



4/17/91

APPROVED
Russell B Higley
CITY SOLICITOR

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

March 11, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find copies of five amendments which were passed to a second reading at the City Council meeting of March 4, 1991 as follows:

1. Zoning amendment to create a permanent East Cambridge zoning district.
2. Zoning amendment to extend the Cambridgeport Interim Planning Overlay District.
3. Zoning amendment to replace the regulations relative to signs and illuminations.
4. Municipal Code amendment entitled "Mandatory Recycling".
5. Municipal Code amendment relative to the Interim Parking Control Committee.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.



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JOHN E. FLYNN
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April 3, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find copies of three proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting held on April 1, 1991 as follows:

1. Proposed amendment to the Municipal Code regarding the Interim Parking Control Committee.
2. Proposed amendment regarding Licenses and Permits of Delinquent Taxpayers.
3. Proposed amendment regarding the establishment of a Coordinating Council for Children, Youth and Families, also known as "Kids Council."

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3) Ordinance numbers 1118, 1119 & 1120.

c.c. Joseph Cellucci, Commissioner, Inspectional Services
Councillor Duehay, Chairman, Ordinance Committee
Birge Albright, Law Dept.



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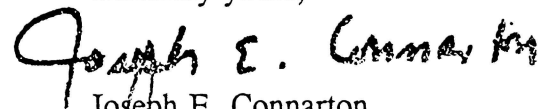
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Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 10.16 is hereby amended in Section 10.16.050 entitled "Interim Parking Control Committee" by striking out the first sentence in said section and substituting in place thereof the following new first sentence which reads as follows:

All applications for controlled parking facility permits and determinations of exclusion shall be reviewed by an Interim Parking Control Committee (IPCC or Committee) comprised of of five Cambridge residents with appropriate experience, appointed by the City Manager.

In City Council April 1, 1991.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety - One

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

In accordance with G.L. c. 40, §57, as added by St. 1985, c. 640, which was accepted by the City Council on September 11, 1989, Title 5 of the Code (Business Licenses and Regulations) is hereby amended by adding the following new Chapter 5.48 (Licenses and Permits of Delinquent Taxpayers):

Chapter 5.48

Licenses and Permits of Delinquent Taxpayers

Sections

- 5.48.010 Tax Collector to furnish list of delinquent taxpayers
- 5.48.020 Revocation of license of delinquent taxpayer; Notice and Hearing
- 5.48.030 Payment agreement
- 5.48.040 Waiver of denial, suspension or revocation
- 5.48.050 Exclusion of certain licenses and permits

5.48.010 Tax Collector to furnish list of delinquent taxpayers

The Assistant City Manager for Fiscal Affairs, as the Cambridge official responsible for records of all municipal taxes, assessments, betterments and other municipal charges (hereinafter

referred to as the "Tax Collector"), shall annually furnish to each city department, board, commission or division which issues licenses or permits, including renewals and transfers, (hereinafter referred to as the "licensing authority") a list of all persons, corporations, partnerships or other business enterprises which have neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and which have not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board. (Such persons, corporations, partnerships or other business enterprises shall hereinafter be referred to as "parties").

5.48.020 Revocation of license of delinquent taxpayer; Notice and hearing

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be

respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the City as of the date of issuance of said certificate.

5.48.030 Payment agreement

Any party shall be given an opportunity to enter into a delinquent tax payment agreement with the Tax Collector, thereby allowing the licensing authority to issue a license. The validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by law.

5.48.040 Waiver of denial, suspension or revocation

The City Council may waive such denial, suspension or revocation if it finds that the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in G.L. c. 268A, §1(e), has no direct or indirect business

interest in the business or activity conducted in or on said property.

5.48.050 Exclusion of certain licenses and permits

This Chapter shall not apply to the following licenses and permits: open burning, G.L. c. 48, §13; bicycle permits, G.L. c. 85, §11A; sales of articles for charitable purposes, G.L. c. 101, §33; children work permits, G.L. c. 149, §69; clubs, associations dispensing food or beverage licenses, G.L. c. 140, §21E; fishing, hunting, trapping license, G.L. c. 131, §12; marriage licenses, G.L. c. 207, §28; and theatrical events, public exhibition permits, G.L. c. 140, §181 and §183A.

In City Council April 1, 1991.

Passed to be ordained by a yea and nay vote:- Yeas 8; Nays 0;
Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

The Cambridge Municipal Code is hereby amended by striking out the existing Chapter 2.84 and substituting in place thereof the following new Chapter 2.84:

Chapter 2.84

Coordinating Council for Children, Youth and Families, also known as "Kids Council."

Sections:

- 2.84.010 Established
- 2.84.020 Function and Purpose
- 2.84.030 Membership - Appointment - Term
- 2.84.040 Membership - Qualifications
- 2.84.050 Officers - Quorum - Rules and Regulations - Committees
- 2.84.060 Executive Director
- 2.84.070 Powers and Duties

2.84.010 Established

There shall be established in Cambridge a Coordinating Council for Children, Youth and Families (the Council).

2.84.020 Function and Purpose

The Council will direct a comprehensive local response to the needs of children, their families and other caregivers, in accordance with the guiding principles set forth in the Children, Youth and Family Policy Plan. These principles are:

To promote services and other activities that are preventive rather than reactive.

To promote services and other activities that are coordinated rather than fragmented, and that result in improved accessibility.

To encourage innovative responses to needs.

To generate activities that create opportunities for all children, their families, and other caregivers.

To support families, their choices, and their strengths, recognizing diversity and the many different choices that families make about how to bring up happy and healthy children.

To promote services and other activities that are comprehensive, oriented to the needs of children and families seen as whole people.

2.84.030 Membership - Appointment - Term

A. Council Members shall be comprised of the following offices, disciplines and interests:

The Mayor

A member of the City Council

A member of the School Committee

The City Manager

The Superintendent of Schools

The Assistant City Manager for Human Services

The Commissioner of Health & Hospitals

A member of the philanthropic community

A representative from a State agency serving children, youth and families

A representative of the corporate/business community

A representative of the university community

A representative from the early childhood community

Five members shall represent the community-at-large and/or represent active parents groups or other groups involved with children and their families. These members shall be residents of the City.

Three members shall be identified to serve one year terms. These members shall represent specific areas to be addressed by the Council's agenda or other identified interests relating to children (for example, a person involved with children's issues nationally).

B. The Council shall have an Executive Committee comprised of a subset of the Council and including the Chair to enact the business of the full Council between Council meetings.

