

1 **Cambridge Municipal Code Chapter 10.18 Parking and Transportation**
2 **Demand Management, Parking Space Registration.**

4 **Chapter 10.18 PARKING AND TRANSPORTATION DEMAND MANAGEMENT**
5 **PLANNING; PARKING SPACE REGISTRATION**

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17 **10.18.010 Purpose.**

18 (a) It is the purpose of this Chapter to regulate and control atmospheric pollution
19 from motor vehicles by formalizing parking and transportation demand management
20 planning, programs, and coordination which have been ongoing for a number of
21 years. This Chapter will reduce vehicle trips and traffic congestion within the City,
22 thereby promoting public health, safety, and welfare and protecting the
23 environment. This Chapter requires parking and transportation demand
24 management (PTDM) plans for commercial parking facilities and other types of
25 non-residential parking facilities over a specified size as set forth in 10.18.050 and
26 10.18.070. This Chapter also establishes a process whereby City officials will be able
27 to track the number, use and location of off-street parking spaces in the City.

30 (b) A Parking and Transportation Demand Management Planning Officer will be
31 designated by the City Manager with the responsibility for reviewing, conditioning,
32 approving and/or denying PTDM plans. Any project subject to the requirements of
33 this Chapter shall not be qualified to receive a permit from the Planning Board, a
34 commercial parking permit from the Commercial Parking Control Committee, a
35 special permit or variance from the Board of Zoning Appeal, a building permit from
36 the Commissioner of Inspectional Services, a certificate of occupancy from the
37 Commissioner of Inspectional Services, or an operating license from the License
38 Commission absent written approval of its PTDM plan from the PTDM Planning
39 Officer or evidence of registration of its parking spaces with the Department of
40 Traffic, Parking, and Transportation.

41 (1211, Added, 11/16/1998)

43 **10.18.020 Definitions.**

45 "Commercial Parking Space" means a parking space available for use by the
46 general public at any time for a fee. The term shall not include (i) parking spaces
47 which are owned or operated by a commercial entity whose primary business is
48 other than the operation of parking facilities, for the exclusive use of its lessees,
49 employees, patrons, customers, clients, patients, guests or residents but which are
50 not available for use by the general public; (ii) parking spaces restricted for the use
51

1 of the residents of a specific residential building or group of buildings; (iii) spaces
2 located on public streets; or (iv) spaces located at a park-and-ride facility operated
3 in conjunction with the Massachusetts Bay Transportation Authority.

4
5 "Commercial Parking Facility" means a parking facility owned or operated by a
6 commercial entity whose primary business is the operation of a parking facility and
7 at which there are at least five (5) Commercial Parking Spaces.
8

9 "Commercial Parking Permit" means a (i) permit issued under chapter 10.16 of the
10 Cambridge Municipal Code, authorizing the use of a designated number of parking
11 spaces at a specified location as Commercial Parking Spaces; (ii) a permit or
12 approval issued prior to the effective date of this Chapter pursuant to the
13 Procedures, Criteria, and Memorandum of Agreement dated November 15, 1984;
14 (iii) a Controlled Parking Facility Permit that expressly authorizes use of the parking
15 facility for Commercial Parking Spaces; or (iv) a letter from the Director confirming
16 the number of spaces at a specified location that were in existence and being used
17 as Commercial Parking Spaces as of October 15, 1973.
18

19 "Controlled Parking Facility Permit" (CPFP) means a permit issued by the Director
20 prior to the effective date of this Chapter, which authorized the construction or
21 operation of a parking space or the construction, operation, or modification of a
22 parking facility.
23

24 "Determination of Exclusion" means a determination made by the Director that a
25 parking facility or a parking space did not require a controlled parking facility
26 permit.
27

28 "Director" means Director of the Cambridge Department of Traffic, Parking, and
29 Transportation.
30

31 "Effective Date" means November 16, 1998, the original date of final adoption of this
32 Chapter of the Cambridge Municipal Code.
33

