

Speak on Scheme Z

NAME

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- 3) Mark Sommer - Greenpeace
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Steve Kaiser Engineer
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I think these
documents should
be somehow cataloged
w/ the Parkin hearing

11/5/90

For the record, my name is Stephanie Anne Gramolini. I live at 6 Washington Ave. I am speaking as President of the Cambridge Civic Association.

The CCA joins its neighbors across the City in urging the Council to put the spotlight on Scheme Z and slow the process down so that we, the citizens of Cambridge, will finally have a chance to examine its implications and have real input in to the project.

We urge this for three reasons.

One, Scheme Z will swallow up a part of Cambridge which has the only real development potential in the city, the area known as North Point on which the City has spent so much money to encourage development, including much needed housing.

Two, Scheme Z is an attempt to solve other people's traffic problems at our expense. For Cambridge, it will mean increased traffic congestion, construction related pollution, and further disruption of the quality of life in East Cambridge.

Third, and most importantly, the City has been excluded from any real decision making in the development of Scheme Z.

It is clear that the Central Artery Project is a long overdue improvement. It must go forward; but not at the expense and the exclusion of Cambridge.

Stephanie Anne Gramolini

October 29, 1990

Global warming is a global problem, but it is not beyond our reach or our responsibility. With only five percent of the world's population, the United States contributes roughly twenty percent of greenhouse gases, principally carbon dioxide. Of this, motor vehicle emissions account for between twenty and thirty percent--a hefty percentage which can and must be reduced.

Scheme Z is a colossal blunder not merely because it will poison Cambridge, but because it will poison the earth. It results not from the decision to depress the Central Artery--an excellent idea--but from the wholly separate decision to double its traffic capacity. It is a cowardly capitulation to the single-passenger automobile and long-haul truck. It is a short-sighted substitute for a sensible regional transportation plan. It is a 1950s white elephant in a twenty-first-century world.

I know that construction workers need jobs. I'm a working person and a labor union member. And I say to my brothers and sisters in the building trades, throughout history there has always been some rich person willing to pay good working people to do the wrong job. Scheme Z is the wrong job. It hurts our city, our neighborhoods, our children, our elderly. Sometimes you just have to say "Take this job and shove it." Because it stinks.

So let's work together and fight together to make jobs that will feed our children without poisoning them. Building mass transit employs more people and for a longer time than building highways. Let's build a transportation system and a livable city we can be proud of, and that our children will be proud of us for leaving them.

TESTIMONY OF FRED SMALL

Co-chair, Public Policy Committee
Cambridge Environmental Citizens Organization

On Scheme Z of the Central Artery/Tunnel Project

Before the Cambridge City Council
November 5, 1990

My name is Fred Small. I live at 80 Aberdeen Avenue. I am co-chair of the Public Policy Committee of the Cambridge Environmental Citizens Organization, or Cambridge ECO.

The guiding principle of Cambridge ECO is "thinking globally, acting locally." We are all by now aware of the destructive impact of Scheme Z on the lives and health of Cambridge residents: poisonous air pollution, of which the first victims will be our sick, our elderly, and our children; noise and traffic invading our neighborhoods; the visual blight of what the EPA calls "the single ugliest structure in New England."

Cambridge faces a clear and present danger in Scheme Z. We must resist it, and I believe we will win.

But we are citizens not only of Cambridge, but of the world. And the world desperately needs our help.

In the last two years, global warming (also known as the greenhouse effect) has emerged from the obscurities of computer modeling and scientific treatises to be broadly recognized as a grave threat to the human race--to coastal cities and floodplains, to our forests and farms, to the natural world as we have known it, perhaps even to the global food chain on which we all depend.

Six of the hottest years in the recorded history of the earth have come in the last decade. Scientists differ on the severity of global warming and whether it has already begun, but they agree that it is certain to happen.

Most of us aren't scientists. When we walk outside in November and the temperature is pushing eighty degrees three days in a row, we know something is terribly, terribly wrong. The weather reporter on TV smilingly forecasts "another taste of Indian summer!" But I feel only foreboding and loss.

GREENPEACE

709 Centre Street, Jamaica Plain, Boston, Massachusetts 02130
Telephone (617) 983-0300 • Fax (617) 983-0909

November 5, 1990

Testimony before the Cambridge City Council concerning the
Central Artery/Tunnel Project

By Mark Sommer
Northeast Atmosphere and Energy
Campaigner, Greenpeace

My name is Mark Sommer and I work on transportation and energy issues for Greenpeace.

Greenpeace is opposed to the Central Artery/Third Harbor Tunnel Project.

There is a pressing need for a realistic, integrated transportation approach to meet the challenges of the 1990's and beyond. But given the immense pollution problems that result from automobile use, our transportation needs must be increasingly met with strategies that demphasize the automobile and put greater importance on commuter rail, mass transit, high occupancy vehicles and bicycling.

Unfortunately, what we get instead is a multi-billion dollar public works project that could easily have been hatched out of the 1950's, during the great push for federal highway expansion for an American public growing increasingly dependent on automobiles.

In the 1990's, this kind of transportation plan should be dead on arrival. Especially when we know that carbon dioxide emissions from automobiles trap heat and are a major source of one of the greatest threats before us today, global warming.

This past decade demonstrated conclusively that the world is warming at an unprecedented pace. Scientists from around the

world are in agreement that if we don't begin immediately to sharply reduce the amounts of greenhouse gases being burned, then worldwide temperatures could increase approximately 3 degrees in the next 30 to 40 years. That would result in massive coastal flooding, threats to agricultural production, the loss of critical sea vegetation, extinctions of animals and other environmental calamities. In fact, right now an international conference is convening as we talk to tackle the problem of global warming, with dire warnings of an eco-catastrophe unless immediate changes in transportation and energy use begin to be implemented.

I bring this up because this costly Central Artery Plan is a dinosaur due to its over reliance on automobiles. Missing is a clear commitment to promote mass transportation and bicycling, and particularly a rail link between North and South Stations that Transportation Secretary Fred Salvucci once insisted be a part of any new Central Artery project.

With air pollution getting so much worse, we no longer have the luxury to nod our heads at the warnings of the world's front-line scientists one minute, and then develop a massive transportation project whose effects will be felt well into the 21st century that ignores those warnings.

