

Cambridge Citizens for Liveable Neighborhoods

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29 Dec 1989

Cambridge City Council
City of Cambridge
City Hall
Cambridge, Mass. 02139

Steering Committee
Pro Tem:

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Anne Toop
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Dear Councillors,

The case involving the Commercial Parking Freeze has now achieved national visibility. Enclosed find a copy of a letter from the Chief Counsel of the Environmental Defense Fund to Governor Dukakis. That letter was accompanied by a considerable amount of scientific and legal documentation, which we would be more than happy to supply should you be in a position to utilize it.

We look forward to working with you on this and the many other important and pressing issues that are before us.

Very truly yours,



Daniel E. Geer, Jr., Sc.D.
Co-Chair, CCLN

cc: Robert Healy
George Teso
Cambridge Chronicle
Cambridge TAB
Harvard Crimson
Boston Globe
all Cambridge neighborhood associations

enc: EDF letter

ENVIRONMENTAL DEFENSE FUND

257 Park Avenue South
New York, NY 10010
(212) 505-2100

November 29, 1989

The Honorable Michael S. Dukakis
State House
Room 360
J.F. Kennedy Federal Building
Boston, Mass. 02203-2211

Dear Governor Dukakis,

The Environmental Defense Fund wishes to call your attention to a controversy in Cambridge which raises environmental issues of more than local significance. This matter is the issuance of a Building Permit on February 10, 1988 by the City of Cambridge for the construction of a 1500-space parking garage at One Kendall Square. It is our understanding that this facility has since been built and that 400+ of its parking spaces are now licensed for use.

A citizens' group in Cambridge, Debra McManus, et al, has filed a lawsuit challenging the permit for violating the Commercial Parking Freeze as defined in 40 CFR #52.1135. The Freeze was instituted in 1973, and Massachusetts later included it as an important component of its State Implementation Plan (SIP) under the federal Clean Air Act. At present the defendants, George Teso, Traffic Director of the City of Cambridge, and Athenaeum Group, et al, developers, claim that the Kendall Sq. garage project is excluded or exempt from the Freeze.

After investigation, EDF supports the position of the citizens' group. The definition of a "commercial parking facility" covered by the Freeze is "any lot, garage,

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building or structure (or combination or portion thereof) on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, and (ii) parking on public streets." 40 CFR #52.1135(a)(5).

The rationale of this definition is to permit needed storage garaging for residents, but to reduce non-resident daily traffic from commuters and shoppers by discouraging development of profitmaking parking facilities, thus encouraging a preference for public transportation. EDF believes that despite efforts on the part of defendant developers to make it appear otherwise, the Kendall Sq. garage is a fee-earning "commercial parking facility." Most of its 1500+ spaces are intended for the use of non-resident daily commuters and shoppers, and some by transient hotel guests. Defendant developers and the City of Cambridge take the position that none of these will park "for a fee" and therefore the facility does not come under 40 CFR #52.1135. Yet plainly many spaces are to be paid for by business tenants for their employees under the terms of a lease or other agreement, by stores for shoppers, by the hotel by adding fees to guests' bills, and nearly all the rest directly by users. Permitting the facility's construction flies in the face both of the language and purposes of the Commercial Parking Freeze.

The larger issue that EDF wishes to address is the lack of state and local support for enforcement of the Commercial Parking Freeze. Since it began, developers in Cambridge and other municipalities have built many parking spaces under the guise of an exclusion or exemption that eviscerates the rule. We think this record of neglect is improper for several reasons.

First, the Commercial Parking Freeze is not discretionary but is a duly enacted part of the law. It is part of a federal-state-local legislative scheme aimed at meeting federally-mandated air quality standards established by the Clean Air Act. Metropolitan Boston remains out of compliance with air quality standards for photochemical oxidants (Ox) and carbon monoxide (CO). Any failure to implement the SIP frustrates fulfillment of Massachusetts' federal obligation.

Second, the polluting effect in cities from non-resident commuter and shopper auto traffic is amply documented. Equally well-documented is the efficacy, as a counter-measure, of certain parking management strategies, among them restricting access by non-residents to central business district parking by limiting available spaces and/or raising fees. We attach a list of studies which demonstrate that well-designed parking management measures do reduce non-resident metropolitan traffic, thus effectively helping to abate air pollution caused by auto emissions. Because of the efficacy of such measures the Commercial Parking Freeze is an important component of the Massachusetts SIP.

Third, Cambridge is especially suited to make a parking freeze work to maximum advantage. Authoritative studies show that when reasonably efficient public transportation is available, the effect of parking restrictions in reducing non-resident metro traffic is increased. Such favorable circumstances exist

in Cambridge. The One Kendall Sq. garage is steps away from the Kendall Sq. rapid transit station and within minutes of "fringe" parking facilities provided at the terminus of the Boston-Cambridge line.

For these reasons EDF respectfully recommends that you direct the Executive Office of Environmental Affairs and the Department of Environmental Protection to review the matter of the Cambridge building permit and to take whatever measures are required to effectively limit or reverse its environmentally deleterious effects, including, if necessary, the demolition of the facility.

More generally, EDF respectfully urges you as Governor to direct these and other state agencies with allied responsibilities henceforward to ensure that the legislative purposes of the Commercial Parking Freeze are fully and firmly served through rigorous and consistent enforcement.

Very truly yours,

James T. B. Tripp
General Counsel

cc: John P. DeVillars
The Honorable Daniel Greenbaum

16. S-21

Comm. from Daniel E. Geer, Jr., CCLN, relative to the Commercial Parking Freeze.

In City Council,

January 8, 1990

Placed on file