



RECEIVED BY
OFFICE OF CITY CLERK

1990 NOV 15 AM 10:42

CAMBRIDGE MA.

Dr. Steven J. Bromberg

November 14, 1990

Cambridge City Council
City Clerk's Office
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Parking freeze

Dear City Councilors:

My office, staff and patients strongly oppose a parking freeze that would eliminate existing parking spaces at this office at One Kendall Square.

My staff conducted a survey of the method of transportation utilized by my patients, and determined that a minimum of 30% or 60 patients per week used a car and relied on the parking garage to keep their appointment. In addition, I commute from Bedford, MA and there is no fast or convenient mass transit from my home to Cambridge. Therefore, I require my car for transportation and without the parking garage I would have no place to park. I also have staff members that need their cars to get to work and would not be able to work at this office without parking.

In conclusion, without adequate parking I would not be able to maintain a practice at this location. To move my practice to another location would be devastating financially. To move a practice is to essentially start from scratch.

Although this is only one business that would be affected I am totally convinced after talking to some of my patients that work here at One Kendall Square that if we lose access to the parking garage that their business would have to move to a new location. I am sure that the loss of parking would be detrimental to other new businesses as well that rely on parking for customers as well as employees.

Chiropractic Physician

One Kendall Square
Building 300
Cambridge, MA 02139
(617) 494-1166

Page 2

November 14, 1990

RE: Parking freeze

In light of a suffering economy and government deficits, the adverse effects of this parking freeze on jobs and tax revenue would be counterproductive to the health of our community.

If air pollution is the only issue that is driving this effort to limit parking then there are apparently far more effective programs that could be instituted. For example, 1) the mass transit could be expanded. The red line only makes 4 stops in Cambridge, and the green line stops at Lechmere. Major portions of Cambridge are inaccessible to the T. Also, the T could extend further into the suburbs north of the city so that more commuters could access it. 2) Create bicycle lanes in the street. 3) Work toward reducing ozone and sulfide emissions in industry and on cars.

In conclusion, a parking freeze would force me to leave One Kendall Square potentially devastating my practice which would adversely affect me, my employees and all the patients that I take care of. It would also cause the loss jobs and tax revenue at a time when many people are already out of work. Finally, it appears to be the least productive way to reduce air pollution.

Please oppose this freeze.

Thank you.

Sincerely,



Steven J. Bromberg, D.C., C.C.S.P.

cc: The Athenaeum Group

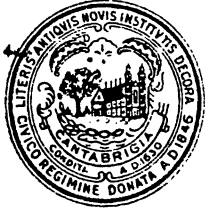
7.

Comm. from Dr. Steven J. Bromberg in
opposition to the parking freeze.

In City Council,

November 19, 1990

*Referred to
Unfinished Bus.
Item # 1*



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

That Title 10 entitled "Vehicles and Traffic" of the Cambridge Municipal Code is hereby amended by adding a new Chapter 10.16 entitled "Parking Freeze."

Passed to a second reading at the City Council meeting held on November 5, 1990 and on or after November 19, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

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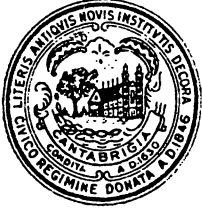
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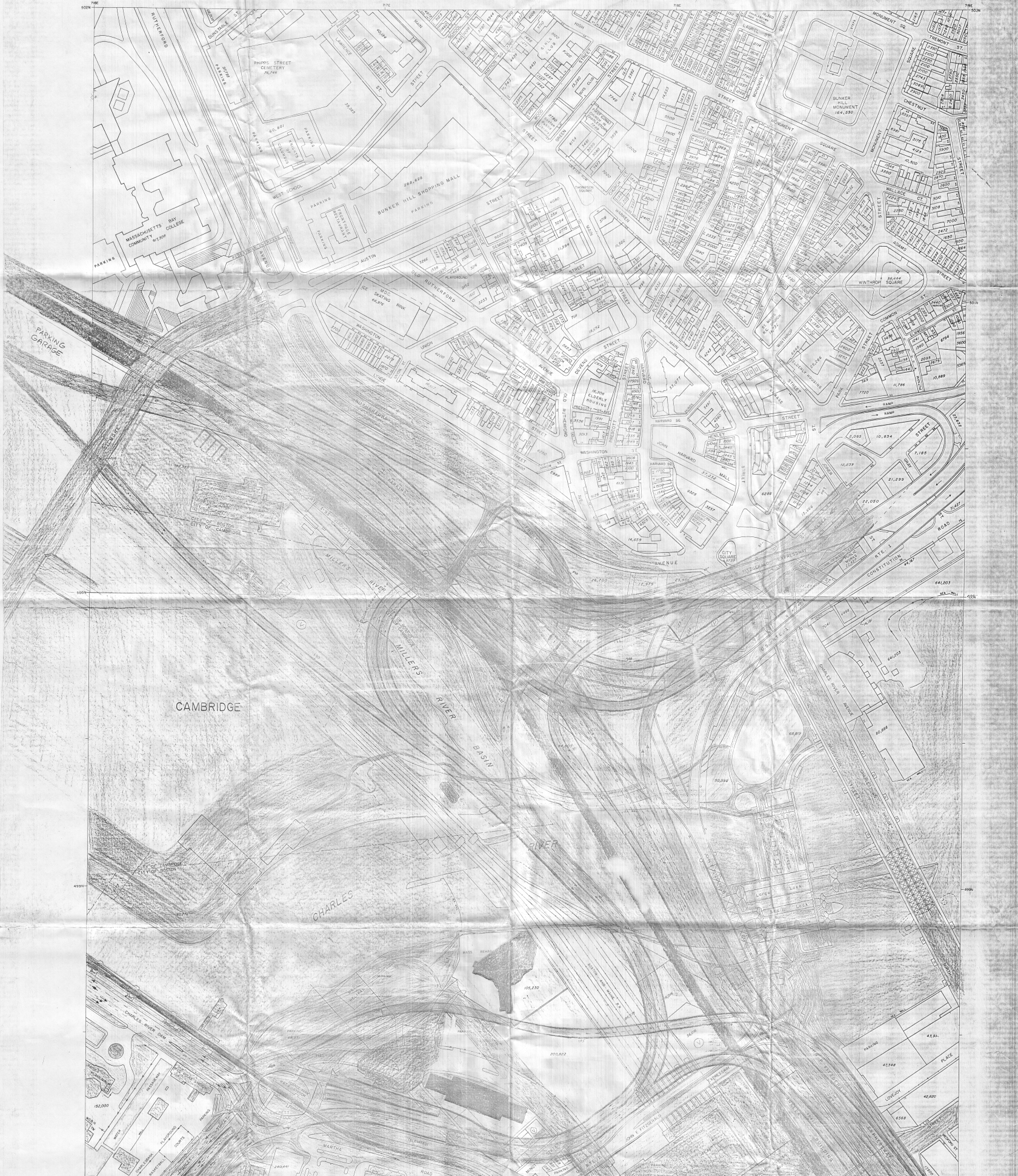
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ATTEST:- Joseph E. Connarton
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CITY OF BOSTON
TOPOGRAPHIC AND PLANIMETRIC SURVEY



CAMBRIDGE

CHARLES RIVER
TUNNEL

VERSION
4.02

SCALE 1" = 200'
500' 1000' 1500' 2000' 3000' 4000' 5000' FT
CONTOUR INTERVAL 5'
500' FGD GRID BASED
ON MASSACHUSETTS COORDINATE SYSTEM - MAINLAND ZONE
THE LAST THREE DIGITS OF THE GRID NUMBERS ARE OMITTED

SHEET INDEX		S. KAISER BOSTON	
27N-11E	28N-10E	28N-10E	28N-10E
27N-11E	27N-12E	27N-12E	27N-12E
MAY 1990		REVISÉ 1972	
JULY 1990		REVISÉ 1987	

1982 mapping revised 1972 by the Boston Redevelopment Authority
Control datum on U.S.C. & G.S. and the base. Standard Spheroid
Aerial photography dated May 1985
Property data derived from City of Boston Assessment Plans

CHARLES RIVER

TUNNEL 4.02

City of Cambridge

MASSACHUSETTS

In City Council _____ 1990

C. Sullivan - Annual Suspension of Rules

	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		✓			

4

5

CITY OF CAMBRIDGE

AN ORDINANCE

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

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

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. § 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 final SIP amendments will include transportation control measures, ~~including not limited to parking restrictions and a parking freeze~~ and

WHEREAS, a parking freeze is consistent with it 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 and seeks to discourage automobile traffic to the City, and

WHEREAS, future revisions to the SIP may appropriately emphasize limits upon and/or reductions of all-day commercial parking facilities open to the public for which a separate fee is charged, available to commuters, while at the same time retaining parking opportunities for employees, shoppers, occasional visitors, working parents with a child or children in day care, guests and invitees of nonprofit institutions, and non-peak hour visitors regardless of whether a fee is charged, and

WHEREAS, the SIP amendment process will take approximately one year and the City hereby commits itself to the completion thereof prior to the expiration of 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 <u>and/determinations and existing facilities</u>
10.16.050	Interim Parking Control Committee
10.16.060	Procedure for Obtaining CPFPP or Determination of Exclusion
10.16.070	Number of CPFPPs to be issued
10.16.080	Enforcement
10.16.090	Memorandum of Agreement of August 15, 1990
<u>10.16.100</u>	<u>Adoption of SIP Amendments</u>

10.16.010 Time period of Chapter

This Chapter will remain in effect only during the interim period, as defined in § 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, and (iv) parking spaces, regardless of whether a fee is charged, which are reserved for the exclusive use of employees, students, restaurant and retail store patrons or hotel guests throughout the day (24-hour period), and not available for use by the general public.

"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 on the earlier of August 15, 1991 or the date of ~~WZYM~~ |
between the enactment of this Chapter and the approval of an |
amendment to the State Implementation Plan (SIP), required by |
the Clean Air Act (42 U.S.C., § 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 and parking facilities

The City, acting through the Department of Traffic and Parking, 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, (i) for and with respect to spaces for which an application was filed with the City on or before November 10, 1988, (ii) for parking facilities listed on Addendum A to the MOA, and (iii) existing parking facilities which are currently not permitted.

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 unless the owner or operator of the facility seeks to increase the number of parking spaces therein.

10.16.050 Interim Parking Control Committee

Except for applications for permits and determinations of
exclusions for parking facilities referred to in subsections
10.16.040(ii) and (iii), and in Subsection 10.16.060(d) 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 of CPFs 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. 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 CFPF 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 parking facility included |
in a project (i) for which there is an Agreement for Traffic |
Mitigation (ATM) executed by the City Manager or (ii) for which |
a special permit, including a planned unit development special |
permit, was issued, or with respect to which an application for |
any such special permit is pending, prior to the date of |
enactment hereof and which special permit or application |
therefor includes any traffic mitigation measures as a |
condition thereof shall be processed and acted upon by the |
~~Committee~~ Department of Traffic and Parking, //in/accordance |
with/without consideration of the limits established in section |
10.16.070, but 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 or special permit |
and upon no other conditions, and without any modification of |
the application by the/~~Committee~~ Department of Traffic and |
Parking, as applicable. |

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 CPFPP or determination of exclusion after full consideration of all the facts contained in the application. ~~The~~ The Committee's approval shall indicate on the CPFPP 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. Except for a parking facility included in a project described in section 10.16.060(d), Any approval of a CPFPP 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 CPFPP pursuant to section 10.16.080. Except for a parking facility

included in a project described in section 10.16.060(d). All CPFPs shall include a provision requiring that any spaces in the facility 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 CPFP'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 CPFPs 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 eliminated 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 § 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 ~~will~~/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 defined in § 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 CFPF 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 phase "initiated an enforcement action," appearing in § 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, insofar as the such obligations are consistent with the terms hereof.

10.16.100 Adoption of SIP Amendments

Any provision of any proposed SIP amendment applicable to the City and related to land use, traffic mitigation, or other matters currently governed in whole or in part by the Zoning Ordinances of the City of Cambridge shall be of no force or effect unless adopted in accordance with the provisions of M.G.L. c. 40A and the Zoning Ordinances of the City of Cambridge. If the SIP amendment process is not completed prior to the expiration of the interim period, the terms of this Ordinance shall be of no further force or effect. Any extension of the expiration date for the interim period shall require the affirmative vote of seven (7) City Councillors.



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

1990 NOV -1 PM 4: 44
CAMBRIDGE MA.

November 1, 1990

Mr. Joseph E. Connarton, City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Connarton:

Attached, for the consideration of the City Council, is an amendment to the Parking Freeze Ordinance which we are submitted to address the concerns of the business and institutional communities which were expressed at the Ordinance Committee public hearing on October 24, 1990.

Sincerely yours,

Sheila T. Russell
City Councillor

Walter J. Sullivan
City Councillor

s

attachment

2.

COMMUNICATIONS & REPORTS FROM
CITY OFFICERS

Communication from Councillors Russell
and Sullivan transmitting a proposed
amendment to the Municipal Code of the
City of Cambridge regarding the "Parking
Freeze" Ordinance.

In City Council,

November 5, 1990

*No action taken
Referred to the
petition*



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

November 5, 1990

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find 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 November 5, 1990 as follows:

1. Proposed amendment relative to condom vending machines.
2. Proposed amendment relative to automatic fire alarm systems.
3. Proposed amendment relative to procurement of supplies and services.

Enclosed you will find a copy of a loan order in the amount of \$9,000,000.00 for the Phase VI sewer reconstruction.

Enclosed also you will find a copy of a proposed amendment to the Municipal Code of the City of Cambridge which was passed to a second reading at the City Council meeting held on November 5, 1990 regarding the Parking Freeze.

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. Ordinance Numbers 1109, 1110, 1111, Final Publication Number 2511 and First Publication Number 2512.