In Cambridge, folks here have the added burden of playing host to Scheme Z, an aesthetic monstrosity that will feature on a daily basis hundreds of thousands of automobiles that deposit toxic pollutants as they travel over 18 lanes of highway that cross the Charles River. This is a particular problem for Charlestown as well, where citizens are also meeting to express their rejection of this plan.

Scheme Z will also result in more traffic jams for Cambridge's already often-congested streets during the 10 to 15 years of construction, the permanent rerouting of hazardous cargo through Cambridge surface roads, and the lost opportunity to develop a riverfront park along Miller's River.

And how is the state going to pay for its share of the project? Since Transportation Secretary Salvucci has yet to tell us, and since the state for months has suppressed its own Lazard Freres report which they commissioned two years ago to determine the state's funding sources, it's hard not to conclude that either the state doesn't have a clue where the money is going to come from or else is afraid its plans will trigger a public uproar. *As I understand it, the portion of the project that extends between High and Causeway streets may not be covered by federal funds.*

For these and other reasons, this Central Artery Project that is being rushed to judgement is bad for the environment, bad for the state, and bad for Cambridge. For obvious reason, the state is scared that independent-minded Cambridge won't go along for the

ride. I hope you will tell the state to go back to the drawing board and come back when it can see beyond the windshield of an automobile and out of the spaghetti bowl known as Scheme Z.

Thank you.



Charles River Watershed Association

**Public Hearing Testimony
Cambridge City Council
Central Artery Charles River Crossing, "Scheme Z"
November 5, 1990**

My name is Karen I. Pelto. I am representing the Charles River Watershed Association at tonight's hearing in the capacity of Acting Executive Director. Thank you for the opportunity to speak.

Charles River Advocacy

In CRWA's review of projects and policies in the lower Charles River Basin, we have advocated for a continuous public parkland and walkway system along both banks from the Esplanade to the new dam.

Each development, public or private, undertaken in the lower Basin during the past decade has been required to make valuable commitments to public access, augmenting the Metropolitan District Commission's long-term planning efforts.

In 1989 "Scheme Z" was unveiled.

Charles River Crossing/Transferring the Urban Blight

CRWA can never endorse a massive, intrusive eighteen-lane highway crossing that squanders the MDC's Esplanade Extension vision, plan and achievements, and degrades wetland resources and water quality. Once sacrificed to poor transportation planning, these public resources are lost forever.

Amidst the fanfare and self-congratulation for plans to remove the superstructure currently looming above downtown Boston, the inconsistent and inappropriate Charles River Bridge Crossing, "Scheme Z", is a stark legacy of failure. While the downtown artery is being dismantled, a roof and towering loop ramps, the area's **next urban blight**, will be installed over our most cherished and celebrated river.

Clearly, consistency with established parkland and public access goals deems an all-tunnel option necessary and appropriate. Proposals incorporating traffic movements in tunnels deserve full disclosure and documentation for public and agency review and consideration before they can be dismissed.

It is not for lack of resources and skill that we are faced with "Scheme Z"; there is an obvious lack of commitment to avoiding degradation of the Charles and Millers Rivers.

CRWA takes particular exception to the Department of Public Works' assertion that constructing the maximum density of highway structure in this area is justified because it has historically been a neglected transportation corridor. I remind everyone that the Charles River represents a reclaimed public resource. The last and "lost" half-mile of the Charles, including the Millers River, is too precious to lose.

National Precedent

It is appropriate at this time to recall a quote from a Boston magazine dated May, 1969, which described the city's environmental agenda with respect to air, water and parks.

Of all possible threats to Boston's river landscape, there are none so severe as those created by the public agencies involved in the urban expressway game.

The statement sadly rings true today. The precedents established by Scheme Z are obviously regional but even national in scope, due to the sheer size and scale of highway structure, magnitude of environmental degradation and abuse of the public process and regulations designed to protect public resources. If not remedied, the 1969 Boston magazine statement will ring true for decades to come.

Selling Cambridge and the Charles Short

The City of Cambridge must use local, state and federal regulatory tools as they were intended to protect valuable wetlands and parkland resources. The accountability of the Executive Office of Transportation and Construction within the regulatory framework has thus far been poor to dismal, choosing to craft "mitigation" above the law and behind closed doors rather than consider alternatives that avoid or minimize impacts to wetlands and parkland.

Critical state and federal regulatory requirements under Section 4(f) of the Department of Transportation Act, Massachusetts Wetlands Protection Act (MGL Ch. 131 s. 40) and Chapter 91 waterways regulations remain unfulfilled.

In 1985, the City of Cambridge was faced with the Central Artery North Area (CANA) proposal. The Conservation Commission, CRWA and others used the wetlands and tidelands regulations to secure environmental benefits that are not flexible or open to negotiation.

In considering the "Scheme Z" proposal, don't sell the

Millers, Charles, Cambridge short.

Mitigation is essential when public resources are at risk, but insist upon regulatory compliance first. Mitigation should not be used to excuse inadequate consideration of alternatives, or be sought at the expense of the public process.

The DPW will show you pastel-colored renderings of parkland mitigation. What these artists conceptions do not reveal is a massive highway throwing shadows, pollution and noise on the water and land. The quality of parkland mitigation, the success of adjacent land uses; indeed, the quality of life in Cambridge, is threatened by this crossing.

CRWA objected to the mediation process because not everyone was invited to the table and because mitigation discussions should be public and mediation cannot substitute for compliance with state and federal regulations. Agreements are being made right now to limit the jurisdiction of Section 4(f) and how much mitigation is enough without the public's full knowledge and participation. Reaching private decisions about public resources and benefits is deplorable.

The proposed 18-lane bridge crossing and multiple, towering loop ramps will be with us for decades to come. If overlooked, lack of compliance with federal and state regulations protecting parkland and wetlands will sacrifice public resources and jeopardize the integrity of those statutes today, weakening environmental protection on a regional, a national, scale for decades to come.

Respectfully Submitted,



Karen I. Pelto
Acting Executive Director

KP:kp\artecahe.kip



U.S. Department
of Transportation

Federal Highway
Administration

Office of the Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

November 5, 1990

Refer to: HOA-2

Mr. K. Dun Gifford
Chairman
Committee for Regional Transportation
224 Claredon Street
Boston, Massachusetts 02116

Dear Mr. Gifford:

Pursuant to your recent inquiry, I am responding in regards to the status of the Interstate apportionment for the Commonwealth of Massachusetts and some technical issues about the Interstate program.

