



CITY OF CAMBRIDGE

Community Development Department

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To: Yi-An Huang, City Manager
From: Iram Farooq, Assistant City Manager for Community Development
Date: October 17, 2024
Re: Awaiting Report 24-20 dated April 8, 2024 re. recommendations for amendments to the Parking and Transportation Demand Management (PTDM) and Zoning Ordinances

As the City changes how streets are used, there will be reductions in on-street parking on some streets through changes such as the installation of a separated bike lane network and bus priority travel lanes. Awaiting Report 24-20 requests recommendations for amendments to municipal ordinances to allow flexibility for property owners to share off-site parking with nearby properties to mitigate the loss of parking resulting from the implementation of the Cycling Safety Ordinance.

This memo proposes amendments that would be applicable in corridors where separated bike lanes or bus lanes are expected to be installed. We propose applying the same approach to all corridors on the 2020 Bike Plan Network for 'Greater Separation' and bus priority corridors. The proposal aims to optimize the use and simplify the rules for off-street parking facilities along these streets. Because the City has already removed or is likely to remove some on-street parking along all of these corridors, applying the same mitigation to these corridors will:

- Make the changes more uniform and simpler to understand, and
- Reduce concerns about on-street parking removal along the entire separated bike lane and bus priority networks.

The following material is prepared by CDD staff in consultation with the Law Department and the Traffic, Parking, and Transportation Department, and includes recommendations for changes to three ordinances.

- **Zoning** amendments related to off-site parking regulations, including a new Section 6.25 for Flexible Parking Corridor Regulations. This would allow existing off-street parking facilities to be used for commercial parking or shared parking when abutting certain streets
- Amendments to the **Parking and Transportation Demand Management (PTDM) Ordinance** to reduce some of the requirements applicable to parking facilities that abut certain streets.
- Amendments to the **Commercial Parking Space Permits Ordinance (10.16)** for consistency with the proposed changes to the PTDM Ordinance.

Council can adopt the zoning text amendments as a City Council zoning petition if it wishes, and can refer the zoning petition, the PTDM amendments, and the Commercial Parking Space Permits Ordinance amendments to the Ordinance Committee.

Goals

The goals of the near-term revisions to the Zoning and PTDM Ordinances are to:

1. Mitigate parking impacts from building out Cambridge’s bike and bus networks,
2. Respond to business and resident needs,
3. Make it easier for owners of off-street parking to use their existing parking more efficiently, and
4. Avoid inducing new driving trips, undermining the City’s transportation goals, or limiting the effectiveness of the PTDM Ordinance in other areas of the city.

The following pages provide a rationale for these recommendations along with some examples of shared parking scenarios. In addition to proposals for text changes to the Zoning, PTDM, and Commercial Parking Space Permits Ordinance, attachments to this memo include a map of proposed corridors and a table of street segments. The map shows parcels and parking facilities that would be affected by the proposed changes.

Background

In 2022, after an extensive [community engagement process](#), the City published “[City of Cambridge 2022 Parking Engagement Study Final Report](#).” A priority identified in the report is to use existing parking better by developing a “detailed zoning amendment recommendation to allow and encourage the use of existing underused accessory and principal use parking spaces where a loss of metered on-street spaces is anticipated” (Strategy 1/Action 2). The Parking Engagement Study also includes a recommendation to “evaluate the PTDM Ordinance for changes” (Strategy 4/Action 12).

Other Regulations

The Zoning and PTDM Ordinances are not the only City regulations governing off-street parking. The proposed changes to these ordinances do not change other City requirements, including requirements under the Commercial Parking Space Permits Ordinance (10.16) or Cambridge License Commission requirements. However, a small change to the Commercial Parking Space Permits Ordinance is necessary for consistency with the proposed PTDM changes. The last section of this memo provides information about this amendment and the Commercial Parking Control Committee.

Proposed Changes: Zoning

We propose creating a new set of flexible zoning standards for off-street parking spaces along street and street segments that have been identified as “Flexible Parking Corridors.” This new zoning will allow any property that directly abuts these street segments to use its parking more flexibly and to provide more options for residents and businesses in the area.

These standards are included in the newly proposed zoning section 6.25 “Flexible Parking Corridor Regulations” and will allow for the as-of-right use of existing parking facilities and for the conversion of existing vacant lots for use as new parking facilities, regardless of the underlying base zoning district. These facilities may be converted to “commercial parking” to be used by members of the general public, subject to the Commercial Parking Space Permits Ordinance. Alternatively, they could be shared with residents, employees, patrons, or visitors to other uses located along a Flexible Parking Corridor.

Where existing vacant lots are used for new commercial and shared parking, such spaces may conform with temporary design standards for two years. These temporary standards emphasize safety, while providing some flexibility on aesthetic concerns like landscaping and screening.

The temporary design standards include:

- a. Signage containing the following information must be visibly displayed on the lot:
 - i. Name and contact information of either the owner of the lot or the lessee (if the lot is leased to no more than one entity).
 - ii. Contact Information for any contracted tow company.
 - iii. An indication of who is allowed to park in the lot. For example, “Parking allowed only by permission of the owner” or “Parking for customers of [Business Name] only.”
- b. Only the existing curb cut access may be used and may not be enlarged.
- c. A barrier or barriers (such as a curb stop or fence) must be installed along the perimeter sufficient to prevent parked vehicles from encroaching into the street or sidewalk and to prevent vehicles from entering or exiting the lot anywhere other than via the existing curb cut.

Following the use of these spaces for two years, such facilities must be designed and maintained to fully conform with the standards in Section 6.40.

Additionally, the proposed changes would permit any lot owned by the City of Cambridge to be used as principal use parking, to allow for more flexible use of City-owned parking facilities on sites such as schools or other municipal buildings.

These zoning changes will eliminate restrictions on a property owner’s ability to rent available parking spaces to business or residential uses located along these corridors, while maintaining existing regulations that restrict the construction of new parking facilities.

What is the Existing Zoning?