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

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:

- WHEREAS the effects of the AIDS epidemic have begun to show themselves in Cambridge, with a total of 95 cases reported in Cambridge and 3098 cases in Massachusetts as of May 1, 1990; and
- WHEREAS the number of people with AIDS/HIV infection for 1992 is projected to be 250,000 Americans; and
- WHEREAS the cost of caring for each person living with AIDS is estimated to be between \$50,000 and \$150,000, a portion of which would be absorbed by The Cambridge Hospital which treats many citizens who do not have health insurance; and
- WHEREAS an ever-increasing number of people contract AIDS/HIV infection as the result of an unprotected sexual contact; and
- WHEREAS latex condoms have been found to be highly effective in preventing the transmission of AIDS and other sexually transmitted diseases; and
- WHEREAS many people report the lack of accessibility and the cost of buying a whole box of high quality latex condoms as major reasons for not practicing safer sex; and
- WHEREAS the Commissioner of Health and Hospitals recommends that the City of Cambridge encourage the widest possible availability of high quality latex condoms accompanied, where possible, by information on their proper use in preventing transmission of the AIDS/HIV virus; and

WHEREAS in order to facilitate the dissemination of high quality latex condoms, the Commissioner of Health and Hospitals recommends that their availability be required in places of public accommodation; therefore

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

Chapter 8 of the Code (Health and Safety) is hereby amended by adding the following new Chapter 8.30 (Prevention of AIDS/HIV Infection):

Chapter 8.30
Prevention of AIDS/HIV Infection

Sections:

- 8.30.010 Declaration of public health crisis
- 8.30.020 Requirement of vending machines which dispense condoms
- 8.30.030 List of vending machine operators
- 8.30.040 Exemptions
- 8.30.050 Annual Report to City Manager

8.30.010 Declaration of Public Health Crisis

The spread of AIDS (Acquired Immune Deficiency Syndrome) and HIV (Human Immunodeficiency Virus) infection have created a public health crisis; while there is no known cure for the virus, its spread through intimate sexual contact can be limited through the availability of affordable, high quality latex condoms in places of public accommodation.

8.30.020 Requirement of vending machines which dispense condoms

A. The following premises, which are licensed by the Cambridge License Commission, shall contain coin-operated vending machines which dispense affordable, high-quality latex condoms: hotels and motels, bars, restaurants and movie theaters. In addition, all hospitals, health clinics and health facilities and all municipal buildings, not including schools, shall maintain such vending machines.

B. The condom vending machines shall be located in a publicly accessible place, or in at least one male and one female rest room, and shall display a sticker prepared by the City of Cambridge AIDS Task Force and approved by the Commissioner of Health and Hospitals which will provide important referral and information telephone numbers.

8.30.030 List of vending machine operators

The License Commission and the Commissioner of Health and Hospitals shall maintain a list of vending machine operators who agree to install and maintain the vending machines in continuous working order at no cost to the owners or lessees of the premises.

8.30.040 Exemptions

A. This section shall not apply to any food or beverage seller whose establishment is not required to have a restroom.

B. The License Commission shall exempt from the provisions of this Chapter any hotel, motel, bar, restaurant or movie theater which files a written request for exemption.

C. The Commissioner of Health and Hospitals shall exempt from the provisions of this Chapter any hospital, health clinic or other health facility which files a written request for exemption.

8.30.050 Annual Report to City Manager

A. The License Commission shall determine whether hotels, motels, bars, restaurants and movie theaters comply with this Chapter, and report its findings annually to the City Manager for any necessary action.

B. The Commissioner of Health and Hospitals shall determine whether hospitals, health clinics, other health facilities and required municipal buildings comply with this Chapter, and report his or her findings annually to the City Manager for any necessary action.

In City Council November 5, 1990.

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

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

Chapter 2.48 (Fire Department) is hereby amended by adding the following four sections:

2.48.170 Regulations for Automatic Fire Alarm Systems

This section and the following three sections are intended to regulate the activities and responsibilities of the owners and tenants of buildings which have an automatic fire alarm system (AFAS), as defined in s. 201.0 of the Massachusetts State Building Code (780 CMR), which is connected directly to the Cambridge Fire Department or is connected to said Department indirectly through a private alarm company.

2.48.180 Fee for False Alarms

Regarding buildings which have an AFAS connected directly to the Fire Department or connected indirectly to said Department through a private alarm company, a fee will be charged by the Fire Department for all responses by the Department to such buildings, where the response is caused by the activation of the AFAS, and the fee may be assessed against the owner or tenant of the building. No fee will be charged in the following circumstances:

1. Where the AFAS was activated by an actual fire.

2. Where the AFAS was activated by smoke from a source such as burning food or an overheated motor or overheated electrical appliance or other equipment.

3. Where someone, with reasonable cause, activates a manual pull station.

No fee will be charged for the first three responses in any 6-month period, i.e., any period between January 1 and June 30 or between July 1 and December 31. After the third response in any 6-month period, the following fees will be assessed for subsequent responses within that period:

fourth response	\$ 50.00
fifth response	75.00
sixth response	100.00
seventh response	150.00
eighth and subsequent responses	200.00

2.48.190 Appeal

Any person who is aggrieved by the assessment of a fee pursuant to s. 2.48.180, may, within seven days of notice of said assessment, appeal in writing to the Chief of the Fire Department. The appeal will be heard by the Fire Chief or his designee.

2.48.200 Rules and Regulations

The Chief of the Fire Department may promulgate rules and regulations to implement sections 2.48.170, 2.48.180 and 2.48.190.

In City Council November 5, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred ninety

AN ORDINANCE

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

Chapters 2.34 and 2.112 of Title 2 of the Cambridge Municipal Code are hereby amended as follows:

2.34.090 Purchasing agent for city-Exceptions.

The Purchasing Agent shall procure all supplies or services for the City or any department thereof and may delegate such power and duty pursuant to G.L. c. 30B.

2.34.100 Requisition procedures.

Any department head or official of the City in need of supplies or services shall make requisition for the same of the Purchasing Agent upon requisition blanks devised and supplied by the Purchasing Agent.

2.34.110 Delivery or receipt of supplies-Billing. [Repeal]

2.34.120 Purchases in advance of requisitions.

The Purchasing Agent shall have authority to procure in advance of requisition such supplies or services as may be needed by the City and its departments, and which requisition shall be furnished to the Purchasing Agent by the various departments.

2.34.130 Storage lease agreements.

The Purchasing Agent, with the approval of the City Manager, shall have authority to lease premises necessary for storing such supplies as he may procure.

2.34.140 City Auditor approval required.

No liability shall be incurred upon procurements of supplies or services made by the Purchasing Agent until they shall have been approved by the City Auditor.

2.34.150 Competitive contracts.

All procurements for supplies or services exceeding one thousand dollars shall be based upon competition, and all procurements for supplies or services of ten thousand dollars or over shall be made in the manner provided by Chapter 2.112 of this title.

2.34.160 Purchases made for City only.

The Purchasing Agent shall procure only such supplies and services as are to be used in the business of the City.

2.34.170 Purchase Department Reserve Fund

An appropriation shall be made to the Purchasing Department to be known as the Purchasing Department Reserve Funds, to which all purchases of supplies, not made upon specific requisitions, shall be charged and to which all payments by departments and officials for such supplies shall be credited.

2.34.180 Report of purchases made to Director of Finance. [Repeal]

2.34.190 Recordkeeping of charges.

The Purchasing Agent shall keep a record of the cost of supplies and services which shall be open at all reasonable times for public inspection.

2.34.210 Sale of surplus property.

All sales of surplus personal property made by the Purchasing Agent, where the value is less than five hundred dollars, shall be made pursuant to sound business practice.

2.34.230 Sale of surplus property--Expenses.

All expenses incurred by the Purchasing Agent in conducting any sale of the personal property of the City shall be approved by the City Auditor before payment.

2.34.240 Right of inspection of City property.

The Purchasing Agent shall at such times as he may deem

reasonable inspect the supplies of the City.

2.34.250 [Repeal]

2.34.260 Inspection of materials purchased.

All supplies and services procured, except emergency procurements, shall be inspected by or under the supervision of the Purchasing Agent.

2.34.270 Estimate of future needs.

As and when the Purchasing Agent may direct, every department, commission or board shall make an annual inventory of the personal property under its charge, and shall forward to the Purchasing Agent an estimate of the supplies it will need during the ensuing year.

2.34.280 Emergency purchases.

In case of emergency, a department head or official may directly purchase such supplies and services as may be needed, but before any liability shall accrue to the City, approval of the purchase shall be given by the City Manager.

2.112.010 Bonds required when.

Any contract exceeding ten thousand dollars for any work to be done for the City may be required to be accompanied by a bond with sureties satisfactory to the Purchasing Agent, by a deposit of certified check or other security for the faithful performance thereof approved by the Purchasing Agent. No proposal shall be accepted from or offered to any person who has breached a contract with the City during the three years preceding. All written contracts shall be executed in quadruplicate, and one of the copies shall be deposited with the Auditor.

2.112.020 Proposals and bids--Acceptance and award procedure.

No proposal or bid shall be received from any person offering to contract for supplies or services unless it is enclosed in a sealed envelope or wrapper. Such proposal or bid shall be at once placed in a sealed box in the Purchasing Department. All proposals and bids shall be publicly opened and read at the hour and place designated in the advertisement in the presence of the Purchasing Agent or such person as he may designate, and thereafter recorded.

The contract shall be awarded to the lowest bidder complying with the terms, subject to the other provisions of this chapter; provided, however, that if any such proposals or bids shall be

offered by persons who in the judgment of the board or officer issuing the advertisement shall be incompetent in respect to their means of faithfully executing the same, such proposals or bids may be rejected, notwithstanding the same to be at a lower rate than other proposals or bids offered for the same work, and the next lowest bidder shall be substituted. All proposals and bids shall be preserved by the Purchasing Department and shall be open to public inspection after the contract has been awarded and accepted by the bidder.

2.112.030 Contracts--Form.

In all cases where the amount of any contract shall exceed the sum of five thousand dollars, the contract shall be in writing and, after being signed by the parties, shall not be altered, in any particular way, without the consent of the contractor and of the board or officer making the contract, endorsed thereon. All payments for extra services or supplies, which extra services or supplies shall be approved in advance by the department head, the Purchasing Agent and the City Auditor, shall be made at the time of the final payment on such contract.

In City Council November 5, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

First publication in the Chronicle on October 25, 1990.



City of Cambridge

IN CITY COUNCIL

October 22, 1990

ORDERED:

That \$9,000,000.00 is appropriated in addition to the funds previously appropriated, for the purpose of financing the construction and reconstruction of sewers and sewerage systems and surface drains (Phase VI) including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow \$9,000,000.00 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the City Manager determines that they should be issued as limited obligations, and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the City Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the City Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

In City Council November 5, 1990.

Adopted by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:-

Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

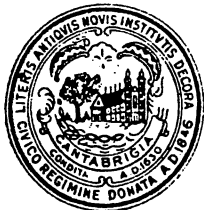
That Title 10 entitled "Vehicles and Traffic:" of the Cambridge Municipal Code is hereby amended by adding a new Chapter 10.16 entitled "Parking Freeze."

Passed to a second reading at the City Council meeting held on November 5, 1990 and on or after November 19, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

That Title 10 entitled "Vehicles and Traffic" of the Cambridge Municipal Code is hereby amended by adding a new Chapter 10.16 entitled "Parking Freeze."

Passed to a second reading at the City Council meeting held on November 5, 1990 and on or after November 19, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council Nov. 5 1990

C. Duehay

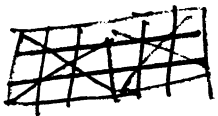
2nd Reading

	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	✓			

5

4

PARKING FREEZE



SIGN UP STREET

OPPORTUNITIES

NAME

ADDRESS

DAVID VICKERY

MEMBER COMMITTEE
ON GOV. & COM. AFF

15 PEOPLE

~~Robert E Addison~~

~~Robert Bryant~~



Comments
in writing *

Publ.  PUD-

PARKING FREE

SILVER 40 SHEET

PROPOONENTS

NAME

ADDRESS

Dan Greer

40 Bellis Circle

~~John Williams~~

~~72 Cornelia Way~~

Walter Grant

302 Brookline St.

Jennie Bush

"

Fred Small

80 Aberdeen Av.

Bob Edbrooke

20 Prescott St.

Peter Valentine

~~Robert F.A.~~

Steve Kaiser.

191 Hamilton St.



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

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Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

MEMORANDUM

TO: Robert W. Healy, City Manager

FROM: Donald A. Drisdell, Deputy City Solicitor

DATE: October 3, 1990

RE: PARKING FREEZE ORDINANCE

DaO

=====

I am attaching a red-lined draft of the Parking Freeze Ordinance. The text of this draft, dated October 3, 1990, is the same as the draft submitted by you to the City Council on August 29, 1990, except where a line appears through sections proposed to be deleted and new, highlighted language is proposed to be inserted.

As you know, the original draft submitted to the City Clerk was required to be submitted within 14 days of the execution of the MOA on August 15, 1990. As a result of that short deadline it has been necessary to recommend minor revisions to the August 29, 1990 draft to accurately reflect the provisions and intent of the August 15, 1990 Memorandum of Agreement between the City and the Massachusetts Department of Environmental Protection.

I recommend that these proposed amendments to the original draft be submitted to the City Council Committee on Ordinances.



City of Cambridge

In the Year One Thousand, Nine Hundred

DRAFT
October 3, 1990

AN ORDINANCE

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

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

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 final SIP amendments will include transportation control measures, including but not 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

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~~ ~~between the enactment of this Chapter and 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 unless the ~~owner or~~ operator of the facility seeks to increase the number of parking spaces therein.

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 CPFs 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 CPFP or Determination of Exclusion

a) An application for a CPFP or determination of exclusion shall be submitted to the Director on a form available at the Cambridge Traffic and Parking Department. 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 CPFP 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 Manager 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 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 CFPF'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 CFPFs 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 ~~eliminated~~ 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~~ will 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 CFPF 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 CFPFs 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, 1988

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.