C. The Council at all times shall be representative of the socio-economic, racial and ethnic composition of the City as well as of different neighborhoods and shall have members who are resource people as well as individuals with children who are consumers of services.

D. City Council and School Committee members shall be appointed by the City Manager with advice and recommendations from the Mayor. All other members shall be appointed by the City Manager with advice and recommendations from the City Council. The City Manager shall consult with groups involved with children and

shall advertise widely to obtain names of qualified candidates.

E. Elected and appointed officials shall hold terms coterminous with their election or appointment.

F. The other members shall be appointed initially for terms of one, two, and three years. After the initial term, all Council Members shall be appointed for a term of three years, except for the three, one-year term members.

G. If any appointed Council Member misses half of the scheduled meetings of the Council during a calendar year, the absences of the Council Member shall be reviewed by the Chair and the Chair shall recommend appropriate action to the City Manager.

H. Vacancies on the Council shall be filled no later than sixty days after the vacancy occurs; and if a vacancy occurs prior to the expiration of the member's term, an appointment shall be made for the remainder of the term.

2.84.040 Membership - Qualifications

A. All prospective Council Members shall have belief in and support the special interests of children and must have a willingness to work on behalf of all the City's children to ensure they have the opportunity to maximize their individual potential and healthy development.

B. Every effort will be made to appoint Council Members residing in the City of Cambridge.

2.84.050 Officers - Quorum - Rules and Regulations - Committees

A. The Council shall meet as often as necessary to conduct

its business but no less than four times annually.

B. The Council shall be chaired by the Mayor. If the Mayor chooses not to chair, he or she will approve another Chair from among Council Members.

C. Eleven members shall constitute a quorum for the purpose of conducting the business of the Council, and all decisions shall be by majority vote of the Council members present and voting.

D. The Council may adopt rules and regulations consistent with this chapter and the laws of the Commonwealth to carry out the policy and provisions of this chapter and the powers and duties of the Council in connection therewith.

E. All records of the Council shall be public except as provided by State law.

F. Council Members shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Council.

G. Council Members shall be classified as special municipal employees for the purposes of Chapter 268A of the Massachusetts General Laws.

H. The Council shall develop a committee structure. To broaden participation from the community, members of these committees will be a mix of Council Members and the community-at-large. Parents shall be represented on all committees. The chair or co-chair of each committee shall be a Council Member. The Council shall advertise widely to obtain names of qualified candidates. The committees will include:

A Public Policy Committee to monitor and make recommendations regarding local, state, and federal policies impacting children, youth and families.

A Program Committee to continually assess social service needs and trends and to highlight areas that need attention.

A Development Committee to assist the Council's grant writing and fundraising operations.

A Research and Evaluation Committee to develop evaluation tools for the Council's identified plans and to measure, to the extent possible, outcomes of the Council's work. It shall produce every three years a report on the status of children in Cambridge.

The Council shall have authority to create other such committees or redesign existing committees to ensure the Council's effectiveness. In some cases, advisory committees with particular expertise that coincides with Council priorities will be formed to guide the Council.

2.84.060 Executive Director

A. There shall be an Executive Director of the Council, who shall be appointed by the City Manager with the advice and recommendations of the Council.

B. The Executive Director shall have demonstrated administrative expertise, a background of direct participation in the provision of children's services, and the ability to work cooperatively with the diverse segments of the City.

C. The Executive Director will be sited within a city department from which he or she will receive administrative support.

2.84.070 Powers and Duties

The powers and duties of the Council shall include the following:

- A. Recommend children, youth and family policy to the City Manager, the City Council, the School Committee and other appropriate committees.
- B. Review and make recommendations regarding the City's allocation of resources affecting children, youth and families to the City Manager and other appropriate officials.
- C. Act as a catalyst in mobilizing and coordinating other efforts within the City aimed at responding to the needs of children, youth and families.
- D. Act as a clearinghouse for efforts within the City aimed at responding to the needs of children, youth and families.
- E. Act as an advocate with regard to State and Federal policies which impact on the City's children, youth and families.
- F. Mobilize and coordinate resources available to Council Members and organizations they may represent to develop joint projects to respond to the needs of children, youth and families.
- G. Enlist the cooperation of various racial, religious and ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations, and other

groups and organizations to further the intent and purposes of this chapter.

H. Raise and direct funds to support the projects and priorities of the Council and accept money, gifts and services for these purposes.

I. Encourage youth input through the creation of specific opportunities for youth to provide their perspectives on their lives, community and issues facing them.

In City Council April 1, 1991.

Passed to be ordained by a yea and nay vote: Yeas 7; Nays 0;
Absent 2.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

City of Cambridge

MASSACHUSETTS

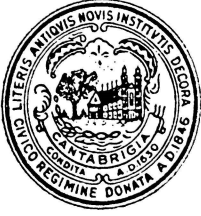
In City Council April 1 1991

J.P.C.C.

Unfinished Business #3

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh		✓		
Mayor Alice K. Wolf	✓			

6 2 1



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 10.16 is hereby amended in Section 10.16.050 entitled "Interim Parking Control Committee" by striking out the first sentence in said section and substituting in place thereof the following new first sentence which reads as follows:

All applications for controlled parking facility permits and determinations of exclusion shall be reviewed by an Interim Parking Control Committee (IPCC or Committee) comprised of of five Cambridge residents with appropriate experience, appointed by the City Manager.

In City Council April 1, 1991.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk



City of Cambridge

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Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

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ATTEST:- Joseph E. Connarton, City Clerk.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

March 11, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find copies of five amendments which were passed to a second reading at the City Council meeting of March 4, 1991 as follows:

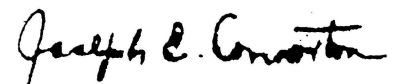
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2. Zoning amendment to extend the Cambridgeport Interim Planning Overlay District.
3. Zoning amendment to replace the regulations relative to signs and illuminations.
4. Municipal Code amendment entitled "Mandatory Recycling".
5. Municipal Code amendment relative to the Interim Parking Control Committee.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

- 2 -

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joseph E. Connarton". The signature is written in a cursive style with a large initial "J".

