



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

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| Date:           | November 18, 2015   |
| Subject:        | Carsharing Zoning Petition (Refiled)                            |
| Recommendation: | The Planning Board recommends ADOPTION, with suggested changes. |

To the Honorable, the City Council,

On October 27, 2015 and November 10, 2015, the Planning Board held a public hearing on the refiled City Council petition to amend Article 6.000 of the Zoning Ordinance to include provisions for carsharing as an allowed activity within parking facilities. The Board reviewed background information on carsharing and the specifics of the proposal from Community Development Department staff, and heard testimony and received letters from supporters in favor of expanding carsharing services in the city as well as from residents concerned about potential impacts in residential areas.

The Board's recommendation remains substantially the same as the recommendation previously submitted to the Council, dated June 10, 2015. After further consideration and discussion, the Board has modified its recommendation somewhat and has provided an amended version of recommended changes to the zoning text.

## Overall Recommendation

The Board supports the proposal to adopt zoning regulations for carsharing that will support its growth as a mobility option in the city, particularly in those areas that are currently underserved by carsharing. Incorporating carsharing provisions into parking regulations is consistent with the intent of Article 6.000 of the Zoning Ordinance as currently stated, to "meet the reasonable needs of all building and land users without establishing regulations which unnecessarily encourage automobile usage," to "encourage public transit, bicycle usage and walking in lieu of automobiles where a choice of travel mode exists," and to "allow flexibility in providing required parking through shared or off site arrangements in order to accommodate the automobile in the urban environment in a less disruptive way."

The Board received background information from staff on carsharing at both the local and national levels, showing clear evidence that the availability of carsharing makes it easier for city residents to forego owning a private automobile, and that those residents in turn tend to drive fewer miles and make more use of walking, bicycling, and public transportation options for everyday trips. Carsharing advances multiple city goals by promoting greater mobility options

for residents, reducing greenhouse gas emissions by lessening the amount of automobile travel, and reducing parking congestion due to fewer cars being owned by residents.

Carsharing in Cambridge has thus far evolved in a largely unregulated and unpredictable way. The proposed zoning will provide reasonable regulations to allow carsharing to grow and evolve to meet the community's future demand while mitigating potential negative impacts.

### Issues Raised

Most issues heard by the Board were from residents concerned about the impacts of allowing greater availability of carsharing in residential areas. Some issues that were raised include the appropriateness of allowing carsharing organizations (which are primarily commercial for-profit businesses) to park vehicles in residential areas, the potential for carsharing to create competition that will cause residents to move their private cars from off-street to on-street parking spaces, safety considerations in situations where occasional drivers are using parking areas that are more commonly used by frequent drivers, and possible nuisance caused by carsharing vehicles in close proximity to residential homes.

The Board is sensitive to these issues but does not find all of them to be particularly concerning. Commercial enterprises do not all need to be regulated in the same way; for example, in many states, sales of food and clothing are not taxed because they are viewed to serve a public good despite being provided by the private market. Given the benefits of carsharing in providing greater mobility options and reducing environmental impacts, it is reasonable to regulate it in a way that achieves the greatest benefit regardless of whether the service itself is being provided by a commercial operator. There are many examples of commercial activities that routinely occur in residential areas because that is what makes them most convenient to residents.

On the whole, the Board is also not concerned that carsharing will cause widespread relocation of private cars from off-street to on-street parking spaces. Evidence shows that the opposite is largely true, that providing carsharing service in an area generally results in an overall reduction in private automobile ownership, which will lessen demand for both on-street and off-street parking over time. However, the Board believes that some reasonable controls are appropriate to ensure that large-scale use of residential parking spaces for carsharing does not have short-term, location-specific impacts on parking availability, especially where the parking is required by zoning.

The Board does find it appropriate to provide some dimensional controls to limit potential nuisance in lower-density residential districts and encourage safe operation of vehicles by occasional drivers, which are included in the recommended changes to the petition. However, the Board does not wish to create barriers that would too unreasonably limit the ability to provide carsharing service, especially in residential areas that are currently underserved.

### Recommended Changes

The Board recommends a few specific changes to the text of the zoning petition, which are meant to promote the intent of the petition while addressing some of the concerns that were raised. The recommended changes, along with commentary from the Board, are included in an attached mark-up of the petition text.

One important change is to require registration of parking spaces with the Traffic, Parking and Transportation Department (TPTD) if they are used for carsharing. This will ensure that the availability of carsharing services can be monitored and issues can be identified when carsharing is introduced to a particular facility. The Board suggests that TPTD be allowed to promulgate regulations in addition to the standards in the Zoning Ordinance to ensure that carsharing in off-street parking areas is provided in a safe manner, as TPTD routinely does for traffic and parking on city streets.