CHRONOLOGY

CAMBRIDGE PARKING FREEZE

- 1970** Clean Air Act
- July 1973** EPA first proposes TCP for MA. EPA finds smog problem to be regionwide; Co problem only in Boston core. Limits VMT-reducing controls to that area. No parking freeze proposed.
- November 1973** EPA publishes final TCP for MA, containing parking freeze. Employee parking in Cambridge is exempted.
- September 1974** First Circuit issues South Terminal decision. Court finds lack of technical basis for TCP. Court comments that parking freeze is justified only where data demonstrates Co problem, and reasonable only if there is an exemption for employee parking.
- June 1975** EPA issues amendments to TCP for MA. EPA re-evaluates data and concludes that no additional measures needed to reduce Co in Boston core. Without any technical support, EPA retains parking freeze as smog-reducing measure. Employee parking excluded.
- 1977** Congress amends Clean Air Act. May no longer promulgate or enforce indirect source regulations. Congress finds such regulations to be "inherently inequitable."
- EPA counsel opines that EPA cannot enforce parking freeze regulation.
- December 1978** MA DEP adopts TESIP. DEP refuses to include parking freeze, citing need for further study.
- November 1984** Cambridge adopts MOA containing freeze which exempts employee parking "regardless of whether a fee is charged." City Counsel opines that freeze is unenforceable.
- November 1988** EPA and DEP counsel opine that exemption for employee parking in Cambridge MOA is consistent with 1975 parking freeze regulation.
- July 1989** City Counsel opines that 1975 parking freeze regulation is void and that there is no legally enforceable parking freeze in Cambridge.

**TESTIMONY OF JO ANN SHOTWELL, ESQ.
FOR THE CAMBRIDGE CHAMBER OF COMMERCE**

**ORDINATION HEARING
CITY OF CAMBRIDGE PARKING FREEZE**

October 4, 1990

I. INTRODUCTION

I am a partner with the Boston law firm of Gadsby & Hannah. I served for six years as an Assistant Attorney General for the Commonwealth enforcing the state's environmental laws and representing the state environmental agencies, including the Department of Environmental Protection ("DEP"). I am appearing tonight on behalf of the Cambridge Chamber of Commerce to urge that you vote against the proposed parking freeze ordinance. Our opposition is based on the following facts: (1) there is absolutely no requirement in the Clean Air Act or in the regulations adopted by the federal Environmental Protection Agency ("EPA") or the DEP for this parking freeze; (2) there exists absolutely no technical support for the proposition that this freeze will improve air quality in the City; (3) the freeze, in fact, will not effect any improvement in ozone concentrations in the City, ozone being the air quality parameter of concern; and (4) the proposed ordinance is unlawful as it conflicts with the City's zoning ordinances and would abrogate existing agreements between the City and a number of commercial developers.

II. THE CLEAN AIR ACT AND REGULATIONS ADOPTED THEREUNDER DO NOT REQUIRE THE ADOPTION OF THE PROPOSED PARKING FREEZE ORDINANCE.

The Clean Air Act Amendments of 1970 (the "Act"), required states to take measures to improve the air quality of areas within their borders which failed to attain so-called National Ambient Air Quality Standards. Pub. L. No. 91-604, § 110, 84 Stat. 1676 (codified as amended at 42 U.S.C.A. § 7410 (1983)). EPA was charged with developing the national standards, objectives which states were required to meet within a certain time frame through the adoption of State Implementation Plans ("SIPs"). Section 110(a)(2)(B) of the Act, as written in 1970, required SIPs to address certain categories of abatement methods including, among other things, "transportation controls," and "land use controls." The law required EPA to prepare a SIP for each state that did not do so within the time limitations prescribed by the law.

As soon as EPA began promulgating SIPs which included controls on parking, Congress expressed its will that Clean Air Act restrictions should not include such measures. In three successive EPA appropriations bills beginning in 1974, Congress included a provision that EPA was prohibited from using appropriated funds to "tax, limit, or otherwise regulate parking." See Pub. L. No. 93-568, § 510; Pub. L. No. 94-116, § 407; Pub. L. No. 95-368, § 406. These efforts on the part of Congress culminated in the adoption of the Clean Air Act

Amendments of 1977, Pub. L. No. 95-95, 91 Stat. 139 (codified as amended in scattered sections of 42 U.S.C.), whose drafters stated:

Efforts based on indirect control of the use of automobiles through restrictions on parking lots, shopping centers and other indirect sources, rather than full and prompt controls for new autos, trucks, buses, and motorcycles are inherently inequitable. . . . The [Conference] Committee is especially cognizant of the potentially sweeping consequences and potentially socially and economically disruptive impacts which may result from efforts to reduce automobile pollution through mandated reductions in parking supplies and restrictions on new parking facilities.

H. Rep. No. 95-294, 95th Cong., 1st Sess. (1977), 221-222, reprinted in A Legislative History of the Clean Air Act Amendments of 1977, 95th Cong., 2d Sess. (Comm. Print 1978) 2688-2689.

The 1977 Amendments provided that SIP provisions promulgated by EPA may not include an "indirect source" review program, except with respect to federally funded projects. 42 U.S.C. § 7410(a)(5)(A)(ii). Indirect source is defined to include "parking lots and parking garages and other facilities for management of parking supply." § 7410(a)(5)(C). EPA was stripped of its authority to "promulgate, implement and enforce" such regulations, § 7410(a)(5)(B), and Congress specifically deleted "land-use" from the list of possible control measures available to EPA. Pub. L. No. 95-95, § 108(a)(2).

After the Clean Air Act Amendments were passed, EPA's Assistant Regional Counsel Harley F. Laing opined that the parking freeze regulation for the Boston Intrastate Region which had already been adopted by EPA in final form in 1975, 42 C.F.R. § 52.1135, could not be enforced by the agency. See letter dated November 10, 1977 from Harley F. Laing to Merrill S. Hohman. Although the Clean Air Act as amended provided that EPA could approve and enforce as part of a SIP an indirect source program which a state chose to adopt and submitted as part of its plan, 42 U.S.C. § 7410(a)(5)(A)(i), it remained the case that the SIP had to be adopted by the state "after reasonable notice and hearing." § 7410(c)(1). The state has never subsequently promulgated regulations imposing a parking freeze in Cambridge. In fact, when DEP adopted the Transportation Elements of the State Implementation Plan in December 1978, it failed to include parking freeze provisions. DEP's then Commissioner, Dr. Anthony Cortese, advised EPA that parking freeze regulations required further study, and that a "final decision on the inclusion of the freeze in the TESIP" would be delayed. See letter dated January 12, 1979 from Anthony Cortese to William R. Adams. No additional studies or hearings ever took place, and DEP never adopted parking freeze regulations. Without such adoption, there are no parking freeze requirements in effect today which can be enforced by EPA, DEP or the City of Cambridge and there is no legal requirement that the City adopt this proposed ordinance. This same conclusion is set forth in correspondence from Deputy City Solicitor Donald Drisdell to EPA dated July 21, 1989.

I would like to touch on one additional aspect of the federal parking freeze regulations. A brief review of the regulatory history of the regulations reveals quite clearly that it was never EPA's intent in enacting the freeze regulations to freeze parking available to employees of Cambridge businesses and institutions.

The parking freeze regulations as they were originally promulgated by EPA in 1973 applied to "employee parking spaces" in the Boston core area and "spaces in off-street commercial facilities" in a so-called "freeze area" encompassing the Boston core area, Logan Airport, Cambridge and parts of Somerville. 38 Fed. Reg. 30960, 30964-5 (November 8, 1973). The regulations differentiated between a "commercial parking facility" (defined as a "parking facility in which parking a motor vehicle is permitted for a fee"), and an employee parking facility (which included employee parking spaces "reserved or provided by an employer for the exclusive use of his employees, either with or without charge"). Id. at 30965. The freeze on employee parking specifically did not apply to Cambridge.

The parking freeze was adopted in 1973 as a VMT (vehicle miles travelled)-reducing measure to reduce CO levels at Logan Airport and in the Boston core area. Cambridge was only included in the freeze area because it was an area "where commuters would be likely to park if kept out of the [Boston] core area." South Terminal Corp. v. EPA, 504 F.2d 646, 672 (1st Cir. 1974). In other words, the only reason the freeze was

extended to Cambridge was to prevent commuters to Boston from parking in Cambridge. There was no intent to prevent employees of Cambridge businesses and institutions from parking in Cambridge.

This strategy behind the parking freeze continued with the promulgation of the amendments to the parking freeze regulations in 1975. In the comments to the proposed amendments, EPA reiterated that the main concern behind the parking freeze regulations was to limit VMT in the Boston core area.

Travel to and from the Boston core area is responsible for a large portion of vehicle use within the Region. This contributes to both hydrocarbon generation and carbon monoxide emissions. Inasmuch as it is necessary to reduce hydrocarbons generally throughout the Region and to reduce carbon monoxide concentrations both within the City and in the vicinity of the Sumner and Callahan Tunnels, EPA is proposing to maintain the ceiling on the construction of new commercial parking facilities and the on-street commuter parking ban for Cambridge and a portion of the City of Boston, both of which were in the original plan.

40 Fed. Reg. 8668, 8672 (February 18, 1975) (emphasis added). Thus, in contrast to the 1973 regulations, the 1975 regulations only applied to commercial parking facilities. Moreover, the definition of "commercial parking facility" changed from "a parking facility in which parking a motor vehicle is permitted for a fee" to "a [facility] . . . in which motor vehicles are temporarily parked for a fee" 42 U.S.C.

§ 52.1135(a)(5). This regulatory history demonstrates that in 1975 employee parking was excluded altogether from the freeze requirements.

This interpretation of the 1975 regulations is consistent with EPA's longstanding approval of the Boston Air Pollution Control Commission's Procedures and Criteria for Issuance of Parking Freeze Permits (first adopted on July 16, 1976 pursuant to § 52.1135, and later readopted on July 17, 1978 pursuant to M.G.L. c. 11, § 31C and approved by DEQE on August 30, 1978), as those regulations specifically exempt employee parking from the freeze. This interpretation is further consistent with EPA's approval through 1989 of the City of Cambridge Procedures and Criteria for Issuance of Commercial Parking Permits first adopted by the City in May, 1984, which procedures contain an exemption for employee parking. That EPA approval was confirmed in a letter executed by legal counsel for both EPA and DEQE to the City, dated October 25, 1988, wherein it was stated that the City's

...definition of 'commercial parking' as contained in your letter to EPA of July 13, 1988 is acceptable.... We are aware that this definition has been employed by both Boston and Cambridge in administering their parking freeze programs for many years. Finally, the definition comports with the First Circuit Court of Appeals decision in South Terminal Corp. v. EPA, 504 F.2d 646 (1st Cir. 1974) which examined the validity of EPA's 1973 parking regulations.

See letter, dated October 25, 1988 from Harley Laing and Willard Pope to Donald Drisdell. The court in South Terminal concluded that the regulations were reasonable because they "ameliorate[d] the hardship upon individuals and businesses" by including the exemption for residents, customers and employees. Id. at 671.

It has only been in the last year and a half that EPA and DEP have taken the position, contradictory to their interpretation of the last decade, that the 1975 regulations do not exempt employee parking from the freeze requirement. In fact, it is their longstanding interpretation which comports with EPA's intent and evidence at the time of promulgation, and the federal regulations provide no precedent for imposition of an employee parking freeze.

III. THE PROPOSED ORDINANCE LACKS ANY TECHNICAL BASIS AND IS THEREFORE UNREASONABLE.

The City has proffered no technical support demonstrating that the parking freeze will contribute to the purpose stated in the proposed ordinance, that is, "the attainment and maintenance of the national primary air quality standards necessary to public health in the Boston metropolitan area." And, as appears both from the following discussion and from the attached testimony of our experts, Robert V. Bibbo and Joseph M. Stupar of HMM Associates, neither EPA nor DEP has conducted any study which evaluates or supports a parking freeze in Cambridge as an air quality control measure.

As I mentioned earlier, after the 1970 Clean Air Act Amendments were passed, and because Massachusetts did not submit a SIP within the prescribed time frame, EPA issued in July, 1973, a proposed Air Quality Control Plan to address the attainment and maintenance of national air quality standards for the Metropolitan Boston Intrastate Air Quality Control Region.

See 38 Fed. Reg. 17689 et seq (July 2, 1973). The proposed plan targeted carbon monoxide (CO) and photochemical oxidant (smog) levels. EPA's proposed rule was based on studies it conducted in the period between 1970 and 1973. The comments to the proposed rules explained that EPA determined that a CO problem existed only at Logan Airport and in an area known as the Boston core. Id. at 17691. This area included an area in Boston bounded roughly by the B.U. Bridge, the Charles River, Inner Harbor, Fort Point Channel and Huntington Avenue. It did not include Cambridge. Id. at 17694-5. The proposed rule stated that the "VMT-reducing controls" on commuter parking were directed to these areas with CO attainment problems. These controls included on-street parking bans in the core area during rush hour and a surcharge on off-street parking. No parking freeze was recommended. In contrast to the CO problem, the proposed rules said that the smog problem was "regionwide." Id. at 17691. Regionwide controls such as gasoline rationing, seasonal prohibitions on use of automobiles, and bus lanes were recommended to address this problem. Id. at 17691-2.

After public hearings, EPA issued a final rule on November 8, 1973 regarding transportation control measures for the Boston Intrastate Region. 38 Fed. Reg. 30960 et seq. (November 8, 1973). For the first time, a parking freeze was included in the regulations. The freeze was included as a VMT-reducing measure designed to address CO levels. No technical studies of the effect of a parking freeze on air quality were conducted prior

to the issuance of the final rule. The freeze area included the Boston core area and a part of Cambridge. However, employee parking was permitted outside of the Boston core area.

EPA's Air Quality Control Plan was challenged in federal court by various parties following the publishing of the final rule. The First Circuit in the South Terminal case ruled that EPA's conclusion that CO and smog levels were above the national standards lacked a reasonable basis. The court ordered EPA to conduct technical studies to determine whether the proposed controls were needed. In the case the litigants specifically challenged the validity of the parking freeze. The court stated that it would conclude that the freeze was arbitrary and capricious unless EPA were able to "support by credible data its position as to the magnitude of the need for carbon monoxide emission reductions in relevant segments of the region." 504 F.2d 646, 671.

When EPA conducted additional testing, it found that no controls other than the existing federal motor vehicle control programs were needed to reduce CO levels to the national standard in the Boston core area and in Cambridge. The results of such studies were addressed in the comments to EPA's "Final Amendments to Transportation Control Plan -- Boston Massachusetts" published in June, 1975. 40 Fed. Reg. 25152 et seq. (June 12, 1975). With these studies EPA's justification for the parking freeze regulations and other VMT-reducing measures, i.e., the reduction of CO levels, disappeared.