Joseph E. Connarton
City Clerk

JEC/dl

Encs. First Publication Numbers 2522, 2523, 2524, 2525 & 2526

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge be amended as follows:

By creating a new section 11.400 - East Cambridge Overlay District, 13.80 - PUD-3A, 13.90 - PUD-3B, 17.20 - Special District II, 17.30 - Special District III, 17.40 - Special District IV, 18.10 - Traffic Mitigation Measures, and 18.20 - Construction Management Program; amend the Zoning Map of the City of Cambridge by deleting the existing zoning districts in the East Cambridge Interim Planning Overlay District and replace them with Residence C-1, Industry A-1, Business A-1, and the new Special Districts II, III and IV, the Zoning Map is also amended to include the East Cambridge Overlay Districts in the area of Charles Street to Binney Street and a new PUD 3A and PUD 3B in the area currently zoned Office 3 and PUD-3. The petition would replace the East Cambridge Interim Planning Overlay District in its entirety.

Passed to a second reading as amended at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages or ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton,
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge be amended as follows:

Amend the text of the Zoning Ordinance, Section 3.14 - Cambridgeport Interim Planning Overlay District to read as follows:

Section 3.14 - Cambridgeport Interim Planning Overlay District

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of these paragraphs 2-4 below;
2. The Floor Area Ratio applicable on any lot shall be limited to 1.0;
3. The maximum height of any building shall be 45 feet inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;
4. Notwithstanding the limitations in paragraphs 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made thereto providing the following conditions are met:
 - a. Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 square feet, whichever is greater; and
 - b. All regulations and limitations of the base district shall be met.
5. This Section 3.14 shall be in effect through February 28, 1991. Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the city of Cambridge be amended as follows:

By amending the text of Article 7.000 - Signs and Illuminations by replacing the current regulations relative to signs with a new sign ordinances.

The purpose of the amendment is to limit the size of individual signs and tighten the circumstances under which damaged nonconforming signs can be replaced. The following is a list of the proposed modifications: reduce the total signage allowed on a lot, further reduce the size of freestanding and projecting signs, cap the size of wall signs, limit the circumstances under which internally illuminated signs can be employed, prohibit such illumination for freestanding and projecting signs, make the regulations uniform for all nonresidential districts, require the removal of some of the more visually offensive nonconforming signs, modify the current mechanism for review of the design of proposed signs and limit the height of all signs.

Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 8.24 of the Municipal Code entitled "Rubbish, Garbage and Litter" is hereby amended by striking out Section 8.24.070 and substituting in place thereof the following new section 8.24.070 entitled "Mandatory Recycling".

Passed to a second reading as amended at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 10.16 is hereby amended in Section 10.16.050 entitled "Interim Parking Control Committee" by striking out the first sentence in said section and substituting in place thereof the following new first sentence which reads as follows:

All applications for controlled parking facility permits and determinations of exclusion shall be reviewed by an Interim Parking Control Committee (IPCC or Committee) comprised of of five Cambridge residents with appropriate experience, appointed by the City Manager.

Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

City of Cambridge

The Committee on Ordinances conducted a public hearing on Wednesday, February 13, 1991 in the Sullivan Chamber, City Hall, beginning at 6:35 p.m. The purpose of the hearing was to review and discuss a proposed amendment to the Municipal Code relative to the membership of the Interim Parking Control Committee (IPCC). Members present were Councillor Francis Duehay, Councillor Sheila Russell, Councillor Ed Cyr and City Clerk Joseph Connarton.

Councillor Duehay, Chair of the Committee opened the hearing by outlining the procedure of the Committee regarding public testimony with proponents being heard first and opponents being heard second. Councillor Duehay requested that the City Clerk read any communications received by the Committee on this issue.

The City Clerk then read a communication from Edward McNulty, Chairman Pro Term of the Interim Parking Control Committee who indicated his inability to attend the hearing but requested to come before the Committee at a later date to discuss several pertinent issues with the Committee.

Councillor Duehay stated he would grant Mr. McNulty's request to come before the Committee and would work with the City Clerk to arrange for a mutually convenient date.

Councillor Duehay then requested those in opposition to the proposed amendment to come forward.

No one appeared to speak in opposition.

Councillor Russell questioned whether or not the Interim Parking Control Committee in its present form was working.

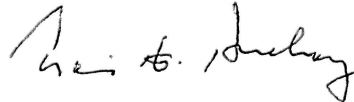
Mr. Donald Drisdell, Deputy City Solicitor, responded by stating he had attended each meeting of the Committee since its formation and believed that it is currently working out rather well. Furthermore he stated that given the complexities of the issues which are facing the Committee, it makes sense to expand the composition to five (5) members.

Councillor Myers moved to refer the proposed amendment to the full City Council with a favorable recommendation.

The motion carried.

The hearing was adjourned at 6:21 p.m.

For the Committee,

A handwritten signature in black ink, appearing to read "Francis H. Duehay". The signature is written in a cursive style with a large initial 'F'.

Councillor Francis H. Duehay
Chair

s

COMMITTEE REPORTS

Report from the Ordinance Committee for a hearing held on Wednesday, February 13, 1991 relative to the membership of the Interim Parking Control Committee.

In City Council,

February 25, 1991

*Charter Right Exercised
by Councillor Walsh
3/4/91 Passed to a second
reading.*



City of Cambridge

In the Year One Thousand, Nine Hundred ^{Ninety}

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

WHEREAS, the City of Cambridge (City), and the Massachusetts Department of Environmental Protection (DEP) (the "parties") have agreed to cooperate in an effort to amend the State Implementation Plan (SIP) required by the Clean Air Act, 42 U.S.C. s. 7401 et seq., regarding the measures to be taken by the City for the attainment and maintenance of the national primary air quality standards necessary to protect public health in the Boston Region; and

WHEREAS, the City and DEP were parties in a legal dispute pertaining to the terms and implementation of a parking freeze in Cambridge; and

WHEREAS, the parties, as part of a settlement of said dispute, entered into a Memorandum of Agreement (MOA), dated August 15, 1990, which requires that the Cambridge City Manager present to the Cambridge City Council an ordinance to implement the provisions of said MOA; and

WHEREAS, the City has authority to enact the provisions of this ordinance pursuant to G. L. c. 111, § 31 C, as well as by

authority derived from the City's general police powers; and

WHEREAS, the final SIP amendments will include transportation control measures, and may include but not be limited to parking restrictions and a parking freeze, and

WHEREAS, a parking freeze is consistent with the policies of the City to reduce vehicle miles travelled, and to encourage and develop greater use of public transit, bicycles, walking, and other alternative modes of travel; and

WHEREAS, enforcement of a parking freeze will demonstrate the commitment of the City to support the Clean Air Act by discouraging automobile traffic to the City, and

WHEREAS, future revisions to the SIP may appropriately emphasize limits upon and/or reductions of all-day parking available to commuters, while at the same time retaining parking opportunities for shoppers, occasional visitors, and non-peak hour visitors, and addressing the needs of the City's employers and institutions, and

WHEREAS, the SIP amendment process will take approximately one year and the City hereby commits itself to the terms of this ordinance for the period until a SIP amendment is approved, said period to be known as the "interim period."