To address safety and nuisance concerns, the Board suggests that carsharing vehicles only be allowed to use regular-sized parking spaces (which current zoning requires to have minimum dimensions of 18 feet long by 8.5 feet wide) and that such spaces must be spaced at least 10 feet from a dwelling on an abutting lot in a residential zoning district of a “C-1” density or lower.

The Board agrees with limiting the number of carsharing spaces that can be provided in a residential parking facility, but suggests basing the requirement on the number of parking spaces required by zoning rather than the total number of parking spaces in the facility. The Board recommends a standard that at least 75% of the required number of parking spaces for the residential use must be retained for privately-owned cars, but that any spaces above that number may be used by carsharing vehicles. This may be more limiting in cases where the amount of parking provided is already significantly less than what is required by zoning. However, it may also allow more spaces to be used for carsharing in cases where there are more parking spaces provided than required. The Board also recommends that in residential parking areas, carsharing should only be allowed if there are at least four spaces on the lot.

On consideration of the refiled petition, the Board also noted concerns about the impact of carsharing activity on parking facilities that are accessory to non-residential uses, given that such non-residential uses have certain parking requirements meant to accommodate their users. The Board therefore recommends applying the same limitation that at least 75% of the required number of spaces must be retained for private cars owned by individuals, but any spaces above that number may be used by carsharing vehicles. However, because current zoning (Section 6.12-c., and Section 6.32.1) provides flexibility to waive the first four required accessory parking spaces for non-residential uses, the Board recommends that up to four parking spaces, at minimum, may be used by carsharing vehicles on any non-residential lot.

Another key consideration discussed by the Board is how existing carsharing spaces will be treated under the new regulations. Given that there were no specific regulations for carsharing in the past, the existing carsharing activities in the city have evolved in a largely unregulated fashion and may not necessarily be considered legally nonconforming. While it would be

beneficial for existing carsharing spaces to conform to the recommended standards, it may be unreasonable to “retrofit” all existing spaces and it would be undesirable to discontinue carsharing services that residents have come to depend on. Therefore, the Board suggests language to “grandfather” existing carsharing spaces that may not strictly meet all of the zoning standards provided that they be given a period of time to register with TPTD. The Board bases this recommendation on its understanding that spaces currently used for carsharing have not caused excessive nuisance to abutting residents, and that if they have, the City would have received complaints and taken enforcement action. The Board has advised staff to investigate whether objections have been raised to specific instances of carsharing activities, and to communicate that information to the City Council.

The Board also believes that there may be cases where carsharing might be desirable and appropriate in a particular facility but it cannot meet the zoning standards. In such cases the Board suggests providing an ability to modify or waive any of the zoning provisions by special permit in order to permit carsharing after a review of the proposal on a case-by-case basis. The Board has retained the recommendation that the special permit granting authority for carsharing modifications be the Planning Board, which typically considers broader citywide planning issues in its review; however, the Board could see benefits to having that authority rest instead with the Board of Zoning Appeal (BZA), which more typically reviews cases where impact on immediate abutters is the main concern.

#### Analysis of Current Carsharing Activity

In order to provide more information on the overall impact of the proposed regulations and the implications of “grandfathering” provisions, the Board has instructed staff to research existing carsharing vehicles in the city to determine how they relate to the proposed standards and to raise any issues for consideration by the City Council. Staff presented that information to the Ordinance Committee in June, and presented the same information to the Planning Board in October.

The Board further suggests that staff provide periodic updates to the Planning Board about the growth and impact of carsharing activity over time.

Respectfully submitted for the Planning Board,

A handwritten signature in blue ink, appearing to read "H Theodore Cohen", with a long horizontal flourish extending to the right.

H Theodore Cohen, Chair.

*This version of the zoning text incorporates the recommendations of the Planning Board (in double-underline format). Boxed comments are for explanation and not intended to be adopted into the Ordinance.*

**Amend Section 6.21 to read as follows:**

**6.21** *Use.* All accessory parking facilities provided in accordance with this Article shall be maintained exclusively for the parking of motor vehicles so long as the use exists which the facilities were designed to serve. Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind, with the exception of emergency service when needed. Notwithstanding anything to the contrary in this Ordinance, parking facilities maintained in accordance with this Article 6.000 may be used by Carsharing Vehicles subject to the provisions and limitations set forth in Section 6.24 of this Zoning Ordinance.

**Create a new Section 6.24 to read as follows:**

**6.24** *Carsharing Provisions.* The provisions of this Section 6.24 shall govern the allowed use of parking spaces for carsharing. Where the provisions of this Section 6.24 may conflict with any requirements set forth elsewhere in this Ordinance, the provisions of this Section 6.24 shall control.