In 2022, the City Council amended the Zoning Ordinance to eliminate minimum parking requirements. However, there are still restrictions on where parking can be located and how it can be used. The ways that parking can be used depend on the site, the use, and the zoning district, but in general here are some requirements that can make it difficult to use parking in a more flexible way:

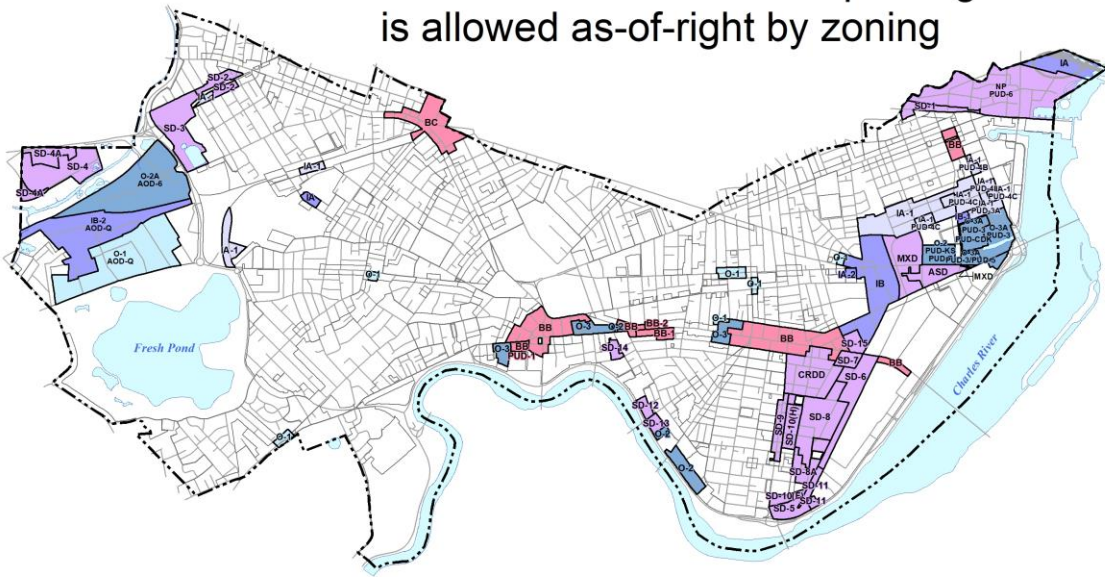
- Parking is only allowed as a “principal use,” meaning that it can be made available for anyone to use at the property owner’s discretion, in certain non-residential districts. In some districts it is allowed only by special permit from the BZA. (See maps below.)

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- Parking that is “accessory,” meaning it is attached to a specific use (like a residence or business), can only be located off-site if it is within a certain distance (depending on the use). A greater distance could be approved by special permit from the BZA. However, off-site parking can’t be located in a more restrictive zoning district (it would need variance approval).
 - Off-site accessory parking must be either in identical ownership or in a binding commitment, such as a negotiated lease agreement, recorded covenant, or comparable legal instrument, recorded with the registry of deeds.
 - Both accessory and principal use parking facilities are subject to the detailed design standards in zoning section 6.40. This section sets standards for safety and aesthetic concerns, such as parking space width, internal vehicular and pedestrian circulation, curb cuts, setbacks, visual screening, and lighting.

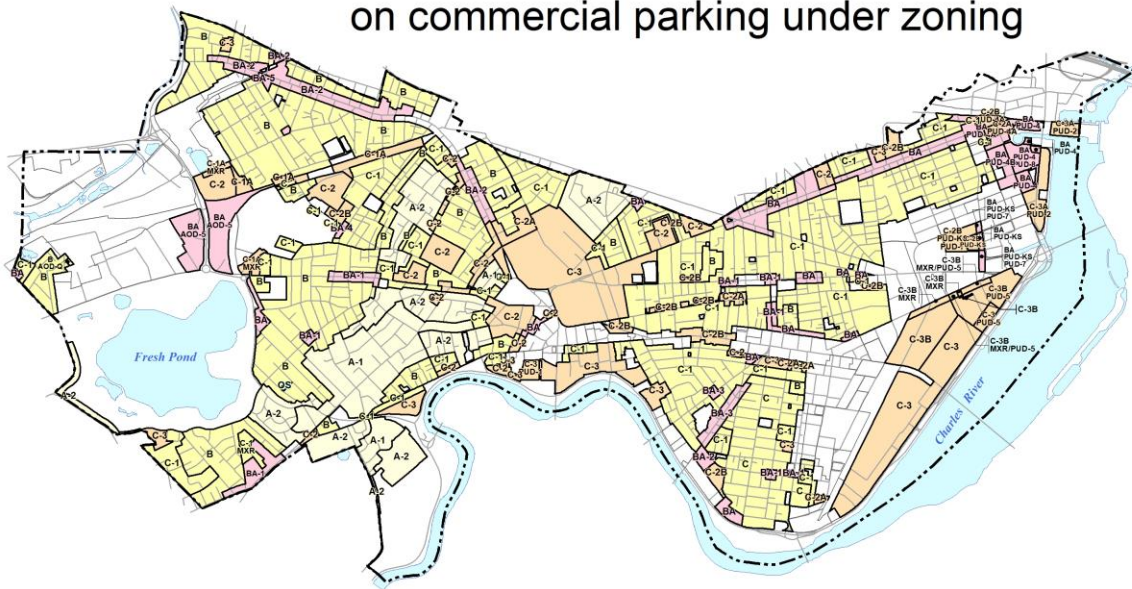
Our proposed zoning will mitigate these potential complications by broadly allowing commercial and shared parking arrangements, regardless of the underlying zoning, with no distance-based restrictions or registration requirements. Owners of existing parking and business or residential uses must only know that their parcels abut a Flexible Parking Corridor. This flexibility is limited to existing spaces and vacant lots to encourage better use of existing facilities.

Below are two maps that highlight in color the zoning districts in Cambridge with existing use limitations on principal use parking and the districts with no existing use limitations on principal use parking. As seen on these maps, principal use parking facilities are most heavily restricted in residential districts. The proposed zoning creates additional flexibility to use existing parking facilities, while limiting this flexibility to corridors that might see reductions in on-street parking.

Districts where commercial parking is allowed as-of-right by zoning



Areas with existing limitations on commercial parking under zoning



Scenarios

All scenarios assume that both the parking facility and the user of the parking spaces are on lots that are subject to the Flexible Parking Corridor Regulations.