Now, THEREFORE, be it ordained by the City Council of the City of Cambridge as follows:

Title 10 of the Code (Vehicles and Traffic) is hereby amended by adding thereto the following new Chapter 10.16 (Parking Freeze):

Chapter 10.16

PARKING FREEZE

Sections:

- 10.16.010 Time period of Chapter
- 10.16.020 Definitions
- 10.16.030 Building or operation of parking facilities
- 10.16.040 Pre-existing applications, permits and determinations
- 10.16.050 Interim Parking Control Committee
- 10.16.060 Procedure for Obtaining CPF or Determination of Exclusion
- 10.16.070 Number of CPFs to be issued
- 10.16.080 Enforcement
- 10.16.090 Memorandum of Agreement of August 15, 1990

10.16.010 Time period of Chapter

This Chapter will remain in effect only during the interim period, as defined in s. 10.16.020.

10.16.020 Definitions

"Controlled parking facility" (CPF) means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are parked, except (i) a parking facility, the use of which is limited exclusively for the benefit of the residents of a specific residential building or group of buildings, or, (ii) parking on public streets, and (iii) a parking facility designated as a park-and-ride facility to be operated in conjunction with the Massachusetts Bay Transportation Authority.

"Controlled parking facility permit" (CPFP) means a permit issued by the Director of the Cambridge Department of Traffic and Parking, which allows the construction or modification of a CPF and the operation of a CPF. Each permit will be for a specific number of Controlled parking spaces.

"Controlled parking space" (CPS) means a parking space in a Controlled parking facility (CPF).

"Determination of exclusion" means a determination by the Director of the Cambridge Department of Traffic and Parking that a parking facility does not come within the definition of a Controlled parking facility.

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

"Interim Parking Control Committee" (IPCC) means the committee established by this Chapter which decides whether to issue Controlled parking facility permits and Determinations of exclusion. These decisions by the IPCC are binding on the Director.

"Interim period" means the period starting August 15, 1990 and ending with the approval of an amendment to the State Implementation Plan (SIP), required by the Clean Air Act (42 U.S.C., s. 7401 et seq.), regarding measures to be taken by the City for the attainment and maintenance of the national primary air quality standards necessary to protect public health in the Boston region.

"Memorandum of Agreement" or "Memorandum" means the Memorandum of Agreement between the City and the Massachusetts Department of Environmental Protection, dated August 10, 1990 and executed August 15, 1990.

"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.

10.16.030 Building or operation of parking facilities

No person shall be granted a permit to build a parking facility in Cambridge, or modify a parking facility so as to increase the number of parking spaces therein, and no person shall operate a parking facility, unless said person shall have first obtained a controlled parking facility permit or a determination of exclusion under the procedures set forth in this Chapter.

10.16.040 Pre-existing applications, permits and determinations

The City may issue new commercial parking facility permits or determinations of exclusion pursuant to the procedures set forth in the Memorandum of Agreement dated November 15, 1984, for and with respect to spaces for which an application was filed with the City on or before November 10, 1988. And if a commercial parking

facility permit or a determination of exclusion was obtained before August 15, 1990, that permit or determination shall not be subject to the provisions of this Chapter. The City, however, may enforce the terms and conditions of any permit or determination of exclusion, regardless of when it was issued.

Parking facilities, which, prior to August 15, 1990, were generally regarded as not being "commercial parking facilities" under the Memorandum of November 15, 1984, shall not be subject to the terms of this Chapter, except for the enforcement provisions of §10.16.080, unless the owner or operator of the facility seeks to increase the number of parking spaces therein. Pursuant to this paragraph the owner or operator of any non-commercial facility (including employee parking facilities), which did not apply for or receive either a permit or a determination of exclusion, and which would have been entitled to an exemption under the then existing rules of the parking freeze, shall be entitled to receive an exemption upon application to the IPCC. Such application shall include documentation evidencing the date of commencement of operations at the facility, and evidence of the qualification for an exemption under the parking freeze rules as applied by the Traffic Director at the time the facility began operations. Upon receipt of an application for an exemption pursuant to the terms of this paragraph, the IPCC shall notify other appropriate City agencies and request that such agencies notify the IPCC in writing within ten (10) days thereafter of any pending enforcement actions with respect to the facility for which an application for exemption

has been submitted. Upon review of said application materials, and a finding that the facility would have been entitled to an exemption, the IPCC may waive the public hearing required by section 10.16.060 of this Chapter. If any enforcement action is pending with respect to the subject parking facility the IPCC may defer issuance of the determination of exclusion authorized by this paragraph until final resolution of such enforcement action. The IPCC shall make a determination within forty-five (45) days of receipt of an application under this paragraph or, if applicable, forty-five (45) days after final resolution of pending enforcement action. If the IPCC finds that the facility would have been entitled to an exemption under the rules of the parking freeze as applied by the Traffic Director at the time the facility began operations, then the IPCC shall notify the Traffic Director to issue a determination of exclusion. Nothing set forth in this paragraph shall relieve an applicant for an exemption hereunder from complying with any applicable statute or regulation.

10.16.050 Interim Parking Control Committee

All applications for controlled parking facility permits and determinations of exclusion shall be reviewed by an Interim Parking Control Committee (IPCC or Committee) comprised of three Cambridge residents with appropriate experience, appointed by the City Manager. One member of the Committee shall be appointed from a list of five nominees submitted to the City Manager by the Cambridge Citizens for Livable Neighborhoods. No person shall be

appointed to the Committee who has a financial interest in commercial parking in Cambridge. The Committee will be appointed no later than September 15, 1990. The Committee shall maintain complete and accurate records of all applications for CPFPS and determinations of exclusion. In carrying out its duties, the Committee shall consult with and seek the assistance of other appropriate departments and agencies in the City, state and federal governments such as the Department of Community Development, the License Commission, the Inspectional Services Department, the Department of Traffic and Parking, the Massachusetts Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency.

