Note: this list is not meant to preclude implementation of other types of vehicle trip reduction measures). This commitment must be accompanied by a detailed description of the measures proposed to be implemented; and

commitment to establish and make reasonable efforts to achieve a specified, numeric reduction (or percent reduction) in single-occupant vehicle trips in and around Cambridge. The percent reduction will be based on PTDM practices successfully implemented in reasonably comparable environments and as identified in professional and academic literature and based on analysis of existing trip reduction measures in Cambridge.

Each PTDM Plan shall identify the total number of existing and proposed parking spaces at the facility and specify how many existing and proposed spaces fall within each of the following categories (explain how many spaces are used for multiple purposes):

- residential
- commercial
- non-commercial
- customer
- employee
- patient
- student
- client
- guest

Where the parking facility includes or proposes a combination of commercial and non-commercial parking spaces, the Plan shall specify how the parking facility will prevent commercial use of the non-commercial parking spaces.

Each PTDM Plan shall contain the following certification signed by an authorized corporate officer:

"I hereby certify that a commercial parking permit has been obtained for each space being used for commercial parking. None of the other existing or proposed parking spaces at this parking facility have been or will be available as commercial parking spaces until a commercial parking permit therefor has been obtained."

- (d) The Planning Officer shall review, condition, approve and/or deny the PTDM Plan based on the above-listed facts, projections, and commitments. The Planning Officer shall issue his/her decision in writing within 60 days of receipt of the proposed PTDM Plan. The required time limit for action by the Planning Officer may be extended by written agreement between the proponent and the Planning Officer. Failure by the Planning Officer to take final action within said sixty (60) days or extended time, if applicable, shall be deemed to be approval of the proposed PTDM plan. If the project proponent elects to make a request pursuant to 10.18.060, the decision of the Planning Officer shall be expanded to include a recommendation about whether offsite parking

should be allowed at distances greater than those allowed in the Zoning Ordinance and/or whether fewer parking spaces than the minimum required in the Zoning Ordinance should be allowed. Decisions of the Planning Officer may be appealed by the project proponent to a review committee composed of the City Manager, or his designee, and two other City staff members designated by the City Manager none of whom may have participated in the initial review of the Plan.

- (e) The Planning Officer shall also make available sample PTDM plans which a project proponent may adapt for their project, such to approval by the Planning Officer.
- (f) No permit, commercial parking permit, special permit, variance, building permit, certificate of occupancy, or operating license shall be issued for any project subject to 10.18.050 by the Planning Board, Commercial Parking Control Committee, Board of Zoning Appeal, Commissioner of Inspectional Services, or License Commission absent a written decision indicating approval from the Planning Officer of the project proponent's PTDM Plan. Any such permit or license shall be consistent with, and may incorporate as a condition, the decision of the Planning Officer and shall include written notice of the requirements of 10.18.050 (g) and (h), below. Nothing in this ordinance shall be construed to limit the power of the Planning Board or Board of Zoning Appeal to grant variances from or special permits under the provisions of the Zoning Ordinance. No project proponent shall be required by the Planning Officer to seek such relief under the Cambridge Zoning Ordinance.
- (g) Approvals issued by the Planning Officer shall be automatically transferrable by and among private parties, provided that the proposed new owner (the "Transferee") shall continue to operate under the existing PTDM Plan and shall submit to the Planning Officer within thirty (30) days of the title transfer a certification that the existing PTDM plan will remain in effect. The certification shall be submitted on a form issued by the Planning Officer and shall certify that such Transferee commits to implement the existing PTDM plan, as approved; and acknowledges that failure to implement the plan is subject to the enforcement provisions of this Chapter. Where such certification is submitted, the approved plan shall remain in effect as to the Transferee. The Transferee may elect instead to and consult with the Planning Officer within thirty (30) days of title transfer regarding appropriate revisions to the existing plan. Based on such consultation, the Planning Officer may require information from the Transferee concerning proposed changes in use of the parking facility and associated buildings and the relevant facts and projections regarding the proposed changes. Within thirty (30) days of receipt of such information, the Planning Officer may issue a written approval of the revised plan and obligations to the Transferee, or the Planning Officer may require submittal of a new PTDM Plan from the Transferee for review, condition, approval and/or denial. Until such time as a new or revised plan has been approved, the existing PTDM plan shall remain in effect.
- (h) Each PTDM Plan approval issued by the Planning Officer shall contain, at a minimum, the following conditions:
  - (i) The parking facility owner and operator each commit to implement all elements of the PTDM Plan, as approved, including annual reporting requirements, and to maintain records describing implementation of the Plan;
  - (ii) The City shall have the right to inspect the parking facility and audit PTDM implementation records; and
  - (iii) The parking facility owner and operator each commit to notify and consult with the Planning Officer thirty (30) days prior to any change in ownership, use or operation of the facility.