On the matter of the fiscal year 1991 Interstate apportionment for the Commonwealth of Massachusetts, the total Interstate apportionment will be in excess of \$750 million. That sum will become available as the Commonwealth submits individual project proposals to the Federal Highway Administration for approval and upon demonstration of State matching share availability assuming appropriate environmental approvals.

Since the 1987 Highway Act, over \$1 billion of Federal obligation authority that had been allocated to the Commonwealth of Massachusetts has been returned as unused to the overall nationwide program. Last fiscal year alone, over \$400 million was returned to the national program. In addition, on September 30, 1990, over \$70 million of Massachusetts Interstate apportionment lapsed again as a result of being unused.

The bulk of this Interstate funding is available for the completion of the Third Harbor Tunnel. While the 1987 Highway Act broadened the Interstate completion eligibility of the overall project, a major depressed section from High to Causeway was defined as ineligible for Interstate completion. The Federal Government is committed to funding the Third Harbor Tunnel and the remainder of the Interstate eligible project.

I hope that this information is responsive to your inquiry.

Sincerely yours,

Gene McCormick
Deputy Administrator

EAST CAMBRIDGE STABILIZATION COMMITTEE

TO: THE CAMBRIDGE CITY COUNCIL
FROM: MICHAEL A. NICOLORO, CHAIRMAN
RE: CENTRAL ARTERY - SCHEME Z
DATE: OCTOBER 30, 1990

The purpose of this correspondence is to formally express our opposition to Scheme Z of the Central Artery Project. We believe there are more innovative methodologies that should be pursued rather than the archaic approach of Scheme Z. Strong consideration should be given to the environment, safety, integrity of the neighborhood, futuristic transportation plans and esthetic values. The Committee does not feel that Scheme Z properly addresses each of these considerations in a manner that is beneficial to the City of Cambridge. Scheme Z is nothing more than replacing a problem with a bigger one. In Portland, Oregon, the city's central plan focused on a mass transportation system coupled with the restriction of downtown parking. This plan succeeded in discouraging the use of vehicles into the downtown area. On the contrary, Scheme Z, because of its size, promotes a greater use of vehicles. This philosophy is not in line with the progressive methodologies being employed today for reducing pollution, increasing safety and alleviating congestion. There is a noticeable lack of public transportation in Scheme Z. We also question why Scheme Z does not employ the use of tunnels. Tunneling would allow the City to make better use of the land by providing open space and parks which are considered to be valuable commodities in today's congested cities. Further, studies have confirmed that regardless of what is built it will

be undersized because of the insatiable appetite of today's driver. The life cycle of bridges and their abutments is about 50 years. At the end of this cycle, significant restoration work will be required to maintain it's integrity. Also, please be aware that routine maintenance will be needed during it's life cycle. This all equates to a very costly alternative to the people of Massachusetts. It is apparent that Scheme Z defers the problem to the next generation. We question where the funding will be coming from for this project. It is our understanding that budgets of other communities will be cut so that this project can be constructed. We are aware that there were several alternatives prior to Scheme Z all of which were deemed unacceptable. We ask for your support in categorizing this alternative with the others - unacceptable. The State must get it's head out of the sand and address the real issues of pollution, safety, esthetics and the fact that the Central Artery should be designed as part of a grand scheme that meets the needs of the future.

cc Mayor Alice Wolf
Vice Mayor Kenneth Reeves
Councillor Edward Cyr
Councillor Timothy Toomey
Councillor Francis Duehay
Councillor Jonathan Myers
Councillor Sheila Russell
Councillor Walter Sullivan
Councillor William Walsh
City Manager Robert Healy
Asst. Manager Community Dev. Michael Rosenberg
Paul Dietrich, Planning Board Chair
Julie Belaga, Regional Administrator, EPA
Liz Epstein, Director Conservation Commission
State Representative Charles Flaherty
State Representative Alvin Thompson
State Representative Peter Vellucci
State Senator Michael LoPresti
State Senator Michael Barrett
U.S. Senator John Kerry
U.S. Senator Edward Kennedy
Fred Salvucci, State of MA. Secretary of Transportation

191 Hamilton Street
Cambridge, Mass. 02139
August 22, 1990

To : Janet McCabe Director, Environmental Review
Executive Office of Environmental Affairs, MEPA
: William Twomey, Project Manager
Central Artery/Tunnel Project, Mass. DPW
: Anthony Fusco, Regional Director
Federal Highway Administration

Subject : Comment #SK-3 on the Draft Supplemental Final EIS/EIR
for the Central Artery/Tunnel project EOE # 4325

* AN ALL TUNNEL ALTERNATIVE TO SCHEME Z

Dear Ms. McCabe, Mr. Twomey & Mr. Fusco :

This is the third in my sequential comments on the Supplemental EIS/EIR for the CA/THT Project. (The first, comment SK-1, related to the need for alternatives to Scheme Z; the second SK-2 dealt with transit matters).

As a response to the evident deficiencies of Scheme Z for the North Area, I am offering an alternate proposal for an all-tunnel plan for the Charles River crossing and ramp connections in Cambridge and Charlestown. This plan has been variously labeled the "Charles River Tunnel" and "Scheme SK", but I would prefer the more descriptive designation, the "All-Tunnel" plan. My most recent rendering is labeled version 4.02, dated May 1990 and updated in July 1990.

The basic concept is to continue the proposed underground Central Artery at Haymarket in a tunnel under the Charles River and crossing over to rejoin I-93 near the Somerville rail yards. The tunnel portals would be on the inland side of the Prison Point Bridge and the ramps would rise at 5% grades to connect to the existing I-93 structure. Connections between Leverett Circle and the Tobin Bridge would be made through an S-shaped tunnel connection so designed to parallel then pass under the existing Orange Line tunnel. The net effect is 12 physical travel lanes crossing the Charles River, which is a significant reduction from the 18-19 lanes of Scheme Z, yet is also a large increase over the 6 lanes now carried by the existing high-level bridge.

All of the tunnel lanes would naturally not be visible from the ground, so that the river connection to Boston Harbor would be composed of : Old Charles River Dam (1905) ... Railroad draw bridge (1929) ... New Charles River Dam (1975) ... and the Charlestown Bridge (1899). The elevated Central Artery bridge would be removed, greatly opening up the Paul Revere Park and new Dam to sunlight and park connections. The riverfront on both sides would allow for new park connections to the new dam, as well as opening up park and visual connections between Causeway and the Charles River.