10.16.060 Procedure for obtaining CFPF or Determination of Exclusion

a) An application for a CFPF or determination of exclusion shall be submitted to the Director on a form available at the Cambridge Traffic and Parking Department. Upon receipt of such application, the Director shall immediately transmit copies thereof to the IPCC. The IPCC shall hold hearings on such applications on the fourth Wednesday of every month, if necessary. Only applications received at least 30 days prior to the scheduled hearing will be considered at such hearing.

b) The IPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days and not more than thirty days from the date of publication, as well as the time and

place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the Traffic and Parking Department. A notice of all applications to be heard at the hearing shall be sent at least two weeks before the hearing to the DEP.

c). Every application for a CFP or determination of exclusion shall include the following information:

1. Name and address of owner.
2. Name and address of proposed facility.
3. Type of facility (parking lot or garage).
4. Type of construction (new or modification) proposed.
5. Number of existing spaces and who uses them.
6. Number of proposed spaces and who will use them.
7. Proposed change in number of spaces by use.
8. Calculations showing parking space determination according to the appropriate section of the Cambridge Zoning Ordinance.
9. Detailed information on how use of the spaces will be controlled for each category of use.
10. Traffic mitigation measures which will be used to reduce vehicle trips to the project.
11. A detailed description of the need for the proposed facility and the type of development and patrons it will serve.

12. A site plan and floor plans of the proposed lot or garage, showing the location of the facility, the layout space, and the entry and exit points.

Six copies of every application shall be submitted, with the above information, to the Interim Parking Control Committee, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts 02139. A copy thereof shall be sent by the Committee to the Commissioner, Massachusetts Department of Environmental Protection, 1 Winter Street, Boston, Massachusetts 02108.

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. Any pending application relating to a project for which there is an Agreement for Traffic Mitigation (ATM) executed by the City shall be processed and acted upon by the Committee, in accordance with the limits established in section 10.16.070, subject to the requirement that any permit or determination of exclusion shall be conditioned upon compliance by the applicant with the terms of the ATM and upon no other conditions, and without any modification of the application by the Committee.

e) At least 14 days before the hearing, the Interim Parking Control Committee 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.

f) Within 14 days after the hearing, the Interim Parking Control Committee shall approve or disapprove the application for a CFPF or determination of exclusion after full consideration of all the facts contained in the application. The Committee's approval shall indicate on the CFPF or determination the conditions, if any, upon which approval is given. Such conditions may include reasonable traffic mitigation requirements to reduce air quality impacts of the proposed facility or spaces. A copy of said approval shall be sent to the applicant and the Commissioner, Massachusetts Department of Environmental Protection.

g) The Director shall approve or disapprove the application in accordance with the Committee's determination. When the decision is made to approve an application, the decision shall state the name, address and authorized number of spaces of the facility and any conditions upon which the application is approved. Any approval of a CFPF for a facility that applied after November 10, 1988 shall include reference to inventory data showing that the spaces issued come either from any spaces remaining of the 500 spaces referred to in section 10.16.070 or an identification of the location and number of spaces against which enforcement action has been taken pursuant to section 10.16.080, which serve as the basis for issuance of the CFPF pursuant to section 10.16.080. All CFPFs shall include a provision requiring that any spaces in the facility

open to the general public for which there will be an hourly or daily fee shall not be available for occupancy prior to 9:30 a.m. on weekdays.

10.16.070 Number of CFP's to be Issued

The City, in accordance with the procedures set forth in this Chapter, may issue permits for up to 500 controlled parking spaces. In addition, the City may issue a number of CFPs equal to

a) The number of parking spaces which the City has eliminated or against which the City has initiated an enforcement action in accordance with section 10.16.080; plus

b) The number of commercial parking spaces which were permitted in accordance with the November 15, 1984 MOA and which are no longer being used.

Rights to parking spaces eliminated by enforcement cannot be transferred between persons, but must revert back to the City for allocation under the procedure set forth in s. 10.16.060.

10.16.080 Enforcement

a) If any person, after a hearing before the IPCC, is found to have operated a parking space illegally, either under the provisions of the November 15, 1984 MOA or under the provisions of this Chapter, such person may be subject to a fine of \$10 per day per space for every day that the space was illegally operated. In addition, the Director, after such a hearing, may revoke a determination of exclusion for spaces operated in violation of their determinations, or eliminate those spaces or facilities found

to be operating with no required permit or determination of exclusion.

At any hearing held by the IPCC to decide if excluded spaces have been operated as commercial spaces, or as controlled parking spaces as defined in s. 10.16.020, any facility holding 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 IPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of their determination. It shall be the responsibility of the IPCC 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.

Nothing in this Agreement shall prohibit the owner of spaces which have been improperly used from applying for a new determination of exclusion or a CPFPP in accordance with the terms of this Chapter.

Upon the expiration of any temporary permit or exclusion the Director may issue an administrative order to cease operations at the facility without any requirement of a hearing before the IPCC.

b) The phrase "initiated an enforcement action," appearing in s. 10.16.070, means the issuance by the Director of an administrative order ordering a person to eliminate a parking space or spaces.

Unless the owner of a facility complies with an administrative order to eliminate spaces under this section, and waives any further appellate rights, the City shall not be authorized to issue new CPFPS for spaces in amounts equal to the number of spaces the City is seeking to eliminate until the City has initiated enforcement action including filing a complaint in court with an application for a preliminary injunction, to compel compliance with the administrative order. The City agrees that it shall initiate said court action no later than 30 days following the issuance of the administrative order if the facility has not complied. The City further agrees that it shall only be authorized to issue new CPFPS for 50% of the number of spaces sought to be eliminated by court action upon the filing of said action. The remaining 50% of said spaces will only be available for issuance as new spaces when and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

The City agrees to fulfill all its obligations contained in the Memorandum of Agreement between the City and the Massachusetts Department of Environmental Protection, dated August 15, 1990.

Upon submission by the City Manager to the Metropolitan Planning Organization, or other appropriate agency, of a proposed amendment to the SIP, which shall include a form of ordinance to

implement such amendment, approved by the City Council, as contemplated by the August 15, 1990 MOA and by this Chapter, the provisions of this Chapter shall continue in effect for a period of at least sixty (60) days from the date of said submission. The form of ordinance included in the SIP amendment to be submitted to the City Council for approval shall include, inter alia, provisions (i) whereby such ordinance shall become effective sixty (60) days after the final approval of such SIP amendment by the City Council, and (ii) whereby such ordinance shall be substituted for the terms of this chapter on an interim basis assuming that said amendment has not been rejected in writing by the responsible State or Federal agencies as inconsistent with federal or state law.