**6.24.1** *Intent.* This Section 6.24 is intended to allow the limited use of parking spaces for Carsharing as a means to provide mobility options for Cambridge residents, employees and visitors who may not possess a private automobile, thereby promoting City goals by increasing mobility, reducing reliance on automobile ownership and use, and lessening the total demand for parking spaces.

**6.24.2** *Definitions.* For the purpose of this Ordinance, Carsharing shall mean the use of parking spaces by Carsharing Vehicles and Carsharing Organizations, as defined below:

- (a) *Carsharing Vehicle* shall be defined as a private passenger motor vehicle that is made available to members of a Carsharing Organization ~~multiple authorized users primarily for hourly or other short-term use through a self-service fully automated reservation system, but not by means of a separate written agreement that is entered into each time a vehicle is transferred to a customer.~~ A Carsharing Vehicle must ~~may~~ be owned, maintained or administered by a Carsharing Organization ~~or other entity.~~
- (b) *Carsharing Organization* shall be defined as a membership-based entity with a distributed fleet of Carsharing Vehicles that charges a use-based fee related to a specific vehicle.

The Board recommends minor clarifying changes following consultation with staff. This change will not have a significant impact but helps to clearly identify the entity responsible for operation of a Carsharing Vehicle.

**6.24.3 General Limitations**

- (a) Carsharing Vehicles shall only be allowed in parking facilities that are lawfully established and conforming to the dimensional and other requirements of Article 6.000, or, if not, are lawfully non-conforming.
- (b) A Carsharing Vehicle authorized pursuant to this Section 6.24 shall be properly registered under the appropriate jurisdictions **with the Registry of Motor Vehicles.**
- (c) A Carsharing Vehicle located within an authorized parking facility shall be maintained for active use by authorized operators and not stored for other purposes. No sales, servicing, dead storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles (such as interior vacuuming) unless otherwise permitted by the use regulations in the zoning district.
- (d) Carsharing Vehicles administered by a Carsharing Organization shall be routinely accessed directly by users without any assistance or supervision by company personnel.
- (e) All owners of that portion of a lot accommodating **the operation or parking of** a Carsharing Vehicle, or their legally authorized representative, including a condominium association where applicable, shall be required to grant permission for the operation **or parking of** a Carsharing Vehicle on their property.
- (f) **Parking spaces devoted to Carsharing Vehicles shall meet the minimum width, depth, vertical clearance and angle of parking requirements for a Regular (i.e., not Compact) parking space as set forth in Section 6.42 of this Zoning Ordinance. Additionally, parking spaces devoted to Carsharing Vehicles shall be located at least ten (10) feet from any residential building located on an abutting lot in a Residence A-1, A-2, B, C or C-1 Zoning District.**
- (g) **Parking spaces devoted to Carsharing Vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), which shall keep a record of the address, location, number of spaces, property ownership, and Carsharing Organization if applicable, and certify that such spaces may accommodate the operation of Carsharing Vehicles in accordance with all applicable laws, rules or**

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The Board recommends minor clarifying changes to Paragraphs (b) and (e) following consultation with staff.

The Board recommends adding some provisions to ensure that the spaces devoted to carsharing can be safely used by occasional drivers without causing unreasonable nuisance or hazard.

The Board recommends that spaces devoted to carsharing be registered with TPTD (in the same manner that all parking spaces are required to be registered under City Ordinance 10.18) in order to track the number, use and location of off-street parking spaces for carsharing.

**regulations. If any such spaces are relocated within a facility, or if the property ownership or Carsharing Organization is changed, then the registration with TPTD shall be updated accordingly within one month. TPTD may promulgate more detailed regulations pertaining to the safe operation and parking of Carsharing Vehicles on private lots.**

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**6.24.4 Principal Use Parking Provisions.**

- (a) Within principal use parking facilities established under the provisions of Section 4.32 (b) (Automobile Parking Lot for Private Passenger Cars) or Commercial Parking Facilities registered with the Department of Traffic, Parking and Transportation per the provisions of Chapter 10.16 of the Cambridge Municipal Code, there shall be no limitation on the number of Carsharing Vehicles that may be maintained for active use at the facility.
- (b) Notwithstanding anything to the contrary in this Ordinance, the maintenance of Carsharing Vehicles for active use within a principal use or commercial parking facility in accordance with this Section 6.24 shall not cause any change in the use designation of that facility or affect any other regulation that may be applicable to that facility.