Scenario	What is currently required by zoning	What will be required by zoning
Bank wants to permit neighboring residents of specific buildings to park in their parking lot.	Special Permit required if more than 300 feet away and variance if more than 400 feet away; requirement of long-term lease; residences must be in same or more restrictive zoning district as bank.	Allowed as-of-right; bank may not add new parking spaces.
Small retailer wants to let a neighboring office’s employees park in their parking lot.	Special Permit required if more than 300 feet away and variance if more than 1,000 feet away; requirement of long-term lease; small retailer must be in same or more restrictive zoning district as neighboring office.	Allowed as-of-right; small retailer may not add new parking spaces.
Office building wants to rent existing parking spaces to a restaurant to be used by their patrons in the evenings.	Special Permit required if more than 300 feet away and variance if more than 1,000 feet away; requirement of long-term lease; Office building must be in same or more restrictive zoning district as restaurant.	Allowed as-of-right; office building may not add new parking spaces.
The owner of a parcel redevelops the parcel and builds a new parking lot or garage .	Not allowed in Residential districts; BZA special permit required if in a Business A district; allowed as-of-right in Business B, Office, and Industrial districts	No change for new parking facilities: Not allowed in Residential districts; BZA special permit required if in a Business A district; allowed as-of-right in Business B, Office, and Industrial districts
A parking garage owner wants to allow anyone to park in their existing garage for a fee . The parking garage is currently used by customers of an attached retail business.	Not allowed in Residential districts; BZA special permit required if in a Business A district; allowed as-of-right in Business B, Office, and Industrial districts	Allowed as-of-right; garage may not add new parking spaces. However, must comply with the Commercial Parking Space Permits Ordinance (Municipal Code Section 10.16).

Proposed Changes: PTDM Ordinance

Physical changes to our streets and Transportation Demand Management measures work together to encourage people to switch from driving alone to more sustainable transportation options. Changes to our streets make it safe, convenient, and comfortable for people to bike, walk, or take transit.

Transportation Demand Management measures encourage people to use a more sustainable mode through:

- Incentives and subsidies for using sustainable transportation,
- Disincentives for driving alone, and
- Programs that promote a culture of using sustainable transportation.

Through PTDM and Special Permit TDM requirements, at least 38% of people who work in Cambridge are covered by a TDM plan.

The PTDM Ordinance requires that a property owner create a PTDM Plan if the property meets all of these criteria:

1. It is non-residential,
2. It creates any new parking or allows new types of users to use existing parking, and
3. The total number of parking spaces at the site is 5-19 (Small Projects) or 20 or more (Large Projects).

The categories of parking users listed in the PTDM Ordinance are residential (which has no PTDM requirements), commercial, non-commercial, customer, employee, patient, student, client, and guest.

Some forms of shared parking are already exempt from PTDM requirements. For example, if a parking facility is already registered as employee parking, the facility owner can allow their neighbor's employees to park there without creating a new PTDM Plan. Under the current rules, however, if the facility owner wanted to make some of their parking spaces available to the public for a fee (commercial parking), they would need to create a PTDM Plan.

The proposed revision would create two exemptions for properties along corridors where on-street parking is removed to accommodate bike lanes or bus lanes. It would eliminate the requirement to create a PTDM Plan for:

1. All new or existing facilities with 19 or fewer total parking spaces along these corridors (Small Projects), and
2. Changes from any other user category of parking space to commercial parking (defined as: parking available to the public for a fee) in existing facilities along these corridors. If a parking facility with a current PTDM Plan has existing commercial parking, that property would be eligible to amend the parts of the Plan related to commercial parking.

There are 47 PTDM Plans (10 Small Projects, 37 Large Projects) that include facilities located on parcels that would be affected by these changes.

Why these changes?

About 55%¹ of privately owned off-street parking spaces are located on parcels that abut one or more of the corridors where the City expects to install separated bike lanes or bus lanes. A blanket exemption from PTDM requirements for all off-street parking in these corridors would undermine the goals of the PTDM Ordinance due to the high proportion of parking spaces in the city that would be affected. The proposed changes aim to provide enough flexibility to replace removed on-street parking, but not so much flexibility that a vastly larger number of spaces would be available to induce driving.

We expect to remove approximately 800-900 on-street parking spaces on the corridors listed in Appendix 1 to make room for separated bike lanes and bus priority lanes. This figure includes completed projects and the estimated impact of future projects. The proposed changes would exempt roughly 3,400 off-street parking spaces from PTDM requirements:

- There are about 2,000 parking spaces located in facilities with 5-19 total parking spaces along these corridors.²
- The City can issue permits for about 1,400 more commercial parking spaces. The City created the Commercial Parking Freeze in 1975 under rules set by the Massachusetts Department of Environmental Protection and the U.S. Environmental Protection Agency (40 CFR 52.1135). The freeze limits the total number of off-street commercial parking spaces in Cambridge. We are allowed to have 13,000 commercial parking spaces, and we have issued permits for about 11,600 spaces.

In addition, because a commercial parking facility can allow any type of parker as long as it charges a fee, it is a very efficient and flexible use of existing parking. By allowing existing facilities to convert some or all of their parking to commercial parking spaces without PTDM requirements, we are encouraging this efficient and flexible use. Commercial parking also has some built-in Transportation Demand Management: charging for parking is one of the strongest TDM measures that would be included in a PTDM plan. By removing PTDM requirements for commercial parking along these corridors in particular, we are encouraging commercial parking concentration in the areas where parking flexibility would be the most useful to people.

¹ This figure does not include the MBTA's Alewife Station garage. Because it is owned by a state agency, the garage is currently exempt from most local requirements. Including the Alewife Station garage, about 58% of off-street parking spaces are located on parcels that abut one or more of these corridors.

² This figure includes non-residential and residential off-street parking spaces that are registered with the Traffic, Parking, and Transportation Department. It may undercount the number of off-street residential spaces in small facilities, because single-unit or small multi-unit residences generally do not register their off-street parking spaces.

Scenarios

All scenarios assume the parking facility is located on a lot that abuts one of the corridors listed in 10.18.100(a).

Scenario	What is currently required by PTDM	What will be required by PTDM
A bank wants to let neighboring residents park in their parking lot. The parking lot is currently registered for customer use.	The facility owner must update their parking registration.	The facility owner must update their parking registration. (No change)
A small retailer wants to let their neighbor’s employees park in their parking lot. The parking lot has fewer than 20 total spaces , and the spaces are registered for customer use.	The facility owner must update their parking registration and meet the requirements for Small Projects, which include selecting three TDM measures from a list of options. Annual monitoring is not required.	The facility owner must update their parking registration.
The owner of a parcel redevelops the parcel and builds a new parking lot or garage with fewer than 20 total parking spaces .	The facility owner must submit a parking registration form and meet the requirements for Small Projects, which include selecting three TDM measures from a list of options. Annual monitoring is not required.	The facility owner must submit a parking registration form.
A parking lot owner wants to let their neighbor’s employees park in their lot. The parking lot is registered for employee use and does not have a PTDM Plan .	No requirements	No requirements (No change)
A parking lot owner wants to let their neighbor’s employees park in their lot. The parking lot has 20 or more total spaces , all are registered for employee use, and the property does have a PTDM Plan .	The requirements of the approved PTDM Plan apply to the new parkers. Their employer may need to provide sustainable transportation benefits, and both groups of employees will need to be surveyed as part of annual PTDM reporting.	The requirements of the approved PTDM Plan apply to the new parkers. Their employer may need to provide sustainable transportation benefits, and both groups of employees will need to be surveyed as part of annual PTDM reporting. (No change)
A parking garage owner wants to allow anyone to park in their existing garage for a fee . The parking garage is currently registered for customer use (or any use other than commercial parking).	The facility owner must update their parking registration. The facility owner must create a PTDM Plan approved by the City and conduct annual PTDM monitoring and reporting.	The facility owner must update their parking registration.
The owner of a parcel builds new parking spaces to be used	The facility owner must update their parking registration.	The facility owner must update their parking registration.