The All-Tunnel design is an attempt to make as simple and direct each connection between various approaches and destinations, given the constraints of geography, other transportation facilities, and highway profiles. The controversial Scheme Z "Double-Cross" concept of crossing the river twice in order to lengthen weaves has been deleted. As a result the ramp movements in Charlestown have been simplified greatly. Redundant movements in Charlestown have been removed, so that Rutherford Avenue is used for local connection to and from I-93 North. The Charlestown Bridge would provide local connections to and from I-93 South and downtown Boston.

The All-Tunnel plan does not provide good connections between Leverett Circle and City Square, but neither does Scheme Z. There may be ways to open up traffic flow along the Prison Point bridge alignment to provide this local connection.

At Leverett Circle, no second tunnel would be built. The current bottleneck (the 2-lane up-ramp) would be dealt with directly, through the use of a 3-lane connector ramp behind North Station. The new Leverett tunnel for Scheme Z would be extremely difficult to construct while maintaining traffic, since there is virtually no room for equipment storage and movement. Considering the already notorious congestion conditions at Leverett Circle, it seems extremely unwise to make things worse through road construction which wipes out 3 inbound lanes -- or more.

Furthermore, the upgrade from the tunnel must chase after the existing 4.6% upgrade which rises from Leverett Circle. What grades result -- 6 to 7% or worse? A merge will also occur on this upgrade. I understand this tunnel is being proposed at the urging of the City of Boston. The City should withdraw its request.

With the All-Tunnel plan, the "swing" movement from the Central Artery northbound to Leverett Circle is proposed to connect at-grade, through a metering signal, rather than connecting directly to the tunnel underpass as now occurs. This proposal is an effort to respond to efforts to downgrade the traffic role of Storrow Drive, and emphasize the new connection of the Third Harbor Tunnel and the Turnpike Extension as the alternate route.

The existing Charles River Dam has a 2-lane approach to Leverett Circle, with a free right turn lane, and this design is also reflected in tunnel version 4.02. One design option is to make a 3-lane approach to Leverett Circle and delete the free right turn lane. Such a design would offer balanced 3-lane approaches to a 3-phase signal at Leverett Circle and again would reduce the inducement of inbound traffic to use Storrow Drive.

The tunnel profiles would allow for sufficient depth to pass under utilities in Nashua Street and Causeway.

In Charlestown, the Leverett connectors have a loop in them to allow passage under the Orange Line with a climb back over the mainline I-93 tunnel and connecting to the City Square Tunnel. Because many of the tunnel ramps would be coming from below to connect to the City Square tunnel, a conflict arises with the current design for the CANA tunnel which is designed to connect to above-ground ramps. There appears to be no alternative except to remove a section of the CANA tunnel and reconstruct it for the new profile. It appears that 300-500 feet of tunnel section would need to be modified for half of its width. The remaining half would remain.

In brief, the construction method to modify the CANA tunnel would be to construct an internal tunnel wall divider separating the sections which would remain or would be reconstructed. All Tobin Bridge traffic would be rerouted into the remaining sections, which should be able to process 2-3 lanes of traffic. The tunnel halves to be removed would be broken off and rebuilt at the new profile, before being opened to traffic.

With Scheme Z, Rutherford Avenue in Charlestown has been changed into an even larger highway monster than it is now. There is an interesting history of how years ago this road became a 6-lane expressway to nowhere, but I will avoid the details other than to note that there is no reason to maintain the 6-lane capacity. New Rutherford Avenue should be rebuilt and reduced to 4-lanes, with landscaping and redesignation as Rutherford Parkway. The possibility of an MDC role of building and maintaining the parkway to connect Paul Revere Park/MDC Dam/Charles River, the Prison Point Bridge, the MDC skating rink and possibly the Mystic River should be investigated.

The construction of the tunnels will generate large amounts of fill, about 1.5 to 2 million cubic yards of tunnel spoil to be disposed off. This problem can be split into two elements : the uncontaminated or virgin soil material, and the river bottom or "garbage fill" materials which may be classified in one way or another as hazardous. Reportedly, the entire Charles River bottom is laced with Chromium and Mercury wastes -- the former from sewage discharges of plating wastes and the latter from river-dumping activities of the Watertown Arsenal years ago. Whatever the source of the problem, river dredge spoils will present a major disposal problem, possibly warranting a hazardous waste siting assignment.

The best solution for the non-toxic spoil would be as surface cover over the new tunnel ramps and in the North Point area generally. The general concept would be to grade the fill in a landscaped fashion from existing elevations near the Riverfront and East Street up to a maximum height of 25 feet close to the Prison Point bridge crossing of the commuter rail tracks. A retaining wall would be constructed adjacent to rail tracks. The Prison Point Bridge would now become largely an at-grade roadway, suitable for landscaping as a parkway, while the rail tracks would appear to be in a cut section, below grade.

A new at-grade intersection could be constructed near this high point, with traffic service to the development areas in North Point on either side of the "Prison Point Parkway". The resulting lands in North Point would have much enhanced access and aesthetic value, with proportional increases in land values. I would propose a 300-foot park strip along the River to permit adequate visual and recreational potentials, with a narrower strip passing around the Millers River Basin.

A toxic material disposal area should be designated in the middle of the Cambridge/Somerville rail yards. A large hole would be dug and lined with excavated clay material. Dredge spoils would be deposited in the hole and covered with more clay, then a grading layer of 10-20 feet of fill. The goal is to encapsulate the toxic materials in a sealed grave, in an area distant from homes, water bodies and water supplies. If any leachate escaped, it would find its way to the Charles River -- which is exactly where the material came from.

Overall, the dredging would assist the goal of improving Charles River water quality to "B". Ultimately, something has to be done about the contaminated river bottom, and the tunnel project could help.

The North Point grading plan would appear to have more than adequate area to dispose of clean tunnel spoil. On the Charles River side of the Prison Point Bridge, about 1 million cubic yards of fill could be handled, while on the rail yards side of the bridge large unused areas should be able to accommodate several million yards of material.

The North Point area is notable for its comparative absence of modern utilities, so new utilities to the area could be provided as part of the grading process. There is a large MRWA sewer force main passing through the area along Industrial Way, and this line may need to be reinforced to accept the additional overburden.