Upon final approval of such SIP amendment by all governmental authorities with jurisdiction thereof, the City Manager shall notify the City Council of any changes in the SIP amendment as finally approved by such governmental authorities which may require adoption of amendments to the ordinance included in the SIP amendment in order to implement the SIP amendment as finally approved by such governmental authorities.

In City Council November 26, 1990.

Passed to be ordained as amended by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

RECEIVED
FEB 13 PM 12:45
CAMBRIDGE MA.

Mr. Edward D. McNulty
67 Upland Rd., Cambridge
02140
February 12, 1991.

The Honorable Francis Duehay
795 Mass. Avenue
Cambridge, Mass. 02139

Dear Sir,

On Saturday, February 9th, I received written notification from Mr. Joseph Connorton, that there was to be an Ordinance Committee meeting on February 13th at 6:30 P.M.. Based on a prior family commitment, I am not available on this particular night. Unfortunately, I will not be available to appear before the membership until sometime after the 15th of March.

I would like to emphasize that I do wish to make a personal appearance before the Committee, based upon several pertinent issues that I feel should be brought to the attention of the Committee. I would respectfully request two weeks prior notice if possible, to avoid any further delay.

Truly yours,
Edward D. McNulty
Mr. Edward D. McNulty

C.C. Mr. Joseph Connorton



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 7, 1991

Debra McManus, President
Cambridge Citizens for Liveable Neighborhoods
P.O. Box 19
Cambridge, MA 02238

Dear Debra:

Although not carbon copied, I have been given a copy of your letter regarding the IPCC.

I truly believe that any further debate about the granting of spaces for University Park is not productive. As a plaintiff and part of the settlement agreement, all parties, public and private, were clearly aware that the reference to an entity with an approved traffic mitigation plan executed by the City (Manager) would not be subject to any further condition imposed by IPCC. This specific language was intended to recognize the long and detailed prior review by many agencies, including the Cambridge City Council, of the University Park project, and any similarly situated projects.

Your statement in this letter that Secretary Salvucci submitted a new parking freeze for Cambridge to the M.P.O. is inaccurate. The only M.P.O. action was to submit the CLF agreement to D.E.P. as a S.I.P. Amendment. This agreement does contain reference to Parking Freezes but with no specifics. I suggest that we all work earnestly during the local process toward structuring a comprehensive and creative transportation management program during the public process I have outlined for submission to the City Council, the M.P.O. and D.E.P.

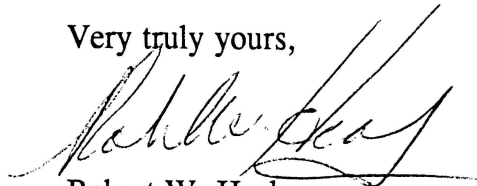
Additionally, both Deputy City Solicitor Drisdell and I have verbal confirmation from Andrew Savitz that the interpretation of the availability of the spaces accrued from the temporary lots at Lechmere and M.I.T. is consistent with the M.O.U. I have recently learned that Attorney Savitz has confirmed this in writing to you.

Debra McManus
January 7, 1991
Page 2

In conclusion, the Ordinance is clear and has been interpreted for the IPCC by the Law Department as authorizing the grant of the University Park application. It has always been known that University Park would seek a significant number of spaces. It is appropriate that a project as thoroughly reviewed and approved as University Park should obtain the parking permits it needs to proceed, and that was understood by all involved in the adoption of the Ordinance. That fact that there are too few spaces in the bank for pending projects lends credence to my view that the interim parking freeze is overly stringent.

I urge you to redirect your efforts to creating a creative transportation management plan that balances the real needs of the business community, the major employers, and institution, while recognizing the quality of life issues of the neighborhoods, and their residents.

Very truly yours,



Robert W. Healy
City Manager

RWH/mev

cc: City Clerk
Donald Drisdell
Lauren Preston
Ed McNulty
William Corkery, IPCC

Cambridge Citizens for Liveable Neighborhoods^{Inc.}

P.O. Box 19, Cambridge, MA 02238-0019 (617) 354-5670

CAMBRIDGE MA.



Monday, December 31, 1990

Mr. Ed McNulty
Chair, Interim Parking Control Committee
Traffic and Parking Dept.
City Hall Annex
Cambridge, MA 02139

Dear Mr. McNulty;

At our meeting of December 5 and hearing of December 12, 1990, I expressed my concern that the IPCC should exercise great discretion in the award of Cambridge's limited supply of controlled parking facility permits. I argued that our Committee had a responsibility to do some planning ahead, and to consider the parking needs of Cambridge and its businesses as a whole, before giving most or all of the available banked spaces to a single applicant.

Since that meeting, the Central Artery agreement between the Massachusetts Executive Office of Transportation and Construction (EOTC) and the Conservation Law Foundation (CLF) makes plain the State's intent to apply new and yet more strict limits to the development of commercial parking in Cambridge. This means that the commercial parking 'bank' could well be much smaller, and more permanent, than our Committee has thus far understood. This agreement, signed just before Christmas, and a new parking freeze submitted by Secretary Salvucci to the Massachusetts Planning Organization on December 27, 1990 make it crucial that we work with the Community Development Department to plan for the optimum use of our limited resources.

Consequently, this letter constitutes my formal request that we (1) inform ourselves of the State's current intents regarding the Cambridge commercial parking freeze, and based on this new information, (2) reconsider our vote of December 12, 1990 at the next regular meeting of the IPCC.

Sincerely,

A handwritten signature in cursive script that reads "Debra McManus". The signature is written in black ink and is positioned above a horizontal line.

Debra McManus
President CCLN
Member, IPCC

cc. City Clerk
Donald Drisdell
Lauren Preston

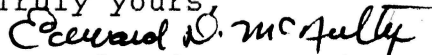
Mr. Edward D. McNulty
67 Upland Rd., Cambridge
02140
February 12, 1991.

The Honorable Francis Duehay
795 Mass. Avenue
Cambridge, Mass. 02139

Dear Sir,

On Saturday, February 9th, I received written notification from Mr. Joseph Connorton, that there was to be an Ordinance Committee meeting on February 13th at 6:30 P.M.. Based on a prior family commitment, I am not available on this particular night. Unfortunately, I will not be available to appear before the membership until sometime after the 15th of March.