Scenario	What is currently required by PTDM	What will be required by PTDM
as commercial parking , either by expanding an existing parking lot or garage, or constructing a new one.	The facility owner must create a PTDM Plan approved by the City and conduct annual PTDM monitoring and reporting.	The facility owner must create a PTDM Plan approved by the City and conduct annual PTDM monitoring and reporting. (No change)

The 2022 Parking Engagement Study recommended reevaluating and potentially eliminating the Commercial Parking Freeze (Strategy 1/Action 1). If the City and EPA eliminate the Commercial Parking Freeze, there would be no limit to the number of commercial parking spaces that would be exempt from PTDM requirements under the proposed new section. The proposed sunset clause for the PTDM amendment (10.18.100(e)) would ensure City Council reviews section 10.18.100 in the event that the Commercial Parking Freeze is eliminated.

Commercial Parking Space Permits Ordinance (Chapter 10.16)

Commercial parking facilities will still be subject to approval by the Commercial Parking Control Committee (CPCC) under Chapter 10.16. The City will be reforming the CPCC in the coming months, in anticipation of a renewed interest in offering commercial parking that may result from the PTDM and Zoning changes described herein. As mandated by the Chapter 10.16, the CPCC will be made up of five Cambridge Residents with appropriate experience, to be appointed by the City Manager.

Currently, the Commercial Parking Space Permits Ordinance requires applicants for a commercial parking permit to have an approved transportation demand management plan (10.16.040(c)(9)). The proposed change to the Commercial Parking Space Permits Ordinance would eliminate that requirement for parking facilities with 19 or fewer total parking spaces for consistency with the proposed PTDM changes.

Appendix 1. List of Flexible Parking Corridors

Street Segment	Named CSO Corridors ³	Bicycle Network Vision: Greater Separation ⁴	Bus Priority Network ⁵	Other Street Types ⁶
Aberdeen Avenue between Huron Avenue and Mount Auburn Street	No	Yes	No	
Acorn Park Drive	No	Yes	No	
Ames Street	No	Yes	Yes (between Main St and Broadway)	
Belmont Street between the City Line and Mount Auburn Street	No	No	No	2023 Five Year Plan for Sidewalk and Street Reconstruction
Bennett Street	No	No	Yes	
Binney Street between the Grand Junction Corridor and Land Boulevard	No	Yes	No	
Bow Street between Massachusetts Avenue and Dewolfe Street	No	Yes	No	
Brattle Street	No	Yes	No	

³ Named street segments with associated completion deadlines found in Cycling Safety Ordinance sections 12.22.040.C-D.
https://library.municode.com/ma/cambridge/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.22CYSAOR_12.22.040RE

⁴ Includes 2015 and 2020 Bicycle Network Vision streets identified for facilities with greater separation.
<https://www.cambridgema.gov/Departments/communitydevelopment/2020bikeplanupdate>

⁵ Street segments identified as locations of concern in the City's 2018 study of bus delay and unreliability. This list does not include street segments identified as locations of concern that were resolved or made irrelevant by MBTA bus route changes since 2018.
<https://www.cambridgema.gov/CDD/Transportation/regionalplanning/masstransit/buspriority>

⁶ Staff identified a few street segments that did not appear on the other three planning documents in this table but are likely to have on-street parking removed to accommodate bus priority or separated bike lanes. This column is not a comprehensive record of which streets appear in the Five Year Plan for Sidewalk and Street Reconstruction or other plans listed in this column.

Street Segment	Named CSO Corridors ³	Bicycle Network Vision: Greater Separation ⁴	Bus Priority Network ⁵	Other Street Types ⁶
Broadway	Yes (from Quincy Street to Hampshire Street)	Yes (between Hampshire Street and Main Street)	Yes (between Quincy St and Felton St AND between Hampshire St and Third St)	
Brookline Street between Granite Street and Massachusetts Avenue	No	Yes	No	
Cambridge Street	Yes (from Oak Street to Second Street)	Yes	Yes (between Prospect St and Norfolk St)	
Cambridgepark Drive west of Steel Place	No	Yes	No	
Concord Avenue between Blanchard Road and Birch Street	No	Yes (between Blanchard Road and Alewife Brook Parkway)	Yes (between Wheeler St and Birch St)	
Dewolf Street between Bow Street and Memorial Drive	No	Yes	No	
Eliot Street	No	Yes	Yes (between Bennett St and JFK St)	
First Street between Cambridge Street and Binney Street AND between Athenaeum Street and Main Street	No	No	No	First/Second Street Corridor Study (between Cambridge St and Binney St)
Franklin Street between Western Avenue and Magazine Street	No	No	Yes	
Galilei Way	No	Yes	No	