The major construction sequencing challenges appear to occur in three areas : (1) Leverett Circle, (2) City Square, and (3) the Charles River Tunnels. The Leverett Circle tunnel now in use would require careful staging, with the possibility that the existing 2-lane tunnel would need to be staged in 1-lane phases for the easterly portal. City Square would require the maintaining of 2-3 lanes in the tunnel, while rebuilding the remainder of the tunnel approach. Temporary ramping to shift traffic laterally to the tunnel portal may be required. The CANA tunnels do have flared openings as they approach the surface and this provides for more flexibility in routing traffic flows. Maintaining traffic will be a challenge, but there appears no single insurmountable problem.

The biggest construction challenge will probably be to build the Charles River tunnels while maintaining traffic flow and flood control capability. The new Dam must keep at least the large lock open to river traffic at all times and must have a wide area of river channel open to permit smooth, non-eroding flow through the pumps during flood conditions. Because of the need for the "banana" pier extensions added to the river footing of the high bridge, it appears unwise to constrict the water flow by anything more than a few feet at the river edge.

Clearly, coffer dam construction at this location will be very limited, and the key mid-river crossing sections must be composed of immersed tubes. The inland connecting sections will have sections which extend into the river with coffer dams, but the middle sections will need to be composed of sections of immersed tube similar to the concept proposed for the I-90 crossing of the Fort Point Channel.

The combination of narrow and shallow locks plus the height restriction of the Charlestown Bridge virtually precludes the construction of the tubes outside the confines of the Charles River between the two dams. A graving or casting basin area is required, but it need not be at a single site. Tunnel sections could be built at several different locations : the Millers River Basin, the helipad area near Leverett Circle, the granite-walled archway sections under the Lechmere viaduct, and areas of North Point. Much has been made of the concerns for the 30 units of affordable housing proposed as part of the Congress Group project in North Point, and the threat posed by a possible 600 ft. by 300 ft. graving basin. The North Point area should be used only as a last resort. Some of the tunnel approaches to the River could be used initially for the fast track construction of a tunnel section behind a coffer dam, with the section being floated out and tethered until all tunnel sections are ready for installation. Then the coffer dam could be rebuilt and the permanent inland section of tunnel constructed.

The tunnel alignment would retain the B&M control tower, but presents special challenges for an underground crossing of the commuter rail tracks at North Station. A similar crossing was proposed as part of the preferred Scheme 5A in 1985, which would probably have required extended periods of interrupted commuter rail service. With the All-Tunnel plan, several phasing options are available :

- * Operate shortened trains for half of the tracks.
(especially using double-deck cars)
- * Construct temporary tracks into the MGH parking lot area
- * Extend the tracks over the parking garage and run fewer, longer trains

The present Charlestown Navy Yard suffers from very poor transit access, especially in cold weather. With plans for added development plus the Aquarium, there is a clear need for better transit connections. I propose a trolley shuttle connecting the Mystic areas of Charlestown to the Community College station. This line would service City Square, the Navy Yard, the Aquarium and the Charlestown community on the back side of Bunker Hill and near the Tobin Bridge. The proposal would be for a private, non-MBTA operator using PCC cars or equivalent.

The transit issues for the North area were discussed extensively in my comments SK-2 of August 21. To summarize, the transit program would be composed of several elements :

1. Maintenance and expansion of the HOV lane on I-93 and possible extension to the Tobin Bridge.
2. Construction of parking garages at Sullivan Square and Community College. The Community College garage could utilize 1500 ft. of the elevated I-93 structure no longer used for expressway travel. Total spaces in the range of 4,000 to 5,000 should be considered.
3. Operation of the MBTA North Station parking garage for car-pool only vehicles (including vans). No single-occupant vehicles would be allowed, so that this MBTA garage would finally have a transit function.
4. Implementation of an MBTA operational improvement for rail transit to improve reliability, speed and equipment utilization.
5. Assure the protection of the Blue and Red-Line tunnels during Artery construction.
6. Include a separate chapter in the Final EIR document on mass transit issues.
7. Consider a trolley rail link between Community College and the Navy Yard.

The Bunker Hill Community College area would be impacted significantly by the tunnel project. The northbound I-93 mainline section would pass through an area now occupied by a perimeter access road for the college. By keeping I-93 in tunnel through the Prison Point Bridge area, the roof of the tunnel could serve as the access road. The mitigation for the college could be composed of the following package : revenues from the development benefits of the open-lot parking lot near Boston Sand & Gravel would go directly to the college. Parking for college personnel would be made available in the new parking garage near the MBTA station at half-price, and all-weather connections would be made to the college from the station/garage complex. Use of some of the cash flow to subsidize MBTA passes should also be part of an overall package to encourage transit access to the college.

A major remaining issue for the All-Tunnel scheme is a weakness it shares with other alternatives such as 5A, M, S and T. Most have downtown artery weaves of 750-850 feet, which is less than the targeted goal of 1,000 feet. There are three possible responses :

- * Seek minor ramp adjustments to lengthen the weave sections to 850-950 feet -- close enough to 1,000 ft. to be acceptable.
- * Move the weaves onto lateral service roads, where the weaving criteria are less stringent.
- * Redesign the on- and off-ramps as separate over-and-under ramps which remove the weave conflict entirely.
- * Determine that the advantages of a tunnel scheme are sufficiently important that the 750-850 ft. weaves are an acceptable price for these benefits.

The downtown weaving issue remains an unresolved matter at this time. The above options need to be explored in greater depth, especially if transit options allow for certain sections to have fewer lanes and thus permit more lateral ramp flexibility.

Other deficiencies of the All-Tunnel scheme are the need for vent towers and their possible intrusion on the riverfront, the possibility of hazardous vehicle accidents inside the tunnel and emergency access, construction protection of the Orange Line, possible claustrophobia for drivers subject to long periods in the tunnel, and the extended total construction time for the tunnel project.

=====

Without question, the All-Tunnel alternative would cost more money than Scheme Z, which is estimated at \$400 million plus the cost of the CANA loop ramps. The All-Tunnel plan would appear to cost about \$800 million. It has tunnel construction and phasing problems which are difficult challenges but appear surmountable. The maximum trench depth of 90 feet is at the limit of existing technology and is matched by similar depths proposed for Artery construction at South Station. Crossing of the commuter rail tracks at North Station will not be easy, but rail and car adjustments would appear to allow for acceptable rail service during construction.

The additional cost of \$400 million (less the CANA loop ramps) must be balanced off against the parkland and development benefits, the aesthetics of the riverfront area, the pedestrian environment, the Causeway vista to the Charles River, the opening up of the Millers River, the avoidance of seventeen 15-foot piers in the river & resulting impediments to navigation, and the civic pride associated with doing the job right.