34 "Existing Parking Facility" shall mean a parking facility for which (i) a certificate of
35 occupancy was issued by the Commissioner of Inspectional Services; (ii) an
36 operating license was issued by the License Commission; or (iii) the Director issued
37 a letter confirming the number of spaces at that location which spaces were in
38 existence and being used as commercial parking spaces as of October 15, 1973 (a
39 "Director's Letter").
40

41 "New Project" means a project to construct or operate parking spaces within a new
42 facility or an existing parking facility which will cause such facility to have a net
43 increase in the number of spaces for which a certificate of occupancy, operating
44 license, variance, special permit, or Director's Letter has not been issued as of the
45 effective date of this Chapter and which is not a park-and-ride facility operated in
46 conjunction with the Massachusetts Bay Transportation Authority.
47

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

1 within the City.

2
3 "Person" means and includes a corporation, firm, partnership, association, executor,
4 administrator, guardian, trustee, agent, organization, any state, regional or political
5 subdivision, agency, department, authority or board, and any other group acting as
6 a unit, as well as a natural person.

7
8 "Planning Officer" means the City official responsible for PTDM plan reviews.

9
10 "PTDM" means Parking and Transportation Demand Management.

11
12 "Small Project" means a project to construct or operate five (5) to nineteen (19)
13 non-commercial, non-residential parking spaces within a new facility or an existing
14 parking facility which will cause such Facility to have a net increase in the number of
15 spaces for which a certificate of occupancy, operating license, variance, special
16 permit, or Director's Letter has not been issued as of the effective date of this
17 Chapter. To qualify as a Small Project, the total number of non-commercial,
18 non-residential parking spaces at the parking facility must remain at or below
19 nineteen (19).

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21 (Ord. 1287, Amended, 09/12/2005; 1252, Amended, 09/24/2001; 1211, Added,
22 11/16/1998)

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26 **10.18.030 PTDM Planning Officer.**

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

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37 (1211, Added, 11/16/1998)

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41 **10.18.040 Registration of All Parking Spaces.**

42
43 (a) No person shall build, expand, or reconfigure a parking facility for
44 non-residential parking spaces resulting in a net increase in the number of parking
45 spaces or a change in the use of such spaces based on the categories of use listed
46 below at paragraphs b(v) and (vi), without first submitting a parking registration
47 form to, and obtaining acceptance from, the Director.

48
49 (b) The registration form shall be prepared by the Director and shall be available at
50 the offices of the Department of Traffic, Parking and Transportation. The form will
51 require the following information:

- 1 (i) name and address of parking facility owner;
2
3 (ii) name and address of parking facility operator;
4
5 (iii) address of parking facility;
6
7 (iv) total number of existing parking spaces;
8
9 (v) number of existing parking spaces in each of the following categories:
10

11 - residential

12 - commercial

13 - non-commercial

14 - customer

15 - employee

16 - patient

17 - student

18 - client

19 - guest

- 20
- 21 (vi) number of parking spaces proposed to be added to the parking facility
22 in each of the following categories:

23 - residential

24 - commercial

25 - non-commercial

26 - customer

27 - employee

28 - patient

29 - student

30 - client

31 - guest

- 32
- 33 (vii) identification of any existing parking permits for the parking facility; and

- 34
- 35 (viii) explanation of any enforcement actions against the parking facility.

- 1 (c) The Director shall accept or return a registration form to the registrant with a
2 request for additional information within thirty (30) days after the form was filed.
3
4 (d) The License Commission shall not issue a license and the Commissioner of
5 Inspectional Services shall not issue a building permit or certificate of occupancy for
6 a parking facility subject to this section without evidence (i) that the registration form
7 has been accepted by the Director; and (ii) if required, that the facility has a PTDM
8 Plan approved by the Planning Officer.

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10 (1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)
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14 **10.18.050 Parking and Transportation Demand Management Plans.**

15
16 (a) No person shall build, expand, or operate a parking facility subject to the
17 Parking and Transportation Demand Management (PTDM) Plan requirements of this
18 Chapter absent a PTDM Plan approved by the Planning Officer.