*(1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)*

## **10.18.060 Reduction in Minimum Parking and Maximum Distance Requirements.**

- (a) A project proponent may elect to request that the Planning Officer include as an element of its PTDM Plan a plan for fewer parking spaces than the minimum set forth in the Zoning Ordinance. Upon the written request of the project proponent, based on an evaluation of the facts, projections, and commitments listed at [10.18.050](#) (c), the Planning Officer may make a written recommendation about the maximum number of parking spaces for the project. This recommendation shall remain subject to review and approval by the Planning Board or Board of Zoning Appeal as appropriate.
- (b) A project proponent may elect to request that the Planning Officer include as an element of its PTDM Plan a plan for utilizing off-site parking spaces that are farther from the project site than the maximum distance requirements set forth in the Zoning Ordinance. Upon the written request of the project proponent, based on an evaluation of the facts, projections, and commitments listed at [10.18.050](#) (c), the Planning Officer may make a written recommendation about how many parking spaces serving the project may be appropriately located at an off-site location and at what distance from the project site. This recommendation shall remain subject to review and approval by the Planning Board or Board of Zoning Appeal as appropriate.

*(1211, Added, 11/16/1998)*

### 10.18.070 Requirements Applicable to Small Projects.

The owner or operator of each Small Project shall implement at least three (3) PTDM measures and maintain records of such implementation. A list of acceptable types of measures may be obtained from the Traffic, Parking and Transportation Department, the Inspectional Services Department, the Community Development Department, or the License Commission. The Planning Officer shall create and periodically update this list, which shall include: T-pass subsidies; bicycle parking; changing facilities; carpools/vanpools; financial incentives not to drive alone; or other similar measures.

*(1252, Amended, 09/24/2001; 1121, Added, 11/16/1998)*

### 10.18.080 Enforcement.

- (a) The Director shall enforce the provisions of this Chapter. If the Director has reason to believe that any provision of this Chapter is being violated, the Director shall investigate the possible violation. If after investigation the Director determines that any provision of this Chapter is being violated, s/he shall provide a first written notice of violation to the person charged with the violation, or the duly authorized representative thereof, of the determination of violation and shall order that the violation cease within thirty (30) days of the issuance of the first written notice. If the violation is not cured within the thirty (30) days after issuance of the determination of violation, the Director may proceed to assess the fines established in this chapter as well as any other remedies available to the city. In addition to all other remedies, if the violation has not ceased within thirty (30) days after the first written notice, then the Director may order shutdown of the parking facility. Second or subsequent written notices to a facility for the same violation shall be immediately effective and shall not provide the thirty (30) day opportunity to cure contained in the first written notice. A determination and order of the Director may be appealed to the City Manager by the person charged with the violation within thirty (30) days of issuance of the Director's determination and order.
- (b) In addition to other remedies available to the City, any person who builds or modifies a parking facility without complying with the provisions of this Chapter shall be subject to a fine of up to \$10.00 per day per parking space for every day that such parking space was operated without a registration accepted by the Director or without a PTDM Plan approval issued by the Planning Officer or in non-compliance with an approved PTDM Plan. On a determination, after investigation, by the Director that this Chapter is being violated, and the exhaustion of any

appeal to the City Manager in accordance with (a) above, the Director shall take steps to enforce this chapter by causing complaint to be made before the district court and/or by applying for an injunction in the superior court.

- (c) In addition to other remedies available to the City, a determination that a facility is operating in violation of the provisions of this Chapter shall be ground for revocation by the Director of the facility's parking permit or other form of approval.
- (d) The Planning Officer shall have independent authority to inspect a parking facility and audit its records to determine whether it is in compliance with its PTDM Plan. The Planning Officer shall issue a finding of non-compliance in writing and provide copies to the parking facility owner and operator and to the Director.

*(1211, Added, 11/16/1998)*

#### **10.18.090 Evaluation.**

The PTDM Planning Officer shall prepare a report annually on the status and effectiveness of the implementation of this Ordinance.

*(1300, Amended, 09/11/2006; 1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)*