It may well be that further design refinements will result in simplified ramp designs, with cost savings to both the downtown and Charles River artery sections. An effective transit program could allow for less expansive tunnel sections and associated cost savings. These issues should be reviewed prior to any assumptions that further congressional review and budgeting will be required.

In our efforts to assess the impacts of Scheme Z we should never lose sight of the sheer awfulness of its visual impacts and hideous complexity. How anyone in his right mind could conclude that this viaduct interchange is right for Boston is simply beyond me. I don't even think it belongs in Dallas.

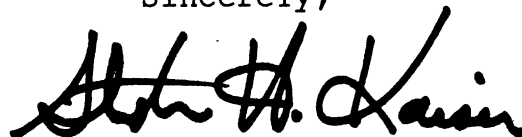
Scheme Z represents more than a failure of nerve, imagination and aesthetic judgment. It reflects a failure to grasp at the potentials for excellence. Years ago engineers designed for beauty and excellence, and their structures have withstood the test of time. They designed magnificent automobiles which combined the best engineering skills with aesthetic judgment and craftsmanship. I will close these comments with a quote from an advertisement for Lincoln, dated from the year 1927 at the peak of the Jazz age :

"Wherever you choose to drive your Lincoln on the avenues and highways of America or Europe, the passing of this motor car is a smoothly beautiful event. For the Lincoln wears always its own characteristic air of mechanical fitness and clean grace.

"And this impression which the Lincoln creates is a fair symbol of the motoring excellence it brings to those who own it. Its effortless power and style, its safety and luxury, find an accepted place in the routine of their days. And their comings and goings take on an added grace from this motor car.

"The deep satisfaction of owning a Lincoln is the natural result of the sound engineering skill and experience which goes into its making. Built with unhurried craftsmanship in one of the famous precision plants of the world, its enduring stamina and smooth power are assured. And it is, from the first to the last of as many miles as you wish to drive it, an inspiring possession ... 'as nearly perfect a motor car as it is possible to produce' ... the Lincoln."

Sincerely,



Stephen H. Kaiser, PhD
Traffic & Transportation Engineer

MEMORANDUM

To: Planning Board and Staff
Conservation Commission and Staff
City Council

From: Hugh Russell

Date: 2/4/90

Re: CENTRAL ARTERY INTERCHANGE IN CAMBRIDGE

The current proposal for the Storrow Drive/193/Tobin Bridge interchange in the North Point/Millers River Area of Cambridge as presented to the Conservation Commission and Planning Board on 11/1/89 and 1/30/90 has several obvious major problems, of which the most important seem to be:

- The multi-layer multi-ramp design is highway engineering gone wild, about twice as wide and twice as high as the Central Artery that is being replaced. It appears that the Project Engineers can't see what is obvious to all of us on first viewing the model - this is something that will be monstrously ugly and a blight on Boston and Cambridge.
- The ramps added to the previously approved Central Artery North Area (CANA) make things much worse, because they are higher and closer to North Point and the Charles River. The closest ramp to North Point is about 100' in the air and close to the area proposed for redevelopment, making such redevelopment, particularly for residential purposes, less likely.
- The bridges and ramps almost completely cover the Millers River and perhaps 1000' of the Charles River north bank, making these resources pretty unpleasant for public use.

It also seems pretty clear that Cambridge interests have been given last priority compared to Boston and Charlestown. The Project Designers seem to feel that because interchange site is a railroad yard it is OK to blight it some more, and that we shouldn't care about that. Their strategy seems to have been to listen to then ignore comments from Cambridge, and get so far down the road that our concerns cannot be resolved in the rush to approvals. For this reason, if we want to prevent this alternative from getting built as planned, we need to pull together on a common strategy. It seems to me that there are 4 major possible strategies:

1. STOP THE HIGHWAY

We could attempt to prevent adoption of this design by various means. The Conservation Commission seems to (currently) have to authority to prevent work in and around the rivers. Delays and lawsuits could be used to interfere with the apparently delicate funding package. Some have proposed another design with the Central Artery Tunnel extended to Somerville, and the interchanges underground. And what about earthquakes - isn't this structure and the underlying fill similar to the conditions at the Oakland end of the Bay Bridge - is this design safe?

I have difficulty with this general strategy because I believe that the overall project is very desirable for the region and may give relief for some time to Cambridge arteries, like O'Brien Highway, and therefore it is irresponsible to attempt to stop it entirely.

2. TUNNEL

The tunnel alternative, Scheme "M", seems to have the fewest long-term impacts on Cambridge, and minimizes the 3 major problems cited above. The Project Engineers have spent a lot of time studying the tunnel option, although much that time seems to have been spent in making the option seem impossible. It seems possible that if we said this is the only scheme that Cambridge can support, some answers might be found to these problems. For example, if Boston Steam cannot be relocated, why can't it be underpinned for the tunnel that has to pass under it? Also, if a 39' wide steel tube section could be fabricated elsewhere and fit through the locks, why not live with 39' width for a 2 lane tunnel, and avoid the graving yard excavation problem? (Note that 4 lane Memorial drive is 40' wide, and that Storrow Drive follows few interstate standards for the rest of its length.)

Because of the amount of effort spent to date on proving this option is unworkable, it would be very difficult to succeed in this strategy.

3. REDESIGN THE WORST RAMP AWAY FROM CAMBRIDGE AND THE CHARLES

Much of the worst impact comes from a ramp added above and outside of the previously approved CANA ramps. This ramp connects from I93 north and south to Storrow Drive west. If this ramp were relocated to the inside of the ramp system or put underground, it would make a significant difference to North Point and the Charles. This might involve some compromise of ideal highway design, but considering what it is connected to, that doesn't seem too bad. If the double-deck Storrow Drive crossing of the Charles ended up as single layer, this would be an additional significant bonus.