**6.24.5 Accessory Parking Provisions.**

- (a) Within parking facilities that are accessory to non-residential uses, ~~there shall be no limitation on the number of Carsharing Vehicles that may be maintained for active use at the facility~~ **parking spaces may be maintained for active use by Carsharing Vehicles, provided that the following limitations are met:**
  - (i) **At least seventy-five percent (75%) of the minimum number of parking spaces required by zoning or special permit to serve the principal non-residential use on the lot must be maintained for use by privately owned automobiles rather than Carsharing Vehicles. Any parking spaces above that number may be maintained for active use by Carsharing Vehicles, including any parking spaces that exceed the minimum number required to serve the principal non-residential use.**
  - (ii) **In any case, up to four (4) parking spaces on a non-residential lot may be maintained for active use by Carsharing Vehicles, or more if allowed by Paragraph (i) above.**

The Board recommends a limit on carsharing in an accessory non-residential parking facility similar to the limit in an accessory residential parking facility (see next page), to guarantee that the majority of required parking spaces would remain reserved for cars owned by individuals. However, in this case, up to four parking spaces could be used for carsharing under any circumstances.

- ~~(b) Within parking facilities that are accessory to residential uses, the number of parking spaces maintained for active use by Carsharing Vehicles shall not exceed thirty percent (30%) of the number of spaces located within the facility or two vehicles, whichever is greater. Carsharing Vehicles shall not be permitted in driveways of single-family residential homes.~~
- (b) Within parking facilities that are accessory to residential uses, parking spaces may be maintained for active use by Carsharing Vehicles, provided that the following standards are met:**
- (i) There must be at least four (4) total parking spaces on the lot in order for spaces to be used by Carsharing Vehicles.**
- (ii) At least seventy-five percent (75%) of the minimum number of parking spaces required by zoning or special permit to serve the principal residential use on the lot must be maintained for use by privately owned automobiles rather than Carsharing Vehicles. Any parking spaces above that number may be maintained for active use by Carsharing Vehicles, including any parking spaces that exceed the minimum number required to serve the principal residential use.**
- (iii) Driveways of single-family residential homes may not be used by Carsharing Vehicles, except when the Carsharing Vehicle is being used by a resident of or visitor to the single-family home.**
- ~~(c) Carsharing Vehicle parking spaces not otherwise permitted in Section 6.24.5 above shall be permitted by special permit from the Planning Board. The Board may specifically allow more principle use Carsharing Vehicle parking spaces than are allowed.~~
- (c) Notwithstanding anything to the contrary in this Ordinance, the maintenance of Carsharing Vehicles within an accessory parking facility in accordance with this Section 6.24 shall not cause any change in the use of that facility nor any violation of the accessory parking requirements applicable to the principal uses served by that facility, provided that such Carsharing Vehicles are available for use by any occupant of the principal use that is otherwise qualified to operate a motor vehicle. Where a Carsharing Vehicle is owned or operated by a Carsharing Organization, ordinary fees and other terms of service may apply.**

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The Board recommends a different formulation of the limit on carsharing in an accessory residential parking facility. The proposed requirement is similar but is based on required amounts of parking, so that that the majority of required residential parking spaces remain available for private vehicles. Conversely, if there are more parking spaces in a residential facility than required, there is no limit on the number of such “extra” parking spaces that may be used for carsharing.

The Board also recommends stipulating that single-family homes may not be used for the operation of a carsharing vehicle.

The Board recommends replacing the special permit provision in the original petition with a general special permit waiver (see below).



**6.24.6 Allowed Modifications.**

- (a) **Grandfathering. Parking spaces that were lawfully used by Carsharing Vehicles as of the date of the first publication of notice of the public hearing by the Planning Board of this Section 6.24 shall be allowed to continue to be maintained for active use by Carsharing Vehicles regardless of whether or not the limitations of this Section 6.24 are met. All such parking spaces must be registered with the Cambridge Traffic, Parking and Transportation Department in accordance with Section 6.24.3, Paragraph (g) within six months of the date of adoption of this Section.**
  
- (b) **Special Permit. The Planning Board may approve any modifications to the limitations set forth in Section 6.24.3, Paragraph (f) or in Section 6.24.5, Paragraph (b), upon issuance of a special permit, which shall be granted if the Planning Board finds that the requested modification is consistent with the intent set forth in Section 6.24.1 and conforms to the general special permit criteria set forth in Section 10.43 of this Zoning Ordinance.**

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The Board believes it is important to allow existing carsharing spaces to remain whether or not they conform to the new standards, since residents have come to rely on that service.

The Board recommends a process for special permit relief, in order to allow for case-by-case review of locations that may be appropriate for carsharing but do not meet the strict requirements. If preferred by the Council, the BZA could be designated the special permit granting authority in place of the Planning Board.