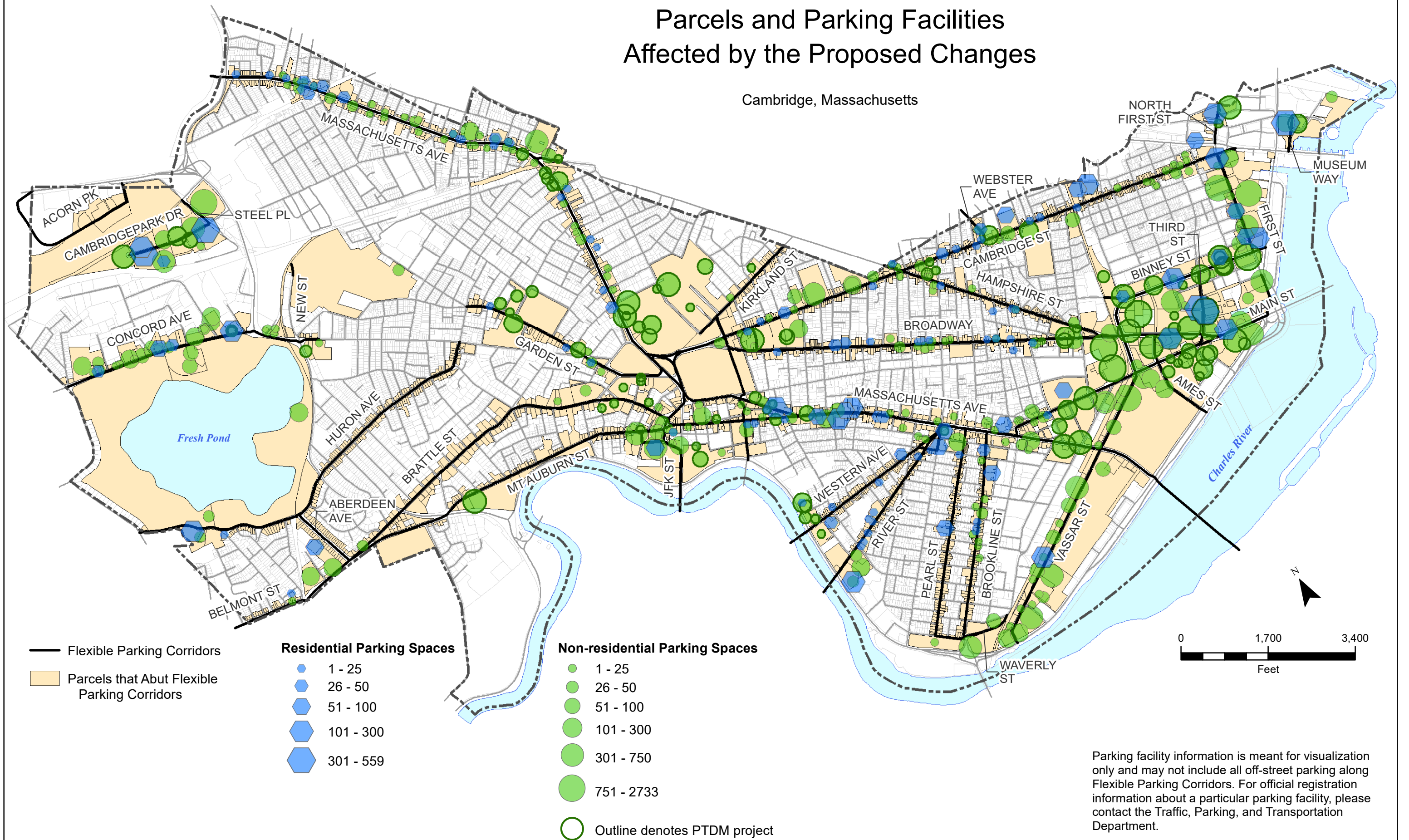
Street Segment	Named CSO Corridors ³	Bicycle Network Vision: Greater Separation ⁴	Bus Priority Network ⁵	Other Street Types ⁶
Garden Street between Huron Avenue and Massachusetts Avenue	Yes (Garden Street from Huron Avenue to Berkeley Street, eastbound, and Garden Street from Mason Street to Huron Avenue, westbound)	Yes (between Concord Avenue and Huron Avenue)	Yes (between Mason St and Massachusetts Ave)	
Granite Street between Pearl Street and Brookline Street	No	Yes	No	
Hampshire Street	Yes (from Amory Street to Broadway)	Yes	Yes (between City Line and Prospect St AND between Cardinal Medeiros Ave and Broadway)	
Huron Avenue between Grove Street and Concord Avenue	No	Yes	No	
JFK Street between Eliot Street and the City Line	No	No	Yes	
Kirkland Street between Oxford Street and the City Line	No	Yes	No	2023 Five Year Plan for Sidewalk and Street Reconstruction
Magazine Street between Franklin Street and Massachusetts Avenue	No	No	Yes	
Main Street	No	Yes	Yes (between Vassar St and Broadway)	
Massachusetts Avenue	Yes	Yes	Yes (between City Line/Arlington and Garden St AND between Inman St and Blanche St AND between Albany St and City Line/Boston)	

Street Segment	Named CSO Corridors ³	Bicycle Network Vision: Greater Separation ⁴	Bus Priority Network ⁵	Other Street Types ⁶
Mount Auburn Street	No	Yes	No	MBTA Bus Priority Vision
Museum Way	No	Yes	No	
New Street between the Danehy Park Driveway and Fresh Pond Mall property line	No	Yes	No	
North First Street	No	Yes	No	
Peabody Street	No	No	Yes	
Pearl Street	No	Yes	No	
River Street	No	Yes	Yes (between City Line and Blackstone St AND between Kinnaird St and Magazine St)	
Somerville Avenue	No	Yes	No	
Steel Place between Alewife Station Access Road and Cambridgepark Drive	No	Yes	No	
Sidney Street Extension	No	Yes	No	
Third Street between Binney Street and Broadway	No	Yes	No	
Quincy Street between Kirkland Street and Harvard Street	No	Yes	Yes (between Kirkland St and Cambridge St)	
University Road between Mount Auburn Street and Bennett Street	No	No	Yes	
Vassar Street	No	Yes	Yes (between Massachusetts Ave and Main St)	

Street Segment	Named CSO Corridors ³	Bicycle Network Vision: Greater Separation ⁴	Bus Priority Network ⁵	Other Street Types ⁶
Waverly Street between Brookline Street and Henry Street	No	Yes	No	
Webster Avenue	No	Yes	No	
Western Avenue	No	Yes	Yes (between City Line and Putnam Ave AND between Franklin St and Massachusetts Ave)	