This strategy depends on the technical feasibility of relocating the offending ramp. Impacts on the Millers River would continue to

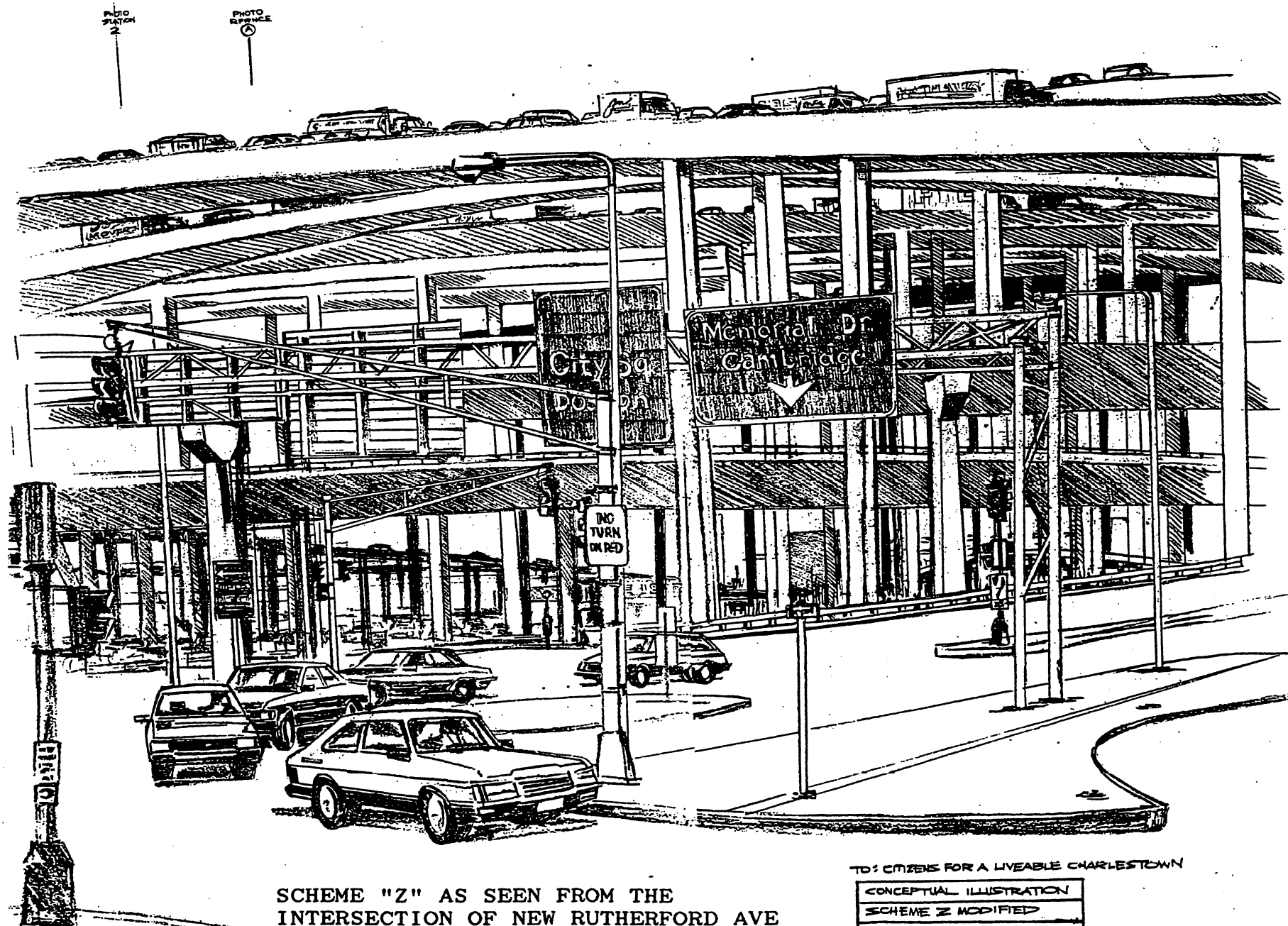
amount to total obliteration. The advantage of this strategy is that the worst impacts are addressed, but it isn't necessary to change the proposed design very much.

4. MITIGATION

This is what the Project Designers want us to buy into. Approve the highway mess and we'll decorate it so that... And that's the problem. There really isn't any sort of decoration or mitigation that can make a significant reduction of the impacts on Cambridge from the high-flying ramps. In theory, you could build a 100' high berm to hide the interchange, but it would take a lot of land and have to be honeycombed with tunnels for the railroad and highway. You could build a 10 story building along the highway facing the other way, but I can't imagine any possible funding mechanism.

SUMMARY

The proposed design for the interchange will have significant negative impacts on Cambridge, and there appears to be no current strategy that will prevent this. There are options, but unless Cambridge pulls together behind one option, our views cannot be effective. I would hope that the City Council, as the top policy setting body in the city, could act immediately to pull together a unified strategy, including the views of the Conservation Commission, Planning Board, Charles River Watershed Association, and US Environmental Protection Agency.