I would like to emphasize that I do wish to make a personal appearance before the Committee, based upon several pertinent issues that I feel should be brought to the attention of the Committee. I would respectfully request two weeks prior notice if possible, to avoid any further delay.

Truly yours,

Mr. Edward D. McNulty

C.C. Mr. Joseph Connorton

A G E N D A

APRIL 24, 1990

DATA

NOTES

8. Transmitting communication from Robert W. Healy, City Manager, relative to Calendar Item #3, dated 5/14/90, regarding an Advisory Commission on Appointments.

PLACED ON FILE

9. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item No. 1, regarding a linkage program for Cambridge and the feasibility of the Cambridge Housing Authority issuing municipal bonds to develop low-cost housing.

REFERRED TO THE AFFORDABLE HOUSING TRUST BOARD & HOUSING & COMMUNITY DEVELOPMENT COMMITTEE.

10. Transmitting communication from Robert W. Healy, City Manager, relative to notification of the appointment of the Oil Recycling Committee:

PLACED ON FILE

- Richard Bentubo
- Melvin Chalfen
- Cynthia Bellamy Chaves
- Lisa Gollin Evans, Esq.
- Nicole Letendre
- James McDavitt
- John Reinhardt
- William Sommers
- Victor Wong

11. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the transfer of \$84,000.00 from the General Fund Public Works Salaries & Wages Account to the General Fund Public Works Travel & Training Account to provide funds for lump sum settlements for three employees (\$62,000.00) with the remaining \$22,000.00 to be used to pay worker's compensation medical bills.

ORDER ADOPTED
8 - 0 - 1.

12. Transmitting communication from Robert W. Healy, City Manager, relative to notification of the appointment of the Interim Parking Control Committee:

PLACED ON FILE

- Edward McNulty, Chair Pro Tem, 67 Upland Road, Camb.
- Deborah McManus, 19 Cornelius Way, Camb. -41
- ~~Ernest Kiewan, 2 Kenway Street, Camb.~~

*Wm Corkery - 5 Milton St, Camb.
02140*



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

FEBRUARY 8, 1991

Mr. Edward McNulty, Chair Pro Tem
67 Upland Road
Cambridge, MA

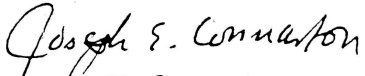
Dear Mr. McNulty:

Please be advised that Councillor Francis H. Duehay, Chairman of the Ordinance Committee, has scheduled a public hearing for Wednesday, February 13, 1991 at 6:30 p. m. in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, MA relative to the membership of the Interim Parking Control Committee.

Your attendance at this hearing will be greatly appreciated by the Committee.

Thank you for your attention in this matter.

Sincerely yours,


Joseph E. Connarton
City Clerk

JEC/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

FEBRUARY 8, 1991

Mr. William Corkery
5 Milton Street
Cambridge, MA 02140

Dear Mr. Corkery: *Bill:*

Please be advised that Councillor Francis H. Duehay, Chairman of the Ordinance Committee, has scheduled a public hearing for Wednesday, February 13, 1991 at 6:30 p. m. in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, MA relative to the membership of the Interim Parking Control Committee.

Your attendance at this hearing will be greatly appreciated by the Committee.

Thank you for your attention in this matter.

Sincerely yours,

Joe Connarton

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FEBRUARY 8, 1991

Ms. Debra McManus
19 Cornelius Way
Cambridge, MA 02141

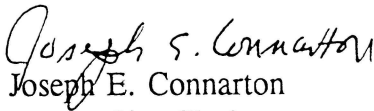
Dear Ms. McManus:

Please be advised that Councillor Francis H. Duehay, Chairman of the Ordinance Committee, has scheduled a public hearing for Wednesday, February 13, 1991 at 6:30 p. m. in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, MA relative to the membership of the Interim Parking Control Committee.

Your attendance at this hearing will be greatly appreciated by the Committee.

Thank you for your attention in this matter.

Sincerely yours,


Joseph E. Connarton
City Clerk

JEC/dl



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JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

FEBRUARY 8, 1991

TO: ROBERT W. HEALY
CITY MANAGER

FROM: JOSEPH E. CONNARTON *JEC*
CITY CLERK

SUBJECT: HEARING BEFORE THE ORDINANCE COMMITTEE -
INTERIM PARKING CONTROL COMMITTEE.

Please be advised that Councillor Francis H. Duehay, Chairman of the Ordinance Committee, has scheduled a public hearing for Wednesday, February 13, 1991 at 6:30 p. m. in the Sullivan Chamber relative to the membership of the Interim Parking Control Committee.

Your kind attention in this matter will be greatly appreciated.

Done

The Committee on Ordinances conducted a public hearing on Wednesday, February 13, 1991 in the Sullivan Chamber, City Hall, beginning at 6:35 P.M. The purpose of the hearing was to review and discuss a proposed amendment to the Municipal Code relative to the membership of the Interim Parking Control Committee (IPCC). Members present were: Councillor Francis Dwyer, Councillor Sheila Russell, Councillor Ed Coy and City Clerk Joseph Conneron. IP Councillor Dwyer, Chair of the Committee opened the hearing by outlining the procedure of the Council regarding public testimony with proponents being heard first and opponents being heard second.

②

Councillor Duchay requested that the City Clerk read any communications received by the committee on this issue.

The City Clerk then read a communication from Edward J. McNulty, Chairman Postman of the Interim Parking Control Committee who indicated his inability to attend the hearing but requested to come before the committee at a later date to discuss several pertinent issues with the committee.

TP Councillor Duchay stated he would grant Mr. McNulty's request to come before the committee and would work with the City Clerk to arrange

(3)

for a mutually convenient date.

Mr Councillor Dwyer requested those in favor of the proposed amendment to come forward.

No one appeared to speak in favor.

Mr Councillor Dwyer then requested those in opposition to the proposed amendment to come forward.

No one appeared to speak in opposition.

Mr Councillor Russell questioned whether or not the Superior Parking Control Committee in its present form was working.

Donald Driddle, Deputy City Solicitor, responded by stating he had attended each meeting of the committee since its formation and believes that it is currently

working out rather well. Furthermore
the advice that gives the complexities
of the issues which are facing the committee
it makes sense to expand the composition
to five members.

IP Councillor Myers moved to refer the
proposed amendment to the full city council
with a favorable recommendation.

The motion carried.

The hearing was adjourned at 6:21 P.M.