Parcels and Parking Facilities Affected by the Proposed Changes

Cambridge, Massachusetts



— Flexible Parking Corridors

▭ Parcels that Abut Flexible Parking Corridors

Residential Parking Spaces

- 1 - 25
- 26 - 50
- 51 - 100
- 101 - 300
- 301 - 559

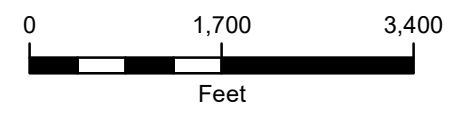
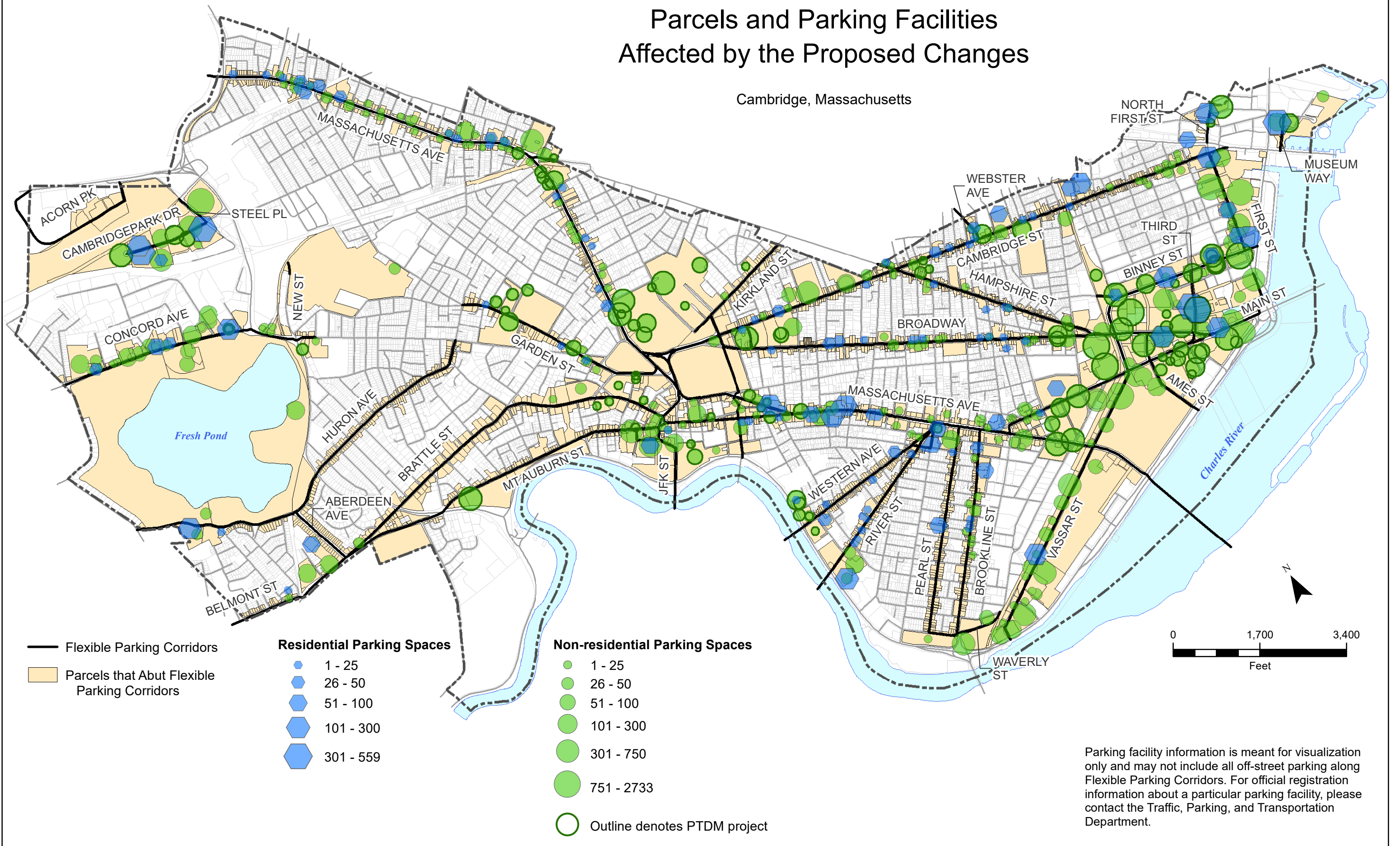
Non-residential Parking Spaces

- 1 - 25
- 26 - 50
- 51 - 100
- 101 - 300
- 301 - 750
- 751 - 2733
- Outline denotes PTDM project

Parking facility information is meant for visualization only and may not include all off-street parking along Flexible Parking Corridors. For official registration information about a particular parking facility, please contact the Traffic, Parking, and Transportation Department.

Parcels and Parking Facilities Affected by the Proposed Changes

Cambridge, Massachusetts



Parking facility information is meant for visualization only and may not include all off-street parking along Flexible Parking Corridors. For official registration information about a particular parking facility, please contact the Traffic, Parking, and Transportation Department.

MARKUP VERSION – *Additions and creations underlined, deletions in strikethrough* Commercial Parking Space Permits

Amendments to Section 10.16.010 – Definitions

Amend Section 10.16.010 to read as follows:

10.16.010 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, employees, 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 Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

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

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

"Existing Commercial Parking Permit" means

- (i) 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;
- (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or
- (iii) 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.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"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.

Amendments to Section 10.16.040 – Procedure for obtaining a commercial parking permit

Amend Section 10.16.040(c) to read as follows:

Every application for a New ~~e~~Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.
7. Calculations of parking space requirements according to the appropriate section ~~fo~~ of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. **For parking facilities with 20 or more total parking spaces, a ~~A~~ plan**, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measure which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Six copies of every application shall be submitted, with the above information, to the Commercial Parking control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

Amend Section 10.16.040(d) to read as follows:

- (d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications ~~applications~~ shall be deemed to relate back to the original date of filing.

Amend Section 10.16.040(e) to read as follows:

- (e) At least 14 days before the hearing, the Commercial Parking control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. this analysis will highlight any further ~~information~~ information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by Section 10.16.040 (c).

Amend Section 10.16.040(f) to read as follows:

- (f) ~~w~~Within thirty (30) days after the hearing, the Commercial Parking control Committee shall approve or disapprove the application after full consideration of all the facts contained ~~inthe~~ in the application. In evaluating applications and making the determinations, the CPCC shall consider the following criteria:
- (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and ~~wheter~~ whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
 - (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
 - (3) Whether the project is consistent with the City's established planning and policy goals.

The CPCC shall request evidence and ~~documentation~~ documentation as it deems appropriate for substantiation of compliance with the above criteria.

Amendments to Section 10.16.050 – Permit term and conditions

Amend Section 10.16.050(d) to read as follows:

- (d) No New or Existing ~~e~~Commercial Parking Permit shall be transferrable among private parties for use at another location. Upon termination, expiration, or revocation, a New or Existing Commercial Parking Shall automatically revert to the City for allocation in accordance with this Chapter.

Amendments to Section 10.16.060 – Number of commercial parking permits to be issued

Amend Section 10.16.060(a) to read as follows:

- (a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. ~~SS-SS~~ 52.1128 (b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060 (b).

Amend Section 10.16.060(b) to read as follows:

- (b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking ~~s~~Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been

permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if:

- (i) the permit or authorization therefor has reverted to the City;
- (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers;
- (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or
- (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

Amendments to Section 10.16.070 – Enforcement

Amend Section 10.16.070(b) to read as follows:

- (b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provision of this Chapter, a New or Existing Commercial Parking Permit, a CFPF, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:
 - (i) revoke a permit of a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040 (c) (9) and (f) (2); or
 - (ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility hold a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPA that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

Amendments to Section 10.16.090 – Parking and transportation demand management plan

Amend Section 10.16.090 to read as follows:

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040 (c) (9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and ~~that~~ shall become a condition upon which a new Commercial Parking Permit is granted.