19
20 (b) The PTDM requirements of this Chapter shall apply to each of the following:
21

22 (i) any commercial parking facility for which a certificate of occupancy or
23 operating license, variance or special permit was not obtained prior to the
24 effective date of this chapter;

25
26 (ii) an existing commercial parking facility at which the number of parking
27 spaces is increased after the effective date of this chapter;

28
29 (iii) any parking facility at which the use of existing or permitted parking
30 spaces is changed to commercial use after the effective date of this chapter;

31
32 (iv) any new project to build or create by change of use twenty or more
33 non-residential parking spaces; and

34
35 (v) any new project to expand an existing parking facility resulting in a total
36 number of non-residential parking spaces of twenty (20) or more.

37
38 (c) The PTDM Plan shall be designed to minimize the amount of parking demand
39 associated with the project and reduce single-occupant vehicle trips in and around
40 Cambridge. The PTDM Plan shall be based on the following facts, projections and
41 commitments:

42
43 (i) Facts and Projections:

44
45 - nature of development and property use;

46
47 - proximity of project to public transit and other non-Single-Occupant Vehicle
48 facilities;

49
50 - availability of and accessibility to offsite parking spaces which could serve
51 the project;

- 1 - number of employees and their likely place of origin; and
2
3 - type and number of patrons/users of proposed parking supply and their
4 likely place of origin.
5
6 - number of vehicle trips expected to be generated by the project and
7 description of measures to reduce associated traffic impacts on Cambridge
8 streets; and
9
10 - other factors published by the Planning Officer.

11 (ii) Commitments:

- 12 - commitment to work with the Cambridge Office of Work Force
13 Development;
14
15 - commitment to implement vehicle trip reduction measures including some
16 or all of the following:

17 subsidized MBTA passes and other incentives; shuttle services;
18 ride-sharing services; bicycle and pedestrian facilities; flexible
19 working hours; preferential parking for Low Emission Vehicles/Zero
20 Emission Vehicles/bicycles/carpools/vanpools (Note: this list is not
21 meant to preclude implementation of other types of vehicle trip
22 reduction measures). This commitment must be accompanied by a
23 detailed description of the measures proposed to be implemented; and
24

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

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

- 36 - residential
37
38 - commercial
39
40 - non-commercial
41
42 - customer
43
44 - employee
45
46 - 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.

1 (g) Approvals issued by the Planning Officer shall be automatically transferrable by
2 and among private parties, provided that the proposed new owner (the
3 "Transferee") shall continue to operate under the existing PTDM Plan and shall
4 submit to the Planning Officer within thirty (30) days of the title transfer a certification
5 that the existing PTDM plan will remain in effect. The certification shall be submitted
6 on a form issued by the Planning Officer and shall certify that such Transferee
7 commits to implement the existing PTDM plan, as approved; and acknowledges that
8 failure to implement the plan is subject to the enforcement provisions of this
9 Chapter. Where such certification is submitted, the approved plan shall remain in
10 effect as to the Transferee. The Transferee may elect instead to and consult with the
11 Planning Officer within thirty (30) days of title transfer regarding appropriate
12 revisions to the existing plan. Based on such consultation, the Planning Officer may
13 require information from the Transferee concerning proposed changes in use of the
14 parking facility and associated buildings and the relevant facts and projections
15 regarding the proposed changes. Within thirty (30) days of receipt of such
16 information, the Planning Officer may issue a written approval of the revised plan
17 and obligations to the Transferee, or the Planning Officer may require submittal of a
18 new PTDM Plan from the Transferee for review, condition, approval and/or denial.
19 Until such time as a new or revised plan has been approved, the existing PTDM plan
20 shall remain in effect.

21
22 (h) Each PTDM Plan approval issued by the Planning Officer shall contain, at a
23 minimum, the following conditions:

- 24
25 (i) The parking facility owner and operator each commit to implement all
26 elements of the PTDM Plan, as approved, including annual reporting
27 requirements, and to maintain records describing implementation of the Plan;
28
29 (ii) The City shall have the right to inspect the parking facility and audit
30 PTDM implementation records; and
31
32 (iii) The parking facility owner and operator each commit to notify and
33 consult with the Planning Officer thirty (30) days prior to any change in
34 ownership, use or operation of the facility.