For the Committee

Councillor Francis J. Dwyer
Chair



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 11, 1991

To the Honorable, The City Council:

As you all know from the debate that took place at the City Council meeting of December 17, 1990, there have been a number of issues raised regarding the membership and functioning of the new Interim Parking Control Committee (IPCC). I have listened to much criticism in this regard and I have followed the press coverage in an effort to understand the issues being raised. I am taking this opportunity to respond to the particular concerns that have been raised, and I am submitting my proposal to the City Council for steps that I believe will move this volatile debate forward in a constructive manner.

In response to questions raised with regard to my selection of the current members of the IPCC I am providing a brief summary of common issues affecting appointments. The selection and appointment of members of boards and commissions is a process that can be criticized easily, but such easy criticism generally fails to take into account the complexities of the appointment process. In considering appointments under the authority granted to me by the City Charter, I always seek the most qualified and talented individuals available for the position. There are many considerations affecting final appointments such as

qualifications, willingness to serve, time constraints, familiarity with the community, involvement in or familiarity with the issues brought before the particular board or commission, and reasonable efforts to achieve a balance of representation on the particular board. If the issues handled by a particular board are controversial, then the appointment process becomes even more difficult since there is a need to be sensitive to public perceptions as to the balance of interests on the board. As in all appointments I considered these and other concerns in making appointments to the IPCC.

I would next like to restate the position I expressed at the December 17, 1990 City Council meeting with regard to an alleged conflict of interest on the part of the current Chairperson of the IPCC in relation to the application by University Park. Mr. McNulty had disclosed to me the nature of a financial interest that might be deemed to relate to the application, and, within the terms of G.L. c. 268A, §19(b), I determined that there was no interest substantial enough so as to be deemed likely to affect the integrity of the services which the municipality could expect from Mr. McNulty. I have made many similar determinations with regard to members of other City boards and commissions. I stand behind that determination and continue to have the greatest faith in the integrity of Mr. McNulty's participation on University Park's application.

Another issue raised in the context of the University Park application was the question of the number of spaces that were available in the bank on the night of the vote taken by the IPCC. The IPCC was advised at the hearing by the Deputy City Solicitor that there were at least 950 spaces available in the bank on December 12, 1990. During the debate prior to the adoption by the City Council of the interim parking freeze ordinance,

there was open discussion by the Council that passage of the ordinance would effectively establish a bank of at least 1200 spaces because of the recapture of spaces from the temporary garage at Lechmere and the closing of several other temporary lots. The Ordinance itself, as adopted by the City Council, expressly provides that at the expiration of any temporary permit or exclusion the Traffic Director may issue an administrative order to cease operations at the facility without any requirement of a hearing before the IPCC. In addition the Ordinance provides for increases in the bank of controlled spaces by the number of commercial parking spaces permitted under the 1984 MOA which are no longer being used. Whether one takes the view that the temporary Lechmere lot was ordered closed by the Traffic Director or that it simply is no longer being used, under either analysis the spaces had become a part of the bank of controlled spaces by December 12, 1990.

Yet another area of criticism has arisen with regard to the proper role of the IPCC as it acts upon applications. There have been some recent suggestions that the IPCC should be deliberating on applications with a broad view as to the desirability of the proposed project. The difficulty with this suggested approach is that the interim Ordinance is premised, as it must be, on the City's authority with regard to the regulation of air quality. The Ordinance itself recites the City's intent in enacting the Ordinance to be an effort to contribute to attainment of air quality standards under the Clean Air Act. In addition, other City agencies are charged with review of proposed projects from other perspectives such as planning, zoning, safety, traffic, and licensing. These existing agencies have developed expertise to assess particular impacts of a proposed project, and in several instances these agencies have statutory or other express jurisdiction over their particular area of concern.

I am certain that the City Council will recall the concerns of the business community in the City that the IPCC not become some sort of "super" review agency that would subject projects to expensive repetitious review. For these reasons I believe the Ordinance focusses the role of the IPCC on a review of the air quality impacts of a project.

It is important to note that the University Park application fell within the special provisions of the Ordinance that apply to projects that have an Agreement for Traffic Mitigation (ATM) executed by the City. In such a case the City Council limited the role of the IPCC to attaching the terms of the ATM as express conditions to the issuance of controlled parking facility permits. The IPCC performed its limited role in University Park's application in compliance with all provisions of the Ordinance, and they did so with the advice of the Law Department. I firmly believe that the attacks on the members of the IPCC and others are unfair and insupportable. These attacks are advanced by a small group of individuals who have steadfastly opposed University Park and who view the IPCC process as another avenue to resist the project. While I do not fault those individuals for trying to advance their point of view with regard to University Park, I think they have unjustifiably tried to impugn the reputation of members of the IPCC and other City officials.

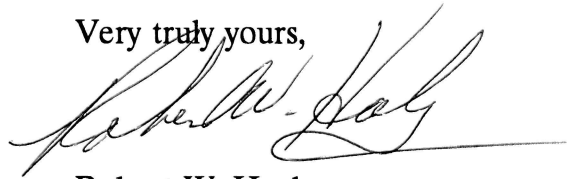
I have addressed the important concerns being voiced with regard to the functioning of the IPCC and my firm conclusion is that none of the stated concerns is justified. It is my view that the apparent vehemence of the attacks on the IPCC and its actions derives from the volatile debate that underlies the entire parking freeze controversy. Given the manner in which the issues developed out of litigation, and the high degree of complexity presented by the controversy, I think there is significant misunderstanding fueled by an unfortunate

level of mistrust on the part of some factions. In this context I think it may have been unwise to structure the IPCC in the manner adopted in the Ordinance. I believe that creating a three member committee with the predictable, and appropriate, effort to assure a representative composition, may have created a situation that fuels rather than resolves the confrontational nature of the parking freeze debate. It is my current view that the IPCC should be increased from three to five members.

I recommend that the City Council take the necessary steps to adopt the following amendment to the Cambridge Municipal Code:

Amend §10.16.050 by deleting in the first sentence of said section the words "...comprised of three..." and replacing the deleted clause with the following:
"...comprised of five..."

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy
City Manager

Agenda # 1 J-20

RE: Interim Parking Control Committee.

4/1/91 Passed to be
ordained
6-2-1.

In City Council,

January 14, 1991

Charter Right
exercised by
Councillor Walsh.

1/28/91 Referred to
the Ordinance
Committee

Copy sent to Ord.
Comm. 2/2/91 dec