CLEAN VERSION – Final Proposed text only, edits not shown
Commercial Parking Space Permits

Amendments to Section 10.16.010 – Definitions

Amend Section 10.16.010 to read as follows:

10.16.010 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, employees, 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 Control Committee" (CPCC) means the committee established by this Chapter to decide whether to issue Commercial Parking Permits. Decisions of the CPCC are binding on the Director.

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

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

"Existing Commercial Parking Permit" means

- (i) 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;
- (ii) a Controlled Parking Facility Permit that expressly authorizes use of the parking facility for Commercial Parking Spaces; or
- (iii) 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.

"Memorandum of Agreement" or "1996 MOA" means the Memorandum of Agreement between the City and the Commonwealth of Massachusetts acting through its Department of Environmental Protection, dated July 17, 1996.

"New Commercial Parking Permit" means a permit issued under this Chapter, authorizing the use of a designated number of parking spaces at a specified location as Commercial Parking Spaces.

"Parking Facility" means any lot, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

"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.

Amendments to Section 10.16.040 – Procedure for obtaining a commercial parking permit

Amend Section 10.16.040(c) to read as follows:

Every application for a New Commercial Parking Permit shall include the following information:

1. Name and address of owner.
2. Address of proposed Commercial Parking Space or Parking Facility.
3. Type of facility (e.g., parking lot or garage).
4. Type of construction proposed (new or modification) and estimated dates for start of construction and opening of facility (or availability of spaces).
5. Number of existing parking spaces and categories of use for each space at the facility, including non-commercial spaces. Use categories include: general public, customers, patients, clients, students, employees, residents, guests.
6. Number of proposed parking spaces and categories of use for each space.
7. Calculations of parking space requirements according to the appropriate section of the Cambridge Zoning Ordinance.
8. Detailed information on how use of the spaces will be controlled for each category of use.
9. For parking facilities with 20 or more total parking spaces, a plan, approved in writing by the City Manager's Designee for regulation and control of air pollution from motor vehicles. Such plan shall describe traffic mitigation and parking and transportation demand management measure which will be implemented at the subject parking facility or elsewhere in Cambridge to minimize air pollution, single-occupant vehicle trips, and/or vehicle miles of travel to be generated by the proposed Commercial Parking Space(s).
10. A detailed description of the need for the proposed Commercial Parking Spaces and the type of development and patrons which the spaces and associated facility, if any, will serve.
11. A site plan and floor plans of the proposed parking facility, showing the facility location, any bicycle parking required by the Zoning Ordinance, the space layout, and the entry and exit points.
12. A detailed statement of any public policy considerations which support the application.

Six copies of every application shall be submitted, with the above information, to the Commercial Parking control Committee, c/o the Traffic, Parking and Transportation Department, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139.

Amend Section 10.16.040(d) to read as follows:

- (d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing.

Amend Section 10.16.040(e) to read as follows:

- (e) At least 14 days before the hearing, the Commercial Parking control Committee or its designee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. this analysis will highlight any further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time. An application shall be deemed incomplete if it is not accompanied by all the information required by Section 10.16.040 (c).

Amend Section 10.16.040(f) to read as follows:

- (f) Within thirty (30) days after the hearing, the Commercial Parking control Committee shall approve or disapprove the application after full consideration of all the facts contained in the application. In evaluating applications and making the determinations, the CPCC shall consider the following criteria:
 - (1) Whether the applicant requests ten or fewer Commercial Parking Spaces and whether the parking facility would have a combined total of twenty or fewer parking spaces if the application is granted;
 - (2) Whether the application includes a written plan to make a good faith effort to hire qualified Cambridge residents as employees and a commitment to consult with the Cambridge Office of Work Force Development; and
 - (3) Whether the project is consistent with the City's established planning and policy goals.

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Amend Section 10.16.050(d) to read as follows:

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Amendments to Section 10.16.060 – Number of commercial parking permits to be issued

Amend Section 10.16.060(a) to read as follows:

- (a) Until EPA issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R. §§ 52.1128 (b), 52.1135, the Director shall not issue New Commercial Parking Permits in excess of the number allowed pursuant to 10.16.060 (b).

Amend Section 10.16.060(b) to read as follows:

- (b) The Director, in accordance with the procedures set forth in this Chapter, may issue permits for up to seventy-three (73) new Commercial Parking Spaces. In addition, the Director may issue New Commercial Parking Permits for the number of Commercial Parking Spaces that have been permanently taken out of service as Commercial Parking Spaces on or after July 17, 1996. A Commercial Parking Space shall be deemed permanently taken out of service if:

- (i) the permit or authorization therefor has reverted to the City;
- (ii) the space has been physically removed from service by reconfiguration of the facility to eliminate the space or by installation of permanent access barriers;
- (iii) use of the space for commercial purposes is eliminated by use restrictions that are posted and enforced, such as requiring card key access to the facility or validation of the parking ticket by a building tenant; or
- (iv) authorization to use such space has been revoked or restricted as the result of an enforcement action. Prior to issuing permits pursuant to the second sentence hereof, the City shall notify DEP and EPA.

Amendments to Section 10.16.070 – Enforcement

Amend Section 10.16.070(b) to read as follows:

- (b) If any person, after a hearing before the CPCC, is found to have operated a parking space illegally, whether under the provision of this Chapter, a New or Existing Commercial Parking Permit, a CFPF, or a Determination of Exclusion, such person may be subject to a fine of up to \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may:
 - (i) revoke a permit or a Determination of Exclusion for any space operated in violation of its permit conditions, including the terms of the plans required by 10.16.040 (c) (9) and (f) (2); or
 - (ii) order closure of those spaces or facilities found to be operating with no required permit or Determination of Exclusion.

At any hearing held by the CPCC to decide if spaces have improperly been operated as Commercial Parking Spaces, any facility hold a Determination of Exclusion which is found to have any spaces operating in violation of the terms of said Determination shall be presumed to have all of its spaces operating in violation of the terms of its Determination unless the operator demonstrates to the satisfaction of the CPA that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of the Determination. It shall be the responsibility of the CPCC to determine the number of spaces within a facility that are operating in violation of the terms of their Determination of Exclusion, and to impose fines or revoke the Determination.

