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## CITY OF CAMBRIDGE

Community Development Department

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To: The City Council  
From: Iram Farooq, Assistant City Manager for Community  
Development  
Date: June 7, 2023  
Subject: Policy Order #81 Response

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### Background

The Ordinance Committee held a public hearing on the Craig Kelley et. al. citizen's zoning petition (the "Petition") on May 3, 2023 and forwarded a positive recommendation on the Petition to the City Council. On May 8, the City Council adopted [Policy Order #81](#), which directs City staff to "recommend what new city regulations and council action or changes to existing regulations or ordinances are needed to put in place in order to implement the Craig Kelley et al. Zoning Petition for residential car sharing and renting of EV charging stations."

City staff has provided the following response, which includes recommended, red-lined changes to the Petition for the purpose of language clarity and consistency, and to improve the overall structure of the zoning text.

### Peer-to-Peer Carsharing

The proposed definition of "Shared Vehicle" was problematic in the way it seemingly sought to regulate types of vehicles, where zoning is intended to regulate the use of land. Therefore, CDD staff has proposed an amended definition that clarifies that the land use regulated is the parking space, not the vehicle itself. To further clarify that the vehicle is not the land use, CDD staff has proposed changing the term itself to "Peer-to-Peer Carsharing" from "Shared Vehicle." This also has the benefit of more explicitly distinguishing itself from the preexisting "Carsharing" definition.

### Publicly-accessible, Privately-owned Electric Vehicle Charging

CDD staff has recommended a few clarifying changes to the definition of "Publicly-accessible, Privately-owned Electric Vehicle Charging" that would make it consistent with the proposed "Peer-to-Peer Carsharing" definition. Staff recommends removing the 10-hour charging limit due to potential challenges with enforcing such a provision. Staff also recommends removing the definition

of “Electric Vehicle” entirely. As stated previously, zoning is not intended to regulate types of vehicles, which makes the inclusion of this definition unnecessary and inappropriate.

In addition to the edits described above, CDD staff recommends removing the proposed amendments to Section 6.20 that allow Electric Vehicle Charging Systems to be installed in any conforming or lawfully non-conforming parking space, which staff found to be unnecessary. The proposed use involves adding an electric vehicle charging system to an *existing* parking space, whether or not such space conforms to the dimensional requirements in Article 6. The addition of the clarifying language does not change whether the use is permitted or in what type of space an EVSE could be installed.

Lastly, staff recommends limiting the number of Publicly-accessible, Privately-owned, Electric Vehicle Charging systems to no more than two per lot. This limit is recommended to support City policies that discourage single occupancy vehicle travel into the City and to discourage driving into Cambridge to use a charging station for the primary purpose of storing their vehicle for commuting. The limit is also meant to minimize the impact on on-street residential parking supplies when homeowners who previously parked in their driveway start to use on-street parking to make space for others to use their charging infrastructure.

### **Zoning Edits**

#### ***Amend Article 2.000 Definitions as follows:***

~~*Publicly-accessible, Privately-owned Electric Vehicle Charging System.*~~ An electric vehicle charging system and its attendant off-street parking space that is made available from time-to-time for use by other individuals in need of an electric vehicle charging system for personal use. ~~parking spot located on privately owned property that is available, for free or through a financial transaction, to members of the general public for the sole purpose of charging an electric vehicle owned by an entity other than the property owner. There is a 10 hour maximum use for an EV not owned by the charger system owner and vehicles must be actively charging if they are not owned by the owner of the charger system.~~

~~*Electric vehicle.*~~ Any vehicle that is licensed and registered for operation on public and private highways, roads, or streets and that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, producing zero tailpipe emissions or pollution when stationary or operating.

~~*Shared Vehicle.* Any privately-owned vehicle that is licensed and registered for operation on public and private highways, roads, and streets. A shared vehicle does not include Carsharing Vehicles and Organizations as regulated in Section 6.24.~~

*Peer-to-Peer Carsharing.* An off-street parking space which is used for the storage of a privately-owned vehicle that is made available from time-to-time for use by other individuals in need of an automobile for personal use. Peer-to-Peer Carsharing is distinct from Carsharing and shall not be subject to the provisions of Section 6.24 of the Zoning Ordinance.

***Amend Article 4.000 Use Regulations as follows:***

Article 4.32 Table of Use Regulations; Transportation, Communication & Utility Uses:

	Open Space	Res A 1 & 2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 2, 2A, 3, 3A	Bus A-1, A-2, A-3	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind B-1, B-2	Ind B	Ind C
<del>M. Shared Vehicle</del> <u>Peer-to-Peer Carsharing</u>	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N. Publicly-accessible, Privately-owned Electric Vehicle Charging System	No	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>	Yes <sup>62</sup>

62. Provided, however, that no more than two (2) Publicly-accessible, Privately-owned Electric Vehicle Charging systems shall be permitted on a lot.

~~Amend section 6.20 "Off street Parking Regulations" to add as follows:~~

~~6.21 (a). Publicly accessible, Privately owned Electric Vehicle Charging Systems may be installed in any parking space conforming to the dimensional and other requirements of Article 6.000, or, if not, are lawfully non-conforming.~~