35
36 (1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)

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39 **40 10.18.060 Reduction in Minimum Parking and Maximum Distance Requirements.**

41
42 (a) A project proponent may elect to request that the Planning Officer include as an
43 element of its PTDM Plan a plan for fewer parking spaces than the minimum set forth in
44 the Zoning Ordinance. Upon the written request of the project proponent, based on an
45 evaluation of the facts, projections, and commitments listed at 10.18.050 (c), the Planning
46 Officer may make a written recommendation about the maximum number of parking
47 spaces for the project. This recommendation shall remain subject to review and approval
48 by the Planning Board or Board of Zoning Appeal as appropriate.

49
50 (b) A project proponent may elect to request that the Planning Officer include as an
51 element of its PTDM Plan a plan for utilizing off-site parking spaces that are farther from

1 the project site than the maximum distance requirements set forth in the Zoning
2 Ordinance. Upon the written request of the project proponent, based on an evaluation of
3 the facts, projections, and commitments listed at 10.18.050 (c), the Planning Officer may
4 make a written recommendation about how many parking spaces serving the project may
5 be appropriately located at an off-site location and at what distance from the project site.
6 This recommendation shall remain subject to review and approval by the Planning Board
7 or Board of Zoning Appeal as appropriate.

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9 (1211, Added, 11/16/1998)
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13 **10.18.070 Requirements Applicable to Small Projects.**

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

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23 (1252, Amended, 09/24/2001; 1121, Added, 11/16/1998)
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27 **10.18.080 Enforcement.**

28
29 (a) The Director shall enforce the provisions of this Chapter. If the Director has reason
30 to believe that any provision of this Chapter is being violated, the Director shall
31 investigate the possible violation. If after investigation the Director determines that any
32 provision of this Chapter is being violated, s/he shall provide a first written notice of
33 violation to the person charged with the violation, or the duly authorized representative
34 thereof, of the determination of violation and shall order that the violation cease within
35 thirty (30) days of the issuance of the first written notice. If the violation is not cured
36 within the thirty (30) days after issuance of the determination of violation, the Director
37 may proceed to assess the fines established in this chapter as well as any other remedies
38 available to the city. In addition to all other remedies, if the violation has not ceased
39 within thirty (30) days after the first written notice, then the Director may order shutdown
40 of the parking facility. Second or subsequent written notices to a facility for the same
41 violation shall be immediately effective and shall not provide the thirty (30) day
42 opportunity to cure contained in the first written notice. A determination and order of the
43 Director may be appealed to the City Manager by the person charged with the violation
44 within thirty (30) days of issuance of the Director's determination and order.

45
46 (b) In addition to other remedies available to the City, any person who builds or modifies
47 a parking facility without complying with the provisions of this Chapter shall be subject
48 to a fine of up to \$10.00 per day per parking space for every day that such parking space

1 was operated without a registration accepted by the Director or without a PTDM Plan
2 approval issued by the Planning Officer or in non-compliance with an approved PTDM
3 Plan. On a determination, after investigation, by the Director that this Chapter is being
4 violated, and the exhaustion of any appeal to the City Manager in accordance with (a)
5 above, the Director shall take steps to enforce this chapter by causing complaint to be
6 made before the district court and/or by applying for an injunction in the superior court.
7

8 (c) In addition to other remedies available to the City, a determination that a facility is
9 operating in violation of the provisions of this Chapter shall be ground for revocation by
10 the Director of the facility's parking permit or other form of approval.

11 (d) The Planning Officer shall have independent authority to inspect a parking facility
12 and audit its records to determine whether it is in compliance with its PTDM Plan. The
13 Planning Officer shall issue a finding of non-compliance in writing and provide copies to
14 the parking facility owner and operator and to the Director.
15

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

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21 **10.18.090 Evaluation.**

22 The PTDM Planning Officer shall prepare a report annually on the status and
23 effectiveness of the implementation of this Ordinance.
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25 (1300, Amended, 09/11/2006; 1252, Amended, 09/24/2001; 1211, Added, 11/16/1998)
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