EPA did conclude that its original findings with respect to smog were correct and that additional transportation control measures were needed to address it. Id. at 25154. Although the purpose of the parking freeze was to reduce CO levels in the Boston core area EPA inexplicably, and in direct conflict with the court's rulings in South Terminal, retained the freeze as a measure to reduce smog. As appears from the attached testimony of HMM Associates, neither EPA nor the state has ever developed any technical support for the proposition that a parking freeze in Cambridge will reduce ozone levels or smog in the City and no such reduction will, in fact, occur.

IV. THE PROPOSED ORDINANCE RUNS AFOUL OF EXISTING ZONING ORDINANCES AND CITY AGREEMENTS.

Finally, the proposed ordinance is in direct conflict with existing City Zoning Ordinances such that it must be enacted, if at all, pursuant to the procedures of G.L. c. 40A. Article 6 of the City Zoning Ordinances requires minimum off-street parking facilities to be included in structures developed in the City, including all commercial structures. See M.G.L. c. 40A; Cambridge Zoning Ordinances, Article 6. The proposed ordinance would, however, prohibit such off-street parking.

Relevant case law establishes that, if zoning by-laws or ordinances have in the past been utilized to regulate a specific subject, they may not be effectively amended or modified except through the procedures of Chapter 40A. See, e.g., Rayco Investment Corp. v. Bd. of Selectmen of Raynham, 368 Mass. 385,

393, 331 N.E.2d 910 (1975) [By-law imposing freeze on trailer park licenses held invalid due to failure to adopt as zoning regulation where town's zoning by-law "dealt specifically with the subject of trailer parks." To hold otherwise would be to allow "the assorted protections contained in the Zoning Enabling Act [to] be circumvented, thereby defeating the purpose of the statute."] The intent of Article 6 is "to reduce traffic congestion and thereby promote the safety and welfare of the public, by establishing requirements for off-street parking and loading in conjunction with the use of land." It is clear that Article 6 was adopted to address the same subject as is addressed in the proposed ordinance. It cannot be abrogated without amendment to the zoning ordinances pursuant to Chapter 40A.

Moreover, the ordinance, if passed, would retroactively nullify many of the Special Permits and Planned Unit Development Permits issued by the City to commercial developers. Many of these permits have been issued pursuant to agreements between the City and the developers whereunder the developers have been permitted to build a specific number of parking spaces in consideration of the adoption of traffic mitigation measures. The adoption of the ordinance would unlawfully abrogate many of these agreements.

VI. CONCLUSION

In sum, the proposed parking freeze is neither mandated nor justified by the Clean Air Act or concern for air quality, which

concern is properly directed to development of regional plans to reduce ozone concentrations and resulting smog formation. There simply exists no sound technical basis whatsoever for adoption of this proposed ordinance as an air quality control measure. And, in any event, the measure is in conflict with the City's zoning ordinances and must be reviewed pursuant to the procedures of G.L. c. 40A.

WPPJEDJK:1273:11m

My name is Robert V. Bibbo. I live at 10 Ellison Road, Lexington, Massachusetts, and I am employed as an environmental consultant by HMM Associates, 196 Baker Avenue, Concord, Massachusetts 01742. My position at HMM is Vice President, Environmental Engineering and Permitting Division. I have seventeen years of professional experience and, prior to joining HMM, I held senior consulting and management positions with Environmental Research and Technology (now ENSR) and Sigma Research Corporation. My educational training includes an M.S. in environmental engineering from Northeastern University and an M.B.A. from Babson College. I also studied meteorology at New York University as part of my service commitment as a commissioned officer in the U.S. Air Force.

Over my seventeen-year career, I have been very active in evaluating and solving local and regional air quality problems. My clients have included government agencies, utilities, developers and industrial companies. My exposure to both industrial and motor vehicle related air pollution problems goes back to the early 1970's when the 1970 Clean Air Act established the requirement for states to implement and enforce plans to attain public-health based National Ambient Air Quality Standards. One of my assignments in the mid-1970's involved a specific examination of the effect of parking

restrictions on air quality. I provided consulting services to Massport in connection with a controversial proposal by the USEPA to impose parking limitations at Logan International Airport.

Through the years, I have represented clients before the USEPA and at least twenty State air pollution control agencies. I have testified at numerous MADEP hearings concerning variances and amendments to the MA State Implementation Plan. I have also testified before the MA Energy Facilities Siting Council on the environmental aspects of a major licensing project. I am a member of the Board of Directors of the New England Cogeneration Association (NECA) and co-chairman of the NECA environmental committee.

I submit this testimony today jointly with my colleague, Joseph M. Stupar, P.E. Mr. Stupar is the Assistant Division Manager of the Transportation Division at HMM and, as such, is responsible for traffic engineering and transportation project management. His experience includes comprehensive traffic planning, alternative roadway/traffic control strategy analysis and design of complex rotaries, intersections and streets. Mr. Stupar's education includes an M.S.C.E. and M.C.P. from Georgia Tech and an M.B.A. from the University of California.

I submit this testimony on behalf of the Cambridge Chamber of Commerce to address the proposed Cambridge parking freeze. Before I discuss the proposed freeze explicitly, let me establish how motor vehicle emissions potentially contribute to a condition of air pollution.

There are two well established components of motor vehicle air pollution, carbon monoxide and photochemical smog. Carbon monoxide (CO) is emitted directly by vehicles and the amount emitted increases with decreasing vehicle speed. Areas adjacent to congested intersections have long been identified as having the highest CO concentrations and have been referred to as CO "hot spots." In the early 1970's, violations of the CO standard were observed at numerous congested locations within the City of Boston and other urban areas. However, the Federal Motor Vehicle Emission Control Program required by the 1970 Clean Air Act has significantly reduced CO tailpipe emissions as new, cleaner cars have replaced older models.

In 1975 the USEPA acknowledged, in promulgating final amendments to the Boston Transportation Control Plan, that the existing federal motor vehicle control programs were sufficient to attain acceptable CO levels except in East Boston and Waltham such that no additional CO control measures were necessary or appropriate outside those areas. The Technical Transportation Control Element for the 1982 Massachusetts SIP evaluated the twenty-five worst carbon monoxide intersections in Massachusetts. All twenty-five locations were projected to be in compliance with the ambient CO standards by 1987 through traffic flow improvements and lower tailpipe emissions.

In fact, the CO "hot spot" problems of the 1970's have been successfully redressed. For example, Kenmore Square was previously considered one of the worst CO "hot spots" in the state by both the USEPA and the MADEP, given the congestion caused by the convergence of Commonwealth Avenue, Beacon Street and Brookline Street. In 1973, there were numerous violations of the CO standard at the DEP Kenmore Square air quality monitor with the highest measured concentration being twice the standard. Due to implementation of better traffic flow measures and drastically lower CO tailpipe emissions resulting from the Federal Motor Vehicle Emission Control Program, the 1988 MADEP CO monitoring results show no violations of the standard and highest concentrations which are less than 70% of the allowable standard. Since Kenmore Square was considered by MADEP and USEPA to be representative of the worst CO conditions in the state, these 1988 results indicate that CO concentrations in Cambridge are well within the standard as well. This conclusion is consistent with the absence of any USEPA or MADEP monitoring data or technical studies evidencing a CO attainment problem in Cambridge.

In addition to CO, the other motor vehicle-related form of air pollution is smog, measured in terms of the chemical ozone. Smog is a term which refers to secondary "irritant" pollutants which are created from hydrocarbon emissions released into the atmosphere by literally thousands of sources. In addition to motor vehicles, other significant

source categories include petroleum storage, industrial processes, solvent use, refineries, chemical plants, and dry cleaners. As you can see, hydrocarbon emission sources are ubiquitous -- they are literally everywhere.

An important aspect of smog pollution is the meteorological transport of hydrocarbon emissions over long distances in the presence of sunlight. Irritating smog chemicals, including ozone, are produced through complex atmospheric reactions involving sunlight and other pollutants such as nitrogen dioxide. These reactions occur over hours and days so smog levels measured locally are the product of hydrocarbons released at upwind distances as far as hundreds of miles away. Thus, smog measured in eastern Massachusetts is primarily the result of hydrocarbons released in upwind areas of Connecticut, New York, New Jersey, and points south. Similarly, hydrocarbons emitted in eastern Massachusetts will contribute to smog pollution in prevailing downwind locations such as Maine and the Eastern Provinces of Canada. To achieve improvement in smog concentrations in eastern Massachusetts, emission controls must be implemented at prevailing upwind locations to the south and west.

Now, having reviewed the relationship between motor vehicles and air pollution, let me get back to the question of the proposed parking freeze. First, it is important to note that there have been no studies at the federal, state, or local level assessing the air quality impacts of a parking freeze in

Cambridge. Thus, there exists absolutely no technical support for the premise that this freeze will improve air quality in the City. Further, as we have discussed, EPA and DEP have specifically determined that there is no carbon monoxide problem in Cambridge to be addressed by means of vehicle control measures or otherwise. And smog is not a local, but a regional issue.

To be an effective measure for improvement in smog air quality, a specific measure cannot be viewed in isolation because of the significance of other hydrocarbon emissions being transported from upwind areas. Thus, an isolated local measure unconnected to a broader regional based strategy will not lead to better smog conditions. This is borne out by the attached tables, which illustrate that ozone concentrations in the state have remained constant despite the significant reductions which have been realized in vehicle emissions.

Given the complex and regional nature of the smog problem, a parking freeze in Cambridge will not effect any improvement in ozone concentrations or smog conditions in the City. In fact, the application of the freeze to employee parking spaces may very well increase hydrocarbon emissions and smog levels by causing Cambridge employers to transfer employees to locations outside the City and increasing vehicle miles travelled (VMT). In fact, a preliminary review indicates that there would likely be a net increase in VMT if a significant number of employees were to be relocated to Rte. 128 and/or Rte. 495 communities.

In addition, a shift from transit to auto use could occur for relocated employees whose new workplaces are no longer readily accessible by non-auto modes of travel.

Also, depending on such factors as employee relocation and effect on development in communities surrounding Cambridge, the freeze could lead to greater commuter auto travel over roadways at the periphery of the City, such as Fresh Pond Parkway, and along routes bisecting Cambridge, such as Massachusetts Avenue. The combined effect of this traffic may more than offset any reduced congestion. In the absence of studies determining and modelling the resultant traffic patterns, and quantifying such parameters as VMT and vehicle speed, there is no data to support even the hypothesis that a freeze will reduce vehicle emissions, let alone that it will improve air quality.

Under any scenario, the expected reduction or increase in vehicle-generated hydrocarbon emissions as a result of a freeze would be inconsequential with respect to attainment of the ozone standard. This is due, again, to the fact that the myriad of upwind sources unaffected by a Cambridge freeze are the reason for unacceptable smog levels in the City and throughout eastern Massachusetts. A local vehicle control measure cannot be justified as an ozone-related measure unless it is connected to a broader-based regional plan. Given the absence of such a connection to a broader regional plan and no local CO problem, the Cambridge freeze is not defensible as an air quality control measure.

In conclusion, it is my professional opinion that air quality considerations do not support the proposed parking freeze.

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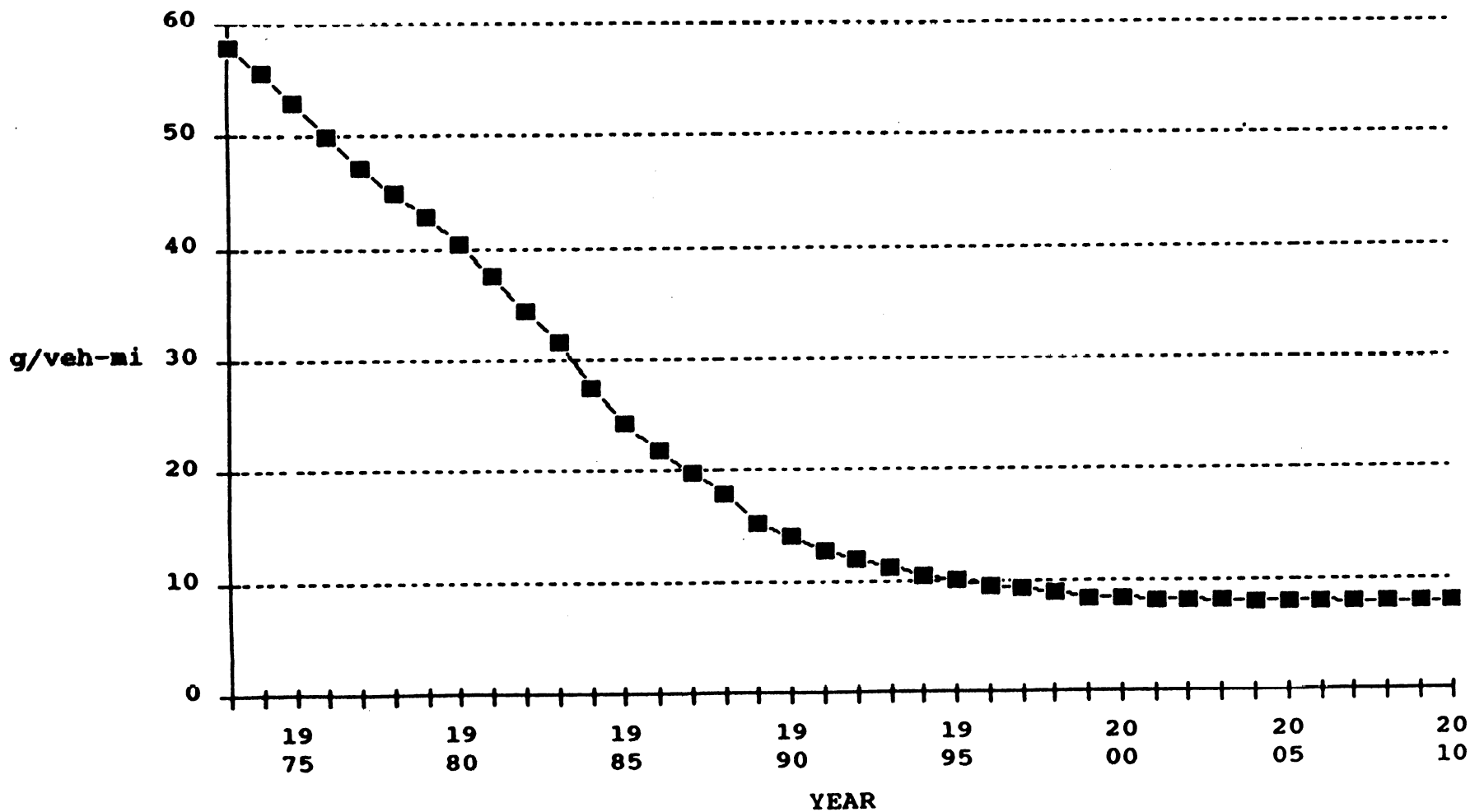
**MA DEP Measured Ozone Concentrations
Sudbury, MA***

	Highest (PPM)	Second Highest (PPM)
1980	.15	.14
1981	.112	.112
1981	.153	.147
1983	.205	.162
1984	.165	.147
1985	.174	.134
1986	.10	.09
1987	.143	.138
1988	.17	.169

*MADEP Sudbury Monitor is representative of Ozone and Smog Conditions in eastern Massachusetts.