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Amend Section 10.16.090 to read as follows:

It shall be the responsibility of the City Manager's Designee for regulation and control of air pollution from motor vehicles to review, condition, approve, or deny the plan for traffic mitigation and parking and transportation demand management measures required to be submitted pursuant to Section 10.16.040 (c) (9) of this Chapter. Prior to making its determination, the Designee shall consult with the Director. The Designee shall issue its approval or disapproval in writing, and it may specify conditions for its approval. Such conditions shall be incorporated into the plan and shall become a condition upon which a new Commercial Parking Permit is granted.

MARKUP VERSION – Additions and creations underlined, deletions in strikethrough
Parking and Transportation Demand Management Planning; Parking Space Registration

Amendments to Section 10.18.050 – Parking and Transportation Demand Management Plans

Amend Section 10.18.050(b) to read as follows:

(b) The PTDM requirements of this Chapter shall apply to each of the following, unless the facility is exempt under 10.18.100:

(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.

Amendments to Section 10.18.070 – Requirements Applicable to Small Projects

Amend Section 10.18.070 to read as follows:

The owner or operator of each Small Project, except those exempt from these requirements under 10.18.100, 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.

Creation of Section 10.18.100 – Flexible Parking Corridors

Create a new Section 10.18.100 to read as follows:

10.18.100 – Flexible Parking Corridors.

(a) The provisions of this Section shall apply to any Parking Facility located on a lot that directly abuts one or more of the following streets or street segments:

- Aberdeen Avenue between Huron Avenue and Mount Auburn Street
- Acorn Park Drive
- Ames Street
- Belmont Street between the City Line and Mount Auburn Street
- Bennett Street
- Binney Street between the Grand Junction Corridor and Land Boulevard
- Bow Street between Massachusetts Avenue and Dewolfe Street
- Brattle Street
- Broadway
- Brookline Street between Granite Street and Massachusetts Avenue
- Cambridge Street
- Cambridgepark Drive west of Steel Place
- Concord Avenue between Blanchard Road and Birch Street
- Dewolfe Street between Bow Street and Memorial Drive
- Eliot Street
- First Street between Cambridge Street and Binney Street AND between Athenaeum Street and Main Street
- Franklin Street between Western Avenue and Magazine Street
- Galilei Way
- Garden Street between Huron Avenue and Massachusetts Avenue
- Granite Street between Pearl Street and Brookline Street
- Hampshire Street
- Huron Avenue between Grove Street and Concord Avenue
- JFK Street between Eliot Street and the City Line
- Kirkland Street between Oxford Street and the City Line
- Magazine Street between Franklin Street and Massachusetts Avenue
- Main Street
- Massachusetts Avenue
- Mount Auburn Street
- Museum Way
- New Street between the Danehy Park Driveway and Fresh Pond Mall property line
- North First Street
- Peabody Street
- Pearl Street
- River Street
- Somerville Avenue
- Steel Place between Alewife Station Access Road and Cambridgepark Drive
- Sidney Street Extension
- Third Street between Binney Street and Broadway
- Quincy Street between Kirkland Street and Harvard Street
- University Road between Mount Auburn Street and Bennett Street

- Vassar Street
 - Waverly Street between Brookline Street and Henry Street
 - Webster Avenue
 - Western Avenue
- (b) A Small Project shall be exempt from the requirements of Section 10.18.070 (Requirements Applicable to Small Projects) if it qualifies by being located on a lot directly abutting one or more of the streets or street segments listed in Section 10.18.100(a).
- (c) A Parking Facility shall be exempt from the requirement to create a PTDM Plan as described in Section 10.18.050 if it meets the following criteria:
- (i) The Director has accepted a registration form for the facility meeting the requirements of section 10.18.040 before the date of adoption of this Section 10.18.100,
 - (ii) The facility is located on a lot that abuts one or more of the streets or street segments listed in subsection 10.18.100(a), and
 - (iii) The facility would otherwise be required to create a PTDM Plan under 10.18.050(b)(iii), or the facility creates commercial parking by change of use of preexisting parking spaces and would otherwise be required to create a PTDM Plan under 10.18.050(b)(iv).
- (d) A preexisting Parking Facility with registered commercial parking spaces which has a PTDM Plan applicable to those spaces shall be eligible to amend its PTDM Plan to remove monitoring and TDM requirements related to commercial parking if the facility is located on a lot that directly abuts one or more of the streets or street segments listed in Section 10.18.100(a) upon date of enactment.
- (e) The provisions of this section shall cease to be effective ninety days after the date the U.S. Environmental Protection Agency issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R §§ 52.1128(b), 52.1135 unless the City Council votes to extend the validity of this section.

CLEAN VERSION – Final proposed text only, edits not shown

Parking and Transportation Demand Management Planning; Parking Space Registration

Amendments to Section 10.18.050 – Parking and Transportation Demand Management Plans

Amend Section 10.18.050(b) to read as follows:

(b) The PTDM requirements of this Chapter shall apply to each of the following, unless the facility is exempt under 10.18.100:

(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.

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- Bow Street between Massachusetts Avenue and Dewolfe Street
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- Franklin Street between Western Avenue and Magazine Street
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- Third Street between Binney Street and Broadway
- Quincy Street between Kirkland Street and Harvard Street
- University Road between Mount Auburn Street and Bennett Street

- Vassar Street
- Waverly Street between Brookline Street and Henry Street
- Webster Avenue
- Western Avenue

(b) A Small Project shall be exempt from the requirements of Section 10.18.070 (Requirements Applicable to Small Projects) if it qualifies by being located on a lot directly abutting one or more of the streets or street segments listed in Section 10.18.100(a).

(c) A Parking Facility shall be exempt from the requirement to create a PTDM Plan as described in section 10.18.050 if it meets the following criteria:

- (i) The Director has accepted a registration form for the facility meeting the requirements of section 10.18.040 before the date of adoption of this Section 10.18.100,
- (ii) The facility is located on a lot that abuts one or more of the streets or street segments listed in subsection 10.18.100(a), and
- (iii) The facility would otherwise be required to create a PTDM Plan under 10.18.050(b)(iii), or the facility creates commercial parking by change of use of preexisting parking spaces and would otherwise be required to create a PTDM Plan under 10.18.050(b)(iv).

(d) A preexisting Parking Facility with registered commercial parking spaces which has a PTDM Plan applicable to those spaces shall be eligible to amend its PTDM Plan to remove monitoring and TDM requirements related to commercial parking if the facility is located on a lot that directly abuts one or more of the streets or street segments listed in Section 10.18.100(a) upon date of enactment.

(e) The provisions of this section shall cease to be effective ninety days after the date the US Environmental Protection Agency issues its approval to rescind and replace the Cambridge parking freeze regulation set forth at 40 C.F.R §§ 52.1128(b), 52.1135 unless the City Council votes to extend the validity of this section.