SCHEME "Z" AS SEEN FROM THE
 INTERSECTION OF NEW RUTHERFORD AVE
 AND AUSTIN ST. @ COMMUNITY COLLEGE
 OVERPASS

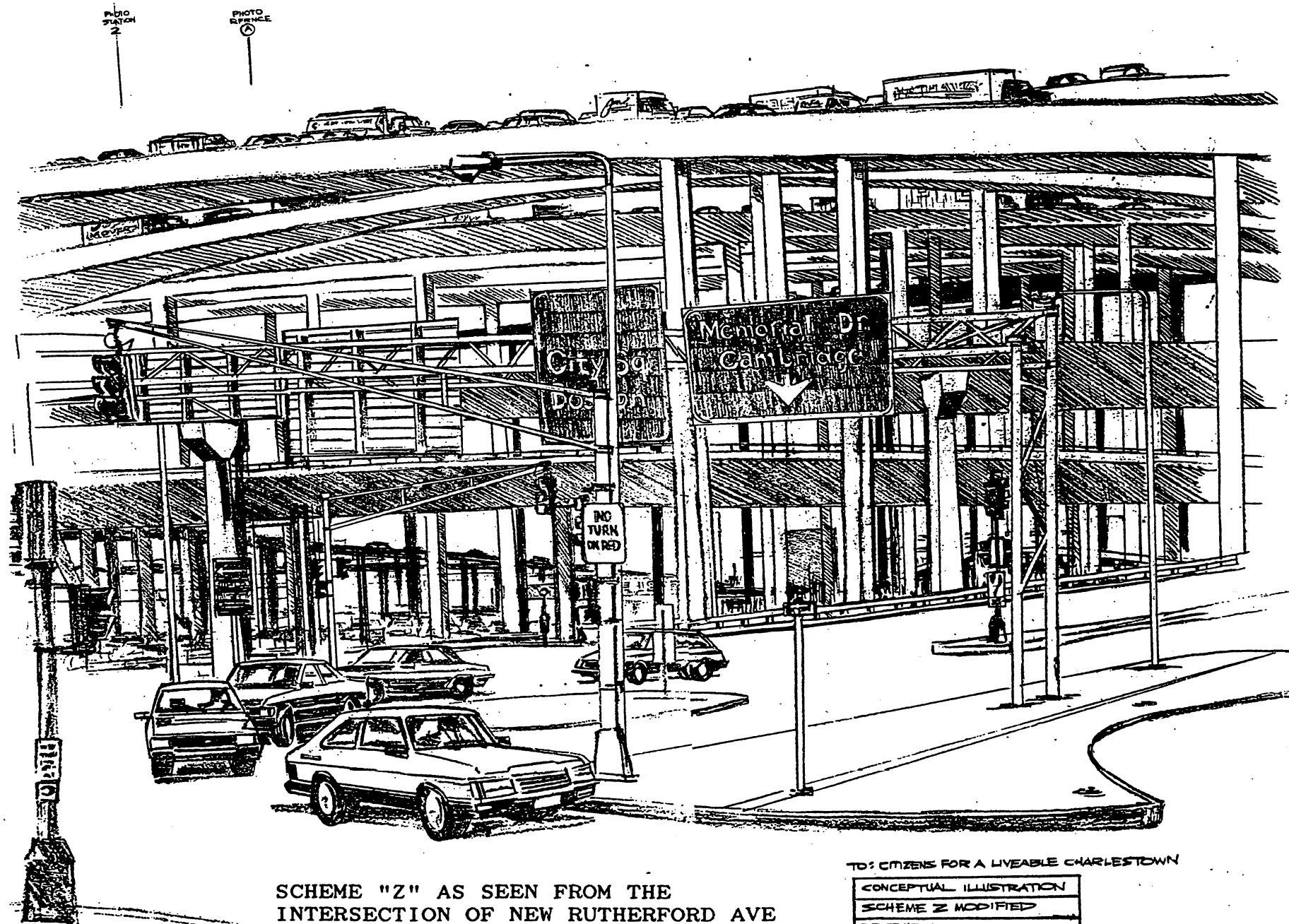
TO: CITIZENS FOR A LIVEABLE CHARLESTOWN

CONCEPTUAL ILLUSTRATION

SCHEME Z MODIFIED

REFERENCE:
 PHOTO COMP./SCALE MODEL

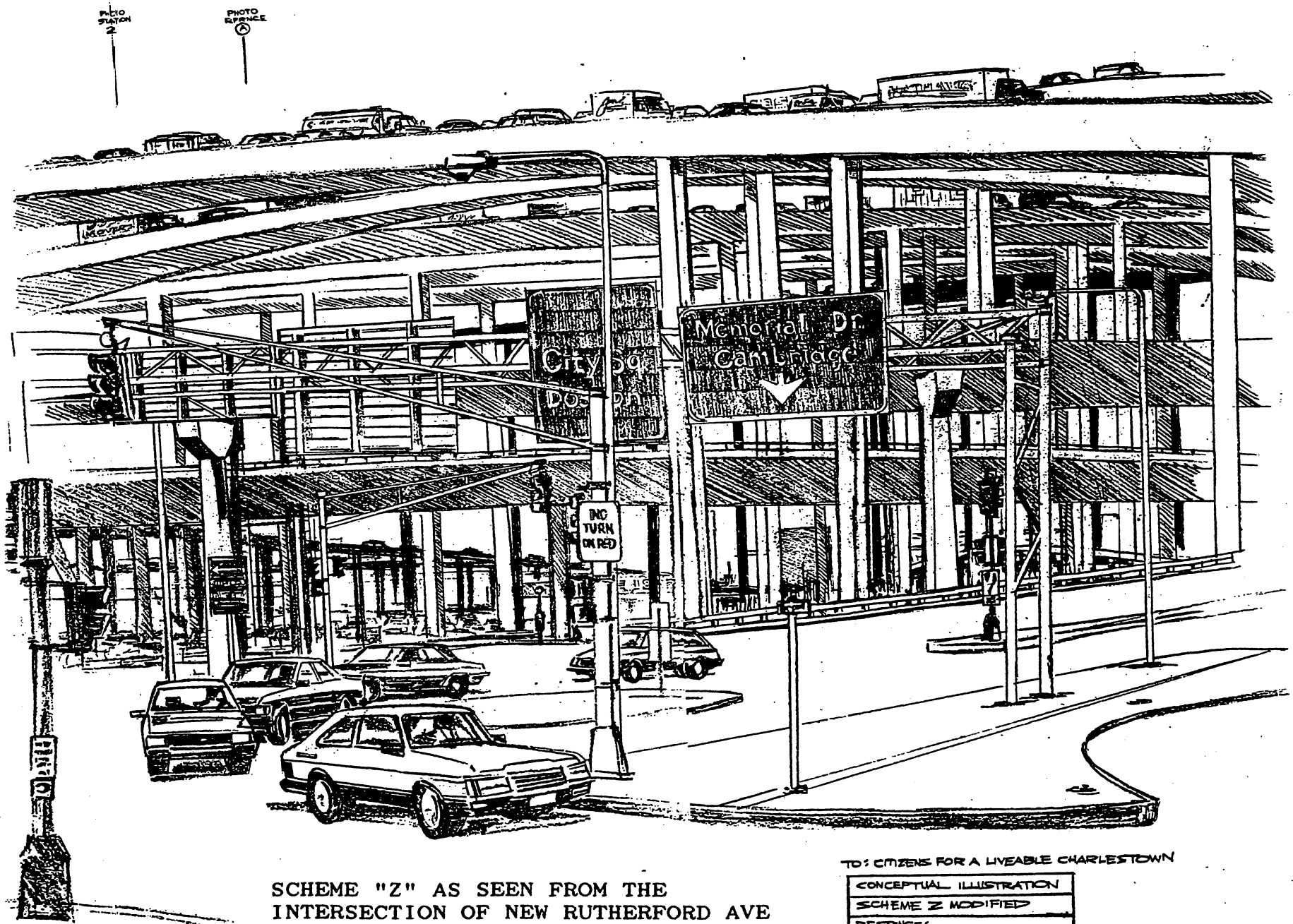
DWG: *Vincent S. Scalfetta Jr.*
 VIN SCAL ASSOC. LYNN, MA



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