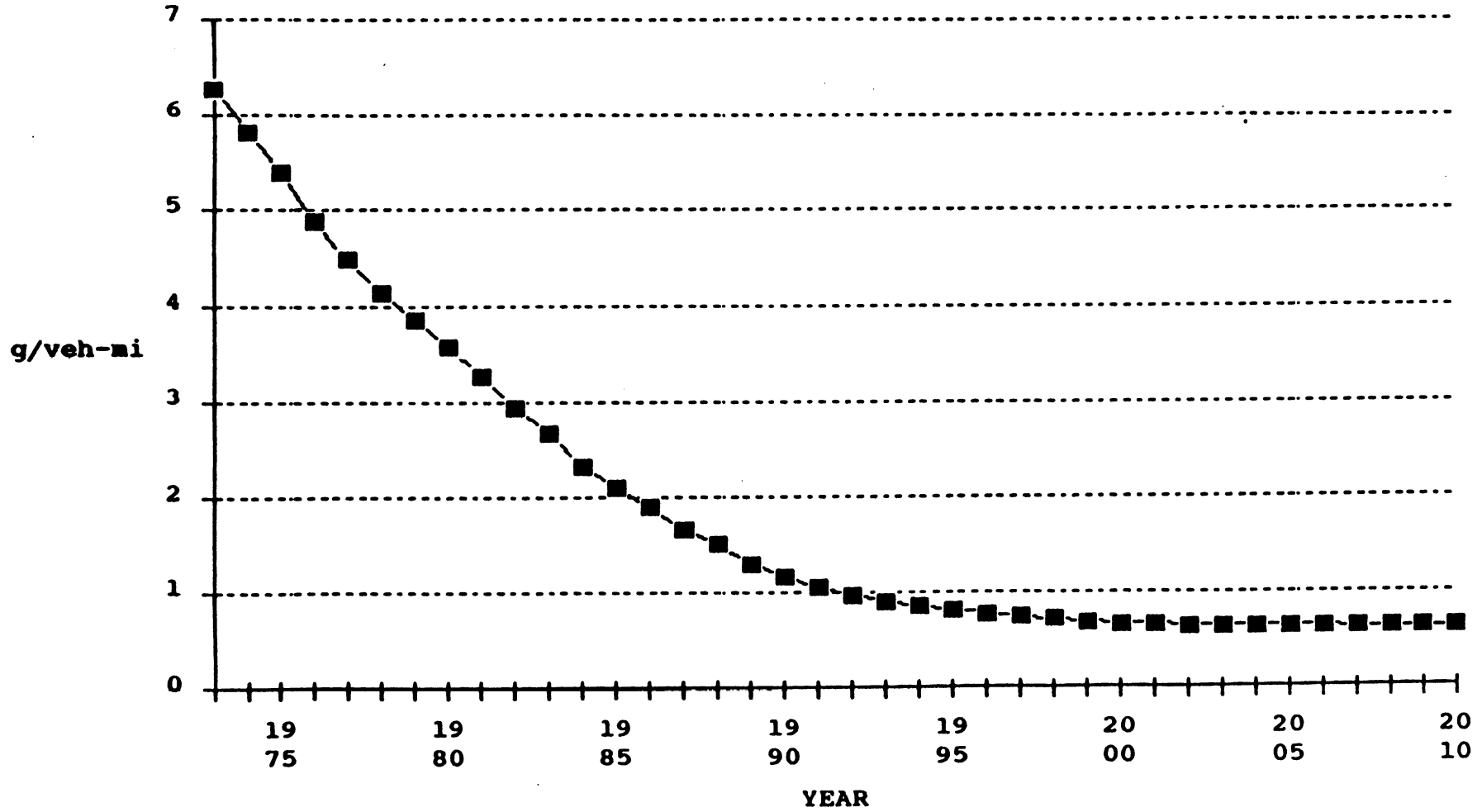
SOURCE: MADEP Monitoring Data Reports, 1980-1988

Carbon Monoxide Tailpipe Emissions



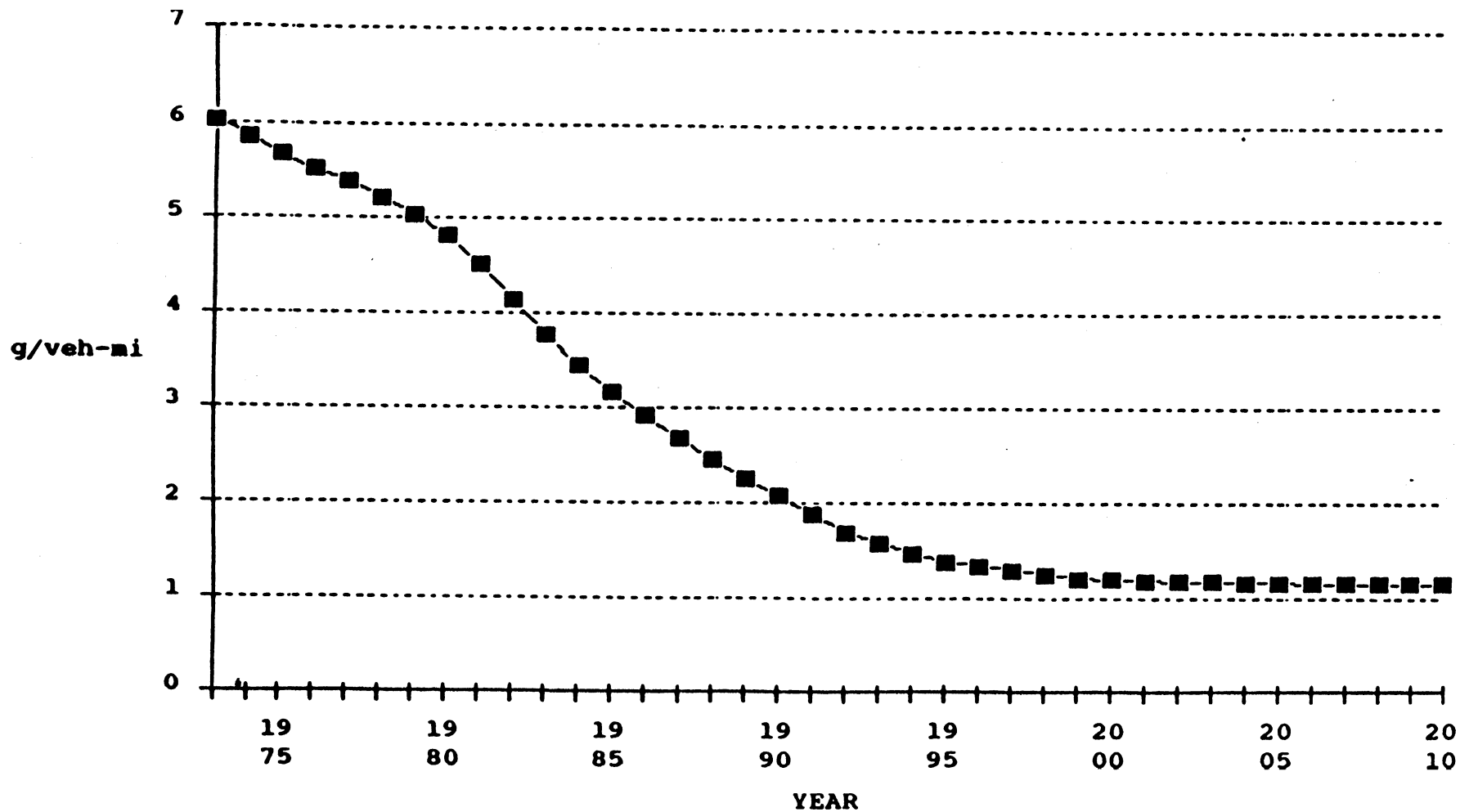
SOURCE: 1990 HMM Vehicle Emissions Study, using USEPA Mobile 4 Vehicle Emission Model

Hydrocarbon Tailpipe Emissions

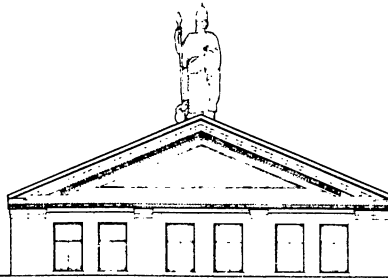


SOURCE: 1990 HMM Vehicle Emissions Study, using USEPA Mobile 4 Vehicle Emission Model

Nitrogen Oxide Tailpipe Emissions



SOURCE: 1990 HMM Vehicle Emissions Study, using USEPA Mobile 4 Vehicle Emission Model



THE ATHENAEUM GROUP

Athenaeum House
215 First Street
Cambridge, Massachusetts 02142
617-492-2155

October 4, 1990

Frank Duehay, Chairman
Ordinance Committee
Cambridge City Council
City Hall
Cambridge, MA 02142

Re: **PROPOSED PARKING FREEZE ORDINANCE**

Dear Councillor Duehay:

The Athenaeum Group is the parent company of a number of real estate developments and local businesses in Cambridge. We currently employ 142 persons, and a significant number of them are Cambridge residents. According to the City's latest budget document, The Athenaeum Group is the fifth largest taxpayer in Cambridge.

We are opposed to the parking freeze ordinance and uniquely qualified to comment. Our One Kendall Square Garage touched off the controversy when three of eleven abutters joined in a lawsuit against the City and The Athenaeum Group protesting the parking facility.

Lost in the controversy, is the simple truth that the One Kendall Square Garage was required by law. It was constructed in conformity with all local ordinances and building codes. No variances were required or requested. For two years our company has been subjected to litigation, regulatory threats, and administrative harassment because of a garage we were required, by law, to build. There is something wrong in Cambridge when good corporate citizens are subjected to the treatment we have experienced.

The proposed ordinance is bad policy. It is the result of political deal-making of the worse kind. The evolution of this issue has exceeded all bounds of fairness and due process. When the truth is finally known, it will be a sad day for Cambridge.

It is our sincere hope that a majority of City Councillors will realize that this ordinance is a mistake, that it has nothing to do with clean air, and that it is not too late for the City to abandon a flawed and corrupt process.

Sincerely,

David Clem

DEC:rmf

Bioran

415 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel: 617-547-8900

October 4, 1990

The Honorable Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

The Honorable Cambridge City Council:

Bioran Medical Laboratory has been located in Cambridge since its inception in 1964 and has grown from a company with two employees to the largest and most prominent medical testing facility in New England and the seventh largest laboratory in the United States. We presently employ approximately 450 employees in Cambridge. Bioran operates 24 hours a day, within three main shifts. We provide employee parking during all three shifts.

On July 30, 1990, the City Council approved a Memorandum of Agreement that extends a Parking Freeze to include employee parking. Our ability to provide employee parking directly affects our success in attracting and maintaining our work force.

Many employees consider driving to work a necessity. For example, women who work late shifts feel unsafe walking to and riding the T during odd hours. Parents trying to coordinate child care schedules with work schedules often rely on a car. Even parents who live in Cambridge find it difficult to juggle dropping off and picking up a child in time without the aid of a car. By providing employee parking, Bioran makes it possible for many people to successfully coordinate their work with other important responsibilities.

We urge the City Council to recognize the necessity of employee parking and to protect a Cambridge company's ability to provide such parking.

Sincerely,



Kathleen M. Fennell
Director of Personnel



1 October 1990

To: The Honorable City Council
c/o City Clerk
City Hall
Cambridge, MA 02139

Re: Proposed Ordinance Dealing with a Parking Freeze in Cambridge

Dear Members of the Council:

Bolt Beranek and Newman Inc. has been a Cambridge-based firm since its beginning in 1948. The company currently employs approximately 1,800 persons in Cambridge, of which 10% are Cambridge residents. We occupy approximately 833,000 sq. feet of space and pay over \$2,350,000 in real estate taxes annually.

We at BBN strongly object to the Parking Freeze Ordinance currently under review by the City Council. This ordinance will have a negative effect on our employees and it will limit our ability to attract new employees. These negative influences will restrict our growth by limiting our expansion, therefore making BBN less competitive.

Very truly yours,

BOLT BERANEK AND NEWMAN INC.

A handwritten signature in black ink, appearing to read 'Michael Nacey', is written over the typed name.

Michael Nacey
Vice President - Administration

CAMBRIDGE FAMILY

October 4, 1990

The Honorable City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

The Honorable Cambridge City Council:

The proposed "parking freeze ordinance" (developed subsequent to the Memorandum of Agreement) under consideration by the Cambridge City Council would, if enacted, threaten the ability of the Cambridge Family YMCA to survive as an institution. The Cambridge Family YMCA urges the Cambridge City Council to reconsider this approach to addressing the issue of "clean air" in Cambridge.

After a decade of self-study and community assessment, the Cambridge Family YMCA is embarking on a visionary program to construct a new YMCA facility to meet the ever-increasing community call for YMCA services. Community program demands in such areas as affordable transitional housing, childcare, senior adult and special needs services and health and fitness have prompted the YMCA to advance this project. The YMCA cannot remain in its 94-year old building and meet this century's community programming needs.

By making use of the present YMCA facility on Massachusetts Avenue as a real estate investment, the YMCA will be able to underwrite a substantial portion of the construction of a new YMCA. Subject to appropriate municipal approvals, the YMCA will construct a 70,000 square foot program facility on the site of its Green Street parking lot. Contiguous to this new Y will rise a 136-room transitional housing complex replacing that function in the present building.

Subsequently, the existing YMCA facility on Massachusetts Avenue will be converted to a commercial use of approximately 100,000 square feet. A critical component of the program, particularly in terms of financial feasibility and market acceptability, is to provide parking. While the YMCA benefits from its proximity to the Central Square MBTA station, the YMCA's current projections result in a net increase of 59 spaces from the current 108 parking spaces.

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THIS AGENCY IS
SUPPORTED BY



United Way

Page 2

The Honorable Cambridge City Council

October 4, 1990

The YMCA has entered into an agreement with Robert F. Walsh Associates of Boston, completed a developmental study, and expended funds to advance this major capital project. The proposed ordinance threatens the viability of the YMCA project and further endangers . . .

- o the preservation of 136 affordable housing rooms - the largest transitional supportive service housing program in the city, serving a growing population of disenfranchised.
- o the creation of 54 new day care slots - at a time when youth and family services are critically needed.
- o the development of recreation and social services for over 500 youth and young adults
- o services to senior adults and those with special needs
- o YMCA Programs and services for over 2,000 Cambridge residents

It is no longer tenable for the YMCA to remain in the present facilities. The YMCA has developed a creative and innovative solution to its facility and finance dilemma. The YMCA does not have experimental capital to risk on this project. The parking freeze and traffic mitigation ordinances, if enacted, would imperil the YMCA as an institution.

The Cambridge Family YMCA asks that the Cambridge City Council reconsider the ordinance and work with community leaders to craft other strategies to address the issues of "clean air".

Sincerely,



Richard L. Gardner
Chairman of the Board



COM/Energy Services Company
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

October 3, 1990

City Councillor Francis H. Duehay
Chairman, City Council Ordinance Committee
City Hall
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

As the largest taxpayer and one of the largest employers in the City of Cambridge, we are opposed to the adoption of the proposed Parking Freeze Ordinance.

In 1983, when we were contemplating relocating our corporate headquarters, we made a conscious decision to remain in the City of Cambridge because of our historic ties to the City and our strong relationship with City of Cambridge officials. However, today we find our existence in Cambridge jeopardized due to the proposed adoption of the Parking Freeze Ordinance, which threatens to impact our employee parking program. Our ability to provide convenient and safe parking for our employees is critical to our attracting and retaining qualified professionals, many of whom are working mothers with an even greater need for convenient parking. These employees are also the same people who frequent the local business establishments. They fuel Cambridge's economic engine, breeding life into the local economy, which translates into revenue for the City's treasury. The proposed Parking Freeze Ordinance does not give any consideration to the negative impact it will place upon employers in Cambridge and, for this reason alone, the adoption of the Ordinance should be reconsidered.

As a property owner in Cambridge, we have a keen interest in the future of the City. As you may all well know, we have made a substantial investment in the Kendall Square area with the construction of the Riverfront Office Park Complex, an investment that has benefitted the City in terms of the number of jobs created and the amount of property taxes generated.

We also plan to develop our Research Park site on Third Street into an office park, which will further benefit the City. However, for two (2) years now, our plans to develop this site have been stalled due to the continual imposition of the East Cambridge Interim Planning Overlay District (EC-IPOD), which has deprived us of our property rights. Now, as we understand, the enactment of the Parking Freeze Ordinance will directly impact the resolution of the EC-IPOD by causing the rezoning to drag on through the end of 1990, and well into 1991.

It should also be noted that the apparent motivation for the proposal of the Parking Freeze Ordinance is not clean air but to allay the fears of development by a minority of Cambridge residents, who perceive development as unpopular. If the issue was truly about clean air, then the solution to the problem would be to support mitigation measures such as emission controls, requiring automobiles to burn cleaner fuels.

The proposed Parking Freeze Ordinance, if adopted, will have a detrimental impact on the City of Cambridge and the people who live and work here. In these troubled economic times we should be working together in concert to do all we can do restore the Massachusetts economy, in addition to cleaning up the environment. Therefore, we ask that you reconsider the proposal to adopt the Parking Freeze Ordinance and instead work with the business community toward finding workable solutions to these problems.

Sincerely,



Michael P. Sullivan
Vice President

CESV
310/90/bmc



The Charles Stark Draper Laboratory, Inc.

555 Technology Square, Cambridge, Massachusetts 02139

Telephone (617) 258-3508

Vice President and Treasurer
D.C. Driscoll

October 3, 1990

Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Members of the Ordinance Committee:

The Laboratory strongly opposes the enactment of an ordinance to implement the Memorandum of Agreement concerning the so-called Parking Freeze.

We compete nationally as well as throughout the local area for scientists and engineers who provide the core of our research and development activities. The ability to attract and hold these individuals has allowed us to receive continued support and to employ significant numbers of Cambridge citizens in support as well as technology roles.

Parking is essential for us to compete for employees with Routes 128 and 495 firms as well as firms from the southeast and southwestern states. Other research and development firms will all have recruiting difficulties if they do not have the ability to provide employee parking.

The "Parking Freeze" will not provide us with clean air but will send a message to employers that Cambridge is unfriendly to them.

The Council should be attempting instead to lure employers like Draper to Cambridge. Employers who pay high taxes, provide jobs to Cambridge residents, attempt to address traffic problems (Industrial B landowners), and support civic and city needs such as the Cambridge Youth Job Opportunity Program.

A different signal could be sent if the Council reversed its July 30, 1990 position of endorsing the Memorandum of Agreement.

Very truly yours,

David C. Driscoll
Vice President and Treasurer

Harvard Square Business Association

ESTABLISHED 1910

18 BRATTLE STREET, CAMBRIDGE, MASSACHUSETTS 02138

Telephone: (617) 491-3434

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SCOTT E. ZIEGLER
Tabloid Newspapers

October 4, 1990

Councillor Francis Duehay
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA. 02139

Frank!
Dear Councillor Duehay:

The Board of the Harvard Square Business Association and I felt that it would be important to let you know that we are concerned that the parking freeze, particularly an aspect which might involve imposing restrictions upon private development and existing employee parking, could seriously impact business in Cambridge.

Cleaner air is something which we all can support in concept, but it is the scope of the proposed ordinance which needs to be carefully assessed before moving forward.

As you are probably aware, our Association has various committees, one dealing specifically with community affairs and one, with parking; each report to the full Board each month. We would be delighted to be of assistance, either by attending a future meeting or by polling our membership at large. Please let me know.

Thank you for all of your good work on behalf of all of us,

Sincerely,

Ted

Richard R. Beaty, President

HARVARD UNIVERSITY

SALLY ZECKHAUSER
VICE PRESIDENT FOR ADMINISTRATION

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138
617-495-1512

October 4, 1990

Francis Duehay
Chair, Cambridge City Council Ordinance Committee
Cambridge City Hall
Cambridge, Massachusetts 02139

Re: Parking Freeze Ordinance

Dear Councillor Duehay:

Harvard University joins many other employers in Cambridge in objecting to the recent Memorandum of Agreement and proposed "interim" parking freeze ordinance.

Harvard objects to the language of the Memorandum of Agreement and the proposed interim ordinance which eliminates exemptions for employee parking. Although the Memorandum of Agreement represents a fundamental shift in policy, affected employers and other interested parties were not allowed to participate in the process that led to the July 30 vote by the City Council. The "grandfathering" language is vague and open to interpretation, causing Harvard and many others to be concerned about the status of their existing spaces under the proposed ordinance.

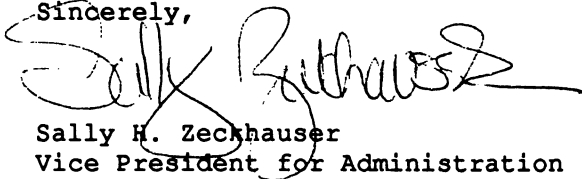
The proposed interim ordinance would put landowners in a dilemma, trying to reconcile the zoning ordinance requirements for parking with arbitrary freeze restrictions. In fact, the proposed interim ordinance appears to be an attempt to treat an anti-development ordinance as an environmental one in order to avoid the requirements of Massachusetts General Laws, Chapter 40A. There is no scientific evidence to support a freeze on parking in the City of Cambridge. In fact, there appears to be no authority under the Clean Air Act to impose such a freeze. The proposal denigrates the efforts being made by many citizens, businesses, institutions and public officials to protect our environment, and in this sense represents an abuse of the Clean Air Act.

Harvard University has 14,262 employees, 9,856 of whom work in Cambridge. The University's total annual payroll for 1989-1990 was \$437 million. As you know, Harvard is the largest employer of Cambridge residents, with more than 3,500 residents on the payroll. The University contributes well over \$5 million each year to the City of Cambridge in taxes and other direct payments.

Francis Duehay
October 4, 1990
Page 2

The Memorandum of Agreement and the proposed ordinance jeopardize Harvard University's current parking structure and its ability to be responsive to the needs of our employees in the future.

Sincerely,



Sally H. Zeckhauser
Vice President for Administration



John Shattuck

John Shattuck
Vice President for Government, Community and Public Affairs

cc: Joseph Connarton, City Clerk

Ivanhoe Inc.

October 4, 1990

500
Boylston Street
Suite 1860
Boston, MA
02116

Chairman Duehay
Ordinance Committee
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: PROPOSED PARKING FREEZE ORDINANCE


Dear Honorable Members of the Ordinance Committee:

I am writing to you to express my deep concern and dissatisfaction with the proposed Parking Freeze Ordinance which is the subject of a hearing before your Committee on October 4, 1990. I am a long-time resident of Cambridge, and I am currently developing the retail and office project known as One Brattle Square. I previously developed several units of housing at 931 Massachusetts Avenue. My activities have added in excess of \$50,000,000.00 to the tax base for Cambridge.

I am in complete agreement with the employers, employees, labor representatives, human service providers, representatives of institutions located in Cambridge, and other citizens of Cambridge who believe that the parking freeze currently proposed for Cambridge is an anti-job and anti-development proposal in the guise of a clean air proposal. I can assure you that if the Parking Freeze Ordinance is adopted as proposed, my confidence in those who were elected to represent all of us will be unalterably changed.

Tel:
617 267-4567
Fax:
617 236-8761

Sincerely,


Gregory Rudolph

GR/kdb

Arthur D Little

Arthur D. Little, Inc.
Acorn Park
Cambridge, Massachusetts
02140-2390
USA

Telephone 617.864.5770
Telefax 617.661.5830
Telex 921436

October 3, 1990

The Honorable Francis Duehay
Chairman, Ordinance Committee
Cambridge City Council
City Hall
Cambridge, Massachusetts
02138

Dear Mr. Duehay:

Arthur D. Little, Inc. joins other members of the Cambridge community of businesses and institutions in expressing their concerns about the proposed ordinance to establish a parking freeze in the City of Cambridge. We urge the City Council not to adopt the ordinance, particularly as it applies to parking for employees.

Arthur D. Little is an international management and technology consulting firm whose world-wide headquarters are located in Cambridge. The Company has been a corporate citizen of Cambridge for over 70 years and employs approximately 1,150 people in its Cambridge facilities, the largest of which is located adjacent to Route 2 at the Cambridge/Arlington/Belmont border. The Company is owned by its employees, approximately 120 of whom live in the City of Cambridge. As a major Cambridge employer, it injects millions of dollars each year into the Cambridge economy, including over \$1,200,000 in real estate taxes. In addition, the Company supports a number of Cambridge programs and institutions, including Teen Work, the Cambridge Community Center, the Cambridge Art Association's Summer Art Program, the Winning Edge Program at Cambridge Rindge and Latin School, the Cambridge Food Pantry Network/CEOC, and the Mount Auburn Hospital.

Arthur D. Little wholeheartedly endorses the City Council's goal of improving air quality by reducing vehicle miles traveled and encouraging use of public transit and other alternatives to the automobile. The Company currently has several programs aimed at reducing automobile use, including Caravan, car pooling, and shuttle service to the Alewife MBTA station. We support the view that the implementation of thoughtfully conceived traffic mitigation measures will do much to improve Cambridge as a place to live and to work. However, we believe the quickly contrived parking ban under current consideration would degrade the attractiveness of Cambridge for everyone concerned.

Amsterdam
Brussels
Cambridge
Caracas
Copenhagen
Hong Kong
Houston
London
Los Angeles
Madrid
Mexico City
Milan
New York
Paris
Riyadh
San Francisco
São Paulo
Singapore
Taipei
Tokyo
Toronto
Washington
Wiesbaden

Arthur D Little

October 3, 1990 Page 2

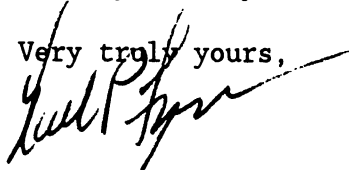
The Honorable Francis Duehay
Chairman, Ordinance Committee
Cambridge City Council

In addition to the general objections to the freeze on employee parking expressed by the business community, Arthur D. Little has its own unique objections arising out of its location outside the perimeter of readily available public transportation. Since the Company is located west of the Alewife park-and-ride facility, most of our employees have no reasonable alternative than to drive to work. A restriction on the Company's ability to expand its employee parking would have the practical effect of making it impossible for us to continue to grow and prosper in Cambridge, thereby forcing us to consider alternative locations--a result we think would be unfortunate for the Company and the City. Furthermore, a move of our facilities away from Cambridge would probably have the effect of increasing, rather than decreasing, the number of miles traveled in the metropolitan area, since many of our employees would have to either drive further or discontinue their current use of public transportation.

We urge your committee and the City Council to focus on improving air quality through traffic mitigation rather than a parking freeze, and to take into account the interests of all, including the City's residents, employees, businesses, and institutions.

Thank you for your consideration of this matter.

Very truly yours,



Karl P. Fagans
Vice President

United Brotherhood of Carpenters and Joiners of America

LOCAL UNION No. 40

109 SMITH PLACE
CAMBRIDGE, MASSACHUSETTS 02138
TEL (617) 547-8511 • FAX: (617) 547-0371



October 4, 1990

Councilman Francis Duehay
Cambridge City Council
Cambridge City Hall
Cambridge, MA

Dear Councilman Duehay:

Local 40 of the Carpenter's Union opposes the proposed parking freeze ordinance.

As a Cambridge-based union, Local 40 serves as a referral hall for our 1600+ members. A great many of our members are women and minorities as well as Cambridge residents. The majority of our members are heads of households. The average carpenter's salary is \$25,000 plus benefits. We have an apprenticeship program which includes 28% - 30% women and minorities and Cambridge residents.

Over the last ten years, we have accepted into our apprenticeship program Cambridge, Rindge and Latin grads. The union has actively participated in the school's vocational career days. We have been strong supporters of Cambridge's Just-A-Start program.

Our members have shared their talents with the City by volunteering thousands of hours. We have constructed handicapped access ramps throughout the City for elder centers, community centers and handicapped programs. We have also restored many of the City's churches.

The impact of the parking freeze threatens all of this.

We estimate that over 1000 jobs currently slated for our carpenters are on hold because developers can't secure the financing. Financing which is tied to parking capacity. The parking you want to freeze is freezing our members out of work.

continued ...

Councilman Francis Duehay
October 4, 1990
Page Two

If our carpenters are out of work, there are:

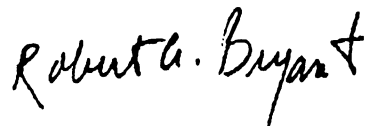
- No paychecks to nearly 500 Cambridge members.
- No benefits, particularly health benefits, which spells disaster to carpenter's families.
- No apprenticeship program opportunities for Cambridge residents and;
- We will no longer be able to volunteer our services to Cambridge because our members will need to be out looking for work.

With the local economy the way it is, 35% - 40% of our members are out of work. Now with the freeze, we know that more than half of our members will be without work.

The City Council and the City Administration are hiding behind the notion that this is about clean air. It is not. It is about insider politics and the blind willingness to appease two dozen concerned citizens at the expense of thousands of working people. For the City of Cambridge to chose this time of economic chaos for working people in Cambridge and across the nation to suddenly agree to be partners with a small group of elitist anti-growth forces plus the Dukakis Administration is irresponsible.

Together the Union and the City have faced many problems. This one is different. The Council's actions have excluded us from the process and are set out to deny us out of our livelihoods. We urge you to reconsider.

Sincerely,



Robert A. Bryant
Business Agent
Carpenters Union Local #40

RAB:kw

Lotus

October 3, 1990

Chairman of Ordinance Committee
City Hall
Cambridge, MA 02142

Re: Parking Freeze Ordinance

Dear Chairman:

Lotus Development Corporation began in the City of Cambridge and has grown up here.

We employ approximately 2700 employees. We occupy over 1,000,000 square feet of real estate and we contribute in excess of Two Million Dollars (\$2,000,000) per year to the City of Cambridge in real estate taxes.


Lotus has always complied with any traffic mitigation the City has requested. We provide our own shuttle bus service for our employees to travel between buildings and the public transportation system. We encourage our employees to use public transportation and pay 100% for "T" passes. We also provide our employees with parking.

To limit our employee parking growth does not make sense to us and we object to the Parking Freeze Ordinance currently under review by the City Council. We feel this ordinance will become a hardship on our employees, our Company, and the growth of Lotus Development Corporation within the City of Cambridge.

We would like to continue our growth in Cambridge and ask you to help us work to that end.

Very truly yours,

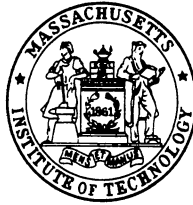
Lotus Development Corporation



Nancy Busnach
Director
Real Estate and Facilities

cc: City Council

NB/kg



OFFICE OF THE PRESIDENT

CAMBRIDGE, MASSACHUSETTS 02139

October 4, 1990

Mr. Francis H. Duehay
Chairman
Ordinance Committee
Cambridge City Hall
Cambridge, MA 02139

Dear Chairman Duehay:

MIT must voice concern regarding the interim Parking Freeze ordinance which is before the Ordinance Committee tonight.

As you know, MIT's primary interest is in education, certainly here on our campus, but also in Cambridge's high schools and other academic institutions within this community and beyond.

However, MIT is also interested in the fabric of the City of Cambridge which is home to hundreds of companies, institutions, organizations and families.

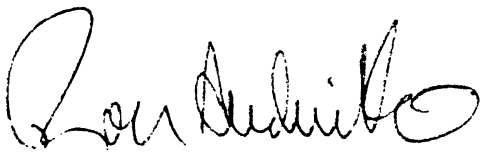
At MIT, we have explored, along with others in the community, traffic and parking issues that affect both the Institute and the City. We support sound and carefully-crafted traffic mitigation efforts. We are a member of the Mayor's Blue Ribbon Committee on Traffic Mitigation and participate in the traffic mitigation studies in Kendall Square. We want to educate, learn, and live in an environment of clean air.

We believe that the proposed interim Parking Freeze ordinance is not the solution to issues of air and noise pollution, traffic and parking. It does not fully represent the interests of all sectors of Cambridge who care about clean air and who will ultimately be affected by the implementation of such policy.

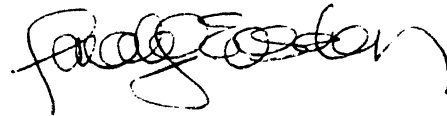
In fiscal year 1990, MIT was the City's second largest taxpayer with a payment in lieu of taxes gift of \$793,500 and a payment of \$3,798,203 on non-academic properties, totaling \$4,591,703. MIT is also the City's second largest employer with just under 10,000 employees. We are a steadfast member of the community, and hope to continue to contribute as such.

The MIT community and its operations, as well as hundreds of other businesses and institutions, will be adversely affected by the interim Parking Freeze ordinance if it is adopted in its current form. We, therefore, urge the Council to consider all perspectives on this matter before taking future action.

Sincerely,



Ronald P. Suduiko



Sarah J. Eusden



FRANCIS P. LYNCH
President

MOUNT AUBURN HOSPITAL

330 Mount Auburn Street
Cambridge, Massachusetts 02238
Tel.: (617) 492-3500

October 4, 1990

The Honorable Francis Duehay
City Councillor
Chairman of the Ordinance Committee
City Hall
Cambridge, Massachusetts 02139

Dear Chairman Duehay:

Mount Auburn Hospital wishes to be recorded in strong opposition to the proposed parking freeze ordinance before your committee. As you know, Mount Auburn Hospital has been concerned and active on the issues of traffic and parking in the surrounding neighborhood. As a health care institution, we are committed to the minimization of pollution and to clean air in the city. However, the proposed freeze does not effectively address these important issues.

Mount Auburn Hospital employs 1912 people, 280 of whom are Cambridge residents. Our main concern with the parking freeze is that it does not exempt employee parking and could severely limit the institution's ability to continue to provide needed jobs and health care services to the residents of Cambridge.

Sincerely,

Francis P. Lynch
President

FPL:pg

October 4, 1990

Polaroid

Councillor Francis H. Duehay,
Chairman of the Ordinance Committee
Cambridge City Hall
Cambridge, MA 02139

Dear Chairman Duehay:

Polaroid Corporation has been working with the City in recent months on several activities which deal with the subject of traffic and parking. Three of these activities are:

- a) The Company has been engaged with City agencies and with other area landowners in an ongoing study of the Industry B Zoning District. These studies include a traffic and parking component.
- b) The Company recommended to the Council in a letter dated April 4, 1990, the establishment of a Blue Ribbon Committee to form a traffic strategy for the City. We suggested that part of the charge to the Committee should be "a city-wide organized effort to engage major landowners, employers, and residents in pursuing voluntary measures to address traffic problems". This suggestion was later embraced by the Cambridge Chamber of Commerce in its letter to the Council of May 14, 1990 and the Council subsequently created the Blue Ribbon Committee.
- c) The Company has joined with other members of the Industry B Landowners Group and has signed on to participate in the City's Commuter Mobility Program being coordinated by Caravan for Commuters.

On July 30, 1990 the City Council endorsed a Memorandum of Agreement without providing an opportunity for prior public comment. A part of this Agreement eliminated the long standing exemption for employee parking under the so-called Parking Freeze. The Council by this action and by the method of its implementation, has allowed a vocal minority of its residents to upset the delicate balance which exists in the City between government, business, and the community.

We have subsequently joined with other employers to determine how best to express our collective concern to the Council over the sudden changing of the rules under which we operate our businesses in Cambridge. For Polaroid, the action of the Council has regrettably diverted our attention from the other activities mentioned above which we had entered into in a spirit of cooperation. The activities of the Blue Ribbon Committee also appear to have been preempted.

Polaroid is among the City's top ten employers ranked by number of employees, not including the many consultants and vendors, contractors and service firms, many of whom are local, which are an integral part of our day-to-day operations.

Polaroid's name does not appear among the City's top ten property taxpayers, but when you reconstitute the taxes which are paid as part of our rent at Technology Square and several other leased facilities, and add them to the taxes on our owned facilities, we pay close to \$3,000,000 in taxes, a figure which would place us well up among the top ten taxpayers in the City.

Polaroid Corporation was established in Cambridge in 1937. Its worldwide corporate headquarters is located in Cambridge along with administrative offices, marketing, research and engineering. Over 90 percent of the Company's space and employees within the United States is located in Eastern Massachusetts. Sites in Waltham, Needham, Norwood, New Bedford, and Freetown house virtually all of the Company's U.S. manufacturing facilities. Our employees must travel frequently between the Cambridge headquarters and our manufacturing sites, often coupled with a trip to or from home to start or end the work day. This network of facilities is not well served by public transportation.

Within Cambridge, Polaroid currently owns or leases approximately 1,200,000 square feet of space in thirteen buildings, all but two of which are within walking distance of each other and are within the Industry B area.

Parking for employees, employee visitors from the outlying sites, business visitors and customers is provided in Polaroid-owned parking lots or is incorporated with building leases.

Some of the Polaroid occupied buildings in the Industry B area are older buildings which were built before the automobile became the primary means of transportation. Of necessity, in the late 1960's and early 1970's, employees were parking in the adjacent residential areas of Neighborhood 4, which led to conflicts with the neighborhood. Therefore, when opportunities became available, Polaroid acquired properties within the Industry B area, demolished the buildings, created surface parking lots there, and vacated both its scattered parking lots and on-street parking in Neighborhood 4. In doing so, the Company was able to make these scattered lots in Neighborhood 4 available for reuse, and negotiated a friendly taking of the properties by the City which was approved by the City Council.

The City's Zoning Ordinance "requires development of adequate parking facilities to meet the reasonable needs of all building and land users...". Employee parking has been exempt from the so-called Parking Freeze until the endorsement by the Council on July 30, 1990 of the Memorandum of Agreement.

We believe that we have been a responsible corporate citizen of Cambridge and have not done something terrible by providing parking to support our operations here.

We are stunned that a City Council which espouses a process approach and represents itself as a thoughtful, positive force for the future, would take such a precipitative action. We urge the Council to reconsider its action and to seek a more reasoned solution to this issue with participation from all affected parties.

Very truly yours,

POLAROID CORPORATION



Eric V. Benson
Senior Manager
Corporate Real Estate

EVB/jbr

cc: Members of the City Council
Robert W. Healy, City Manager
Michael H. Rosenberg, Assistant City Manager
for Community Development

I. MacAllister Booth, President
and Chief Executive Officer
William J. O'Neill, Jr., Group Vice President
and Chief Financial Officer
Graham M. Brown, Jr., Vice President
and Treasurer
Richard F. deLima, Vice President, Secretary
and General Counsel



REYNOLDS VICKERY, MISSINA AND GRIFFIN CO.

October 4, 1990

City Councillor Francis W. Duehay
Chairperson
Parking Freeze Ordinance Subcommittee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

This letter is written concerning the proposed parking freeze and its impact on Alewife Center.

As you may recall, Alewife Center is a development of some 900,000 to 1,050,000 square feet of development on 20 acres of land bounded by Whittemore Avenue, Russell Field, Rindge Avenue and Alewife Brook Parkway at the end of Route 2 in North Cambridge. Alewife Center has a subway entrance in the middle of the parcel.

I have been working on the planning and permitting of Alewife Center for the past seven and one-half years. This process has involved presentations and discussions with residential neighbors and various City boards in more than 50 meetings during this period. The results of that process was support of the project by the neighborhood and Planning Board with the issuance of all comprehensive permits required by the City. My PUD permit contains traffic mitigation requirements and, in addition, I have also agreed with the State Executive Office of Transportation to provide further mitigation measures including a new signal at the intersection of Massachusetts Avenue and Alewife Brook Parkway.

Alewife Center will provide some 1,000 construction jobs over a period of years, as well as conservatively some 3600 permanent jobs. The estimated payroll of those permanent employees on an annual basis would be \$140,000,000. Real estate taxes paid at present rates would exceed \$3,500,000 annually.

The proposed parking freeze ordinance stops Alewife Center. Let me tell you why. No lender will lend the necessary funds for our infrastructure improvements (estimated at \$4,000,000) which will provide open space, landscaping, roadways, sewer & water lines, etc. without our ability to show that we can, in fact, build what the City has permitted. This infrastructure cost has to be paid for by a total of six buildings. Our PUD requires the completion of open space, landscaping, and cleaning up of Jerry's Pond in the first phases of building construction.



City Councillor Francis W. Duehay
October 4, 1990
Page Two

This ordinance gives no certainty to myself or our lenders that we can move forward on the basis of a comprehensive permit for a phased development issue by the City and supported by my residential neighbors.

I am in favor of clean air, however, restricting parking spaces does not address a clean air agenda. The process or lack of process that has generated the MOA and an ordinance that "cannot be amended" has encouraged a lack of trust in Cambridge city government. This comes at a time when jobs and taxes are critical to Cambridge, and when Massachusetts has a populous overwhelmingly dissatisfied with government actions.

Therefore, my partners and I at Alewife Center are opposed to this ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Vickery'. The signature is fluid and cursive, with a long horizontal line extending to the right and curving downwards.

David R. Vickery
Principal

DRV:jp

dv/1-190

Spaulding & Slye


October 3, 1990

Chairman of Council
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Chairman:

Spaulding & Slye has been developing first-class commercial property in Cambridge since 1968. We currently manage over 600,000 square feet in Cambridge with more than thirty tenants and approximately 1,500 employees. Spaulding & Slye also pays over \$2.3 million in real estate taxes annually. Spaulding & Slye is opposed to the parking freeze ordinance.

Sincerely,



Peter L. Johnson
Senior Vice President

PLJ/meg

City of Cambridge

The Committee on Ordinances conducted a public hearing on Thursday, October 4, 1990 beginning at 7:50 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to review and receive testimony from city officials and the general public relative to a proposed amendment to the Municipal code relative to the "Parking Freeze". Members present were: Councillor Francis Duehay, Chairman, Councillor William Walsh, Vice Mayor Kenneth Reeves, Mayor Alice Wolf, Councillor Sheila Russell, Councillor Jonathan Myers, Councillor Ed Cyr, Councillor Timothy Toomey, Councillor Walter Sullivan and City Clerk Joseph Connarton.

Councillor Duehay, Chair of the Committee opened the hearing by introducing everyone and outlined the rules and procedures of the committee. He indicated sign up sheets had been placed on the table outside the railing for those who wish to speak either in favor or opposition and that those wishing to speak in favor would be called first, then to be followed by those in opposition. Councillor Duehay further outlined to the Committee he had been contacted relative to the possibility of having the hearing video taped and that he had contacted the City Manager's office.

City Manager Robert Healy stated he had reviewed C.39 M.G.L.A. with Deputy Solicitor Donald Drisdell and stated the law allowed for such taping. He further stated that the cost was not being paid by the city, it was being paid privately.

Councillor Russell questioned who was paying for the video taping. The City Manager responded by stating he believed a private concern in conjunction with the Cambridge Community Television and Continental Cablevision had made an arrangement to video tape.

Councillor Walsh questioned whether or not any litigation was pending on this proposed ordinance for which the video tape could be used. City Manager Healy responded by stating there was no pending litigation on the ordinance, but there was on the Memorandum of Agreement. Councillor Walsh further questioned what, if any liability the City Council had relative to the Memorandum of Understanding.

Mr. Healy responded by stating the City Council by law is indemnified from personal liability for actions performed in their official capacity as policy makers.

Councillor Myers stated he believed the City Council had the right to know just who wanted the hearing video taped.

The City Council then heard from David Vickery, Acting Chair of the Cambridge Chamber of Commerce Committee on Government Affairs who stated the Chamber of Commerce was responsible for taping and no public funds were being used.

Councillor Duehay declared the public hearing would proceed and requested the City Manager outline the proposed amendment to the Municipal code.

City Manager Healy outlined a brief historical history of the evolution of this document dating back to 1988 and referred to the "draft" amendment dated October 3, 1990. He stated that only minor language changes have been made within the current document. Mr. Healy further stated that the "Memorandum of Agreement" which has been executed now restricts the number of parking spaces during the interim period until the "State Implementation Plan" (SIP). The law firm of Foley, Hoag and Eliot has been retained by the City, he said, to assist in the development of this ordinance and the Memorandum of Agreement. He further stated that everyone needs to understand that the so-called parking freeze is not the only element of the (SIP). Furthermore he stated, he believed the city can arrive at an S.I.P. which will not stop the economic growth of Cambridge and which will achieve better air quality.

Speaking in support of the proposed amendment to the municipal code were:

Dan Geer
40 Bellis Circle
Cambridge, MA 02139

Walter Grant
302 Brookline Street
Cambridge, MA 02139

Jennie Bush
302 Brookline Street
Cambridge, MA 02139

Fred Small
80 Aberdeen Avenue
Cambridge, MA 02138

Robert Edbrooke
20 Prescott Street
Cambridge, MA 02138

Peter Valentine
55 Blanche Street
Cambridge, MA 02139

Steve Kaiser
191 Hamilton Street
Cambridge, MA 02139

All of whom voiced strong support for the proposed amendment and some of whom expressed their disappointment in the opposition of the members of the Cambridge Chamber of Commerce.

Councillor Cyr questioned Fred Small as to whether or not ECO, Environmental Citizens Organization had taken a position regarding the proposed amendment. Mr. Small responded in the negative.

Mr. Kaiser offered an amendment to the proposal in S 10.16.060 entitled: Procedure for obtaining CFPF or Determination of Exclusion; said amendment would add certain language relative to applications for "controlled parking facility permits" also being reviewed by the state's Executive Office of Environmental Affairs.

At 8:45 p.m. Councillor Duehay, after asking if anyone else wished to speak in favor of the proposal, and hearing no one, then declared this section of the hearing closed and asked if anyone now wished to speak in opposition.

The Committee then heard from:

Mr. David Vickery
88 Grozier Road
Cambridge, MA 02138

Mr. Vickery, in his capacity as Acting Chair of the Cambridge Chamber of Commerce, Government and Community Affairs Committee. Mr. Vickery stated he was representing a broad based coalition of businesses, institutions and neighborhoods, all of whom were opposed to the proposed amendment to the Municipal Code. This group, he stated, represents nine out of the ten largest employers in Cambridge, the tenth being the City itself. He stated his group represents over 30,000 people who live or work in Cambridge. Furthermore he stated the business community deeply resented the fact that they were denied the right to participate in the negotiation process leading up to the recently signed Memorandum of Agreement between the City of Cambridge and the Department of Environmental Protection.

Vice Mayor Reeves questioned if there was any reason why small businesses within Cambridge were not included in the group being represented by the Chamber.

Mr. Vickery responded by stating there was no reason other than the fact his group which had only been together themselves for the past 6 weeks had not yet done any outreach with the small business people.

Councillor Myers questioned whether or not Mr. Vickery saw any problem with how people get around in the city.

Mr. Vickery responded by stating he would like to hold off answering any questions until all speakers had an opportunity to voice their opposition.

At this time discussion followed as to whether or not councillors would be allowed to question speakers as they made individual presentations.

Councillor Duehay, as Chair of the Committee stated he had outlined the committee process to Mr. Vickery indicating that each councillor had the right to ask questions of any one making a presentation, but that if speakers did not wish to respond that they could not be forced to do so.

Also speaking in opposition were:

Mr. Robert Bryant, Business Agent
Local 40 Carpenter's Union

Bryant stated he had 1500 members from Cambridge many of whom were women and minorities. Furthermore he stated that currently 1000 jobs for his members were on hold because financing for new development is in serious jeopardy because of this proposed ordinance.

Councillor Cyr stated that failure by the City Council to pass this ordinance would prohibit any construction jobs from being created because the City is currently in excess of 8500 unlawful parking spaces. This ordinance he continued, establishes a permitting process.

Councillor Toomey stated he disagreed with Councillor Cyr's position.

Mayor Wolf stated she hoped that the City Council could develop an ordinance which will allow for a better Cambridge for all its residents. Furthermore, she stated that if the Council failed to adopt this ordinance, the city would be out of compliance with the Memorandum of Agreement.

Councillor Toomey questioned the current status of the temporary Lechmere garage.

City Manager Healy responded by stating that the garage had a temporary permit which will expire on October 1, 1990 and under the Memorandum of Agreement the closing of this temporary garage will be credited to the City's "bank" of spaces available for development during the interim period until a SIP amendment is completed. The owners of the temporary garage are not contesting its closing.

Councillor Myers questioned Mr. Bryant of the Carpenter's Union whether or not he believed people had a problem getting around Cambridge. Mr. Bryant stated he did not see that as being relevant.

Councillor Cyr stated he believed the three potentially biggest construction jobs in Cambridge were the development of Northpoint, which he said is exempted from the freeze, the continuing development of Forest Cities, which could be permitted and the further development of the Alewife area, for which spaces will be banked. Furthermore, he stated that he could only support the proposed amendment if in his heart he believed it will take everyone out of the courts while developing a process which regulates parking spaces and automobiles for the future.

The Committee then heard from Joann Shotwell, Esq. representing the Chamber of Commerce and the coalition, who stated that there currently is no legal requirement for a parking freeze and that no such freeze currently exists in Cambridge. Attorney Shotwell read a prepared text (copy attached.)

Furthermore she stated that what the Council should be doing is developing an amendment to the Zoning Ordinance and not to the Municipal Code. Mayor Wolf in response to Attorney Shotwell's presentation stated that the Environmental Protection Agency exempted businesses, residential and employee parking, what is left? Attorney Shotwell responded by stating commercial development.

David Vickery, in the absence of a representative from Lotus Development Corporation read a letter from its director of real estate and facilities (copy attached.)

The Committee then heard from Kathleen M. Fennell, Director of Personnell for Bioran, who stated her company operates on a 24 hour basis and employs approximately 450 people, some of whom are working mothers, who work the late shift and do not want to use public transportation but who prefer to take their cars to work.

Also speaking in opposition and submitting a prepared text (copies of which are attached) were:

Mr. Richard Foot, President
Young Men's Christian Association
820 Massachusetts Avenue
Cambridge, MA 02139

Mr. Paul Casey
Com/Energy Company
One Main Street
Cambridge, MA 02139

Mr. Eric Benson, Senior Manager
Corporate Real Estate - Polaroid Corporation
Cambridge, MA 02139

Responding to Mr. Casey, Councillor Cyr questioned what would land values of ComEnergy be if the city had to wait to eliminate the illegal 8500 excess parking spaces currently identified by the EPA. Councillor Duehay stated he hoped all the speakers understood that the City has been working on this issue for a long time, and that much thought had been put into the proposed ordinance.

Councillor Russell questioned Mr. Benson as to whether or not Poloraide had any involvement in the process leading up to the Memorandum of Agreement. Mr. Benson responded in the negative.

Councillor Russell stated she did not understand just who were parties to the negotiations if the business community was not involved and she continued, she knew as one member of the City Council, she was not involved.

Councillor Myers stated that although the business interests within Cambridge are important but so are the citizens of Cambridge and he believed everyone should work constructively towards resolving the parking and traffic problem.

Also speaking in opposition were:

Mr. Kevin Casey
Director of State Relations
Harvard University

Ms. Sarah J. Eusden
Office of the President
Massachusetts Institute of Technology

Councillor Duehay questioned Ms. Eusden as to whether or not her testimony had been approved by the President of M.I.T. Ms. Eusden responded by stating her testimony had been approved by the Office of the President.

The Committee then heard from David Vickery in his capacity as a principal in the firm of Reynolds, Vickery, Messina and Griefen Company, who provided a summation on behalf of the coalition and submitted a letter outlining his position (copy attached). He stated that his group was appalled at the closed door meetings which took place between a small interest group and a very few city officials. Furthermore he stated he believed this hearing to be a "pro-forma" sham given the fact they had been told very little change will occur from the previously stated position of the City.

This will not pass muster he said, with the Clean Air Act.

Vice Mayor Reeves stated he took great exception with the reference of closed door, 11th hour deals since he believed the business community could have participated throughout the process but chose to remain silent.

Councillor Myers stated this was not a shan and informed Mr. Vickery he felt the comment was totally inappropriate.

Mayor Wolf then read in part from a letter dated March 13, 1990 to the City Manager from the Environmental Protection Agency which clearly identified what needed to be done to bring Cambridge into compliance.

Attorney Shotwell stated that it would appear from the testimony and questions being raised at this hearing, which is required under the statute, that the outcome is not pre-determined.

Relative to earlier statements made by Attorney Shotwell, Councillor Cyr questioned whether the Environmental Protection Agency agreed with her stated position regarding the freeze. Attorney Shotwell responded by stating it is the EPA's opinion that there never was a freeze in effect since 1977 when the United States Congress amended the Clean Air Act it basically put the EPA out of the local parking regulation business. Furthermore she said, the 1982 State Implementation Plan (SIP) declined to impose a parking freeze, but clearly some sort of local pressure has been brought to bear on Cambridge to establish such a freeze.

Vice Mayor Reeves requested that the Committee be provided with the documents from which legal counsel bases her argument.

Attorney Shotwell stated that the document was within her package submitted this evening.

The Committee then heard from Robert Lewis, Vice President of the Cambridge Chamber of Commerce who reiterated the position of the Chamber and stated that some small businesses were represented within the Chamber and many of them support its position on this issue.

The Committee then heard from Dan Geer, who provided a summation for the proponents. Mr. Geer stated he believed he was speaking for every neighborhood when he says that the passage of this ordinance is vital to clean air in Cambridge. It is clear he said that the E.P.A. and D.E.P. require this freeze.

Councillor Duehay questioned if any one else wished to come forward in opposition, hearing none he declared this section of the hearing closed.

Councillor Russell pressed her inquiry to the City Manager as to just who the people were who negotiated the Memorandum of Agreement and this ordinance. The City Manager once again provided the committee with a historical overview of the facts leading up to the present discussion on the proposed ordinance including the recent E.P.A. audit and two lawsuits. These factors, he continued required the city to negotiate not only with the plaintiffs but with E.P.A.. The Law Department, he said has held multiple discussions with many people.

Councillor Russell questioned the City Manager as to whether or not any City Councillors were sitting in on negotiations.

The City Manager responded in the negative. Furthermore he stated that to his knowledge councillors only sat in on update meetings with the Department of Environmental Protection. (D.E.P.)

Responding to Councillor Russell's inquiry, Councillor Cyr stated he was no longer a plaintiff to the suit and was not involved in any discussions at any level prior to removing himself from the suit.

Deputy City Solicitor Donald Drisdell informed the Committee that Councillor Cyr had requested and was provided with a legal opinion on this very point and he followed the advice provided to him.

Councillor Russell stated she found it difficult to understand why only one City Councillor, if the rumors are true, was involved in many discussions with the City Manager, Law Department and officials from the State. Mr. Healy responded by stating he did not believe he informed any one councillor any more than another and as always attempted to keep Councillors abreast of an area of particular concern to him or her.

Councillor Myers requested the City Manager outline the (S.I.P.) process. The City Manager responded by stating he has developed a matrix for the process, which will be implemented once the ordinance is adopted and it will bring Cambridge into compliance. Responding to Councillor Walsh's statement that Attorney Shotwell had stated forcefully this evening that the parking freeze doesn't exist, Mr. Healy stated that at one time that was the position the City had taken, but they have been informed by the E.P.A. that the City was incorrect and they would put their full force behind fighting us.

The hearing was adjourned at 12:16 a.m.

For the Committee

Francis H. Duehay
Councillor Francis H. Duehay, Chairman

1.
COMMITTEE REPORTS

3
0-54D

Report from the Ordinance Committee on the proposed amendment to the Municipal Code of the City of Cambridge relative to the "Parking Freeze".

In City Council,

November 5, 1990

*Report accepted
passed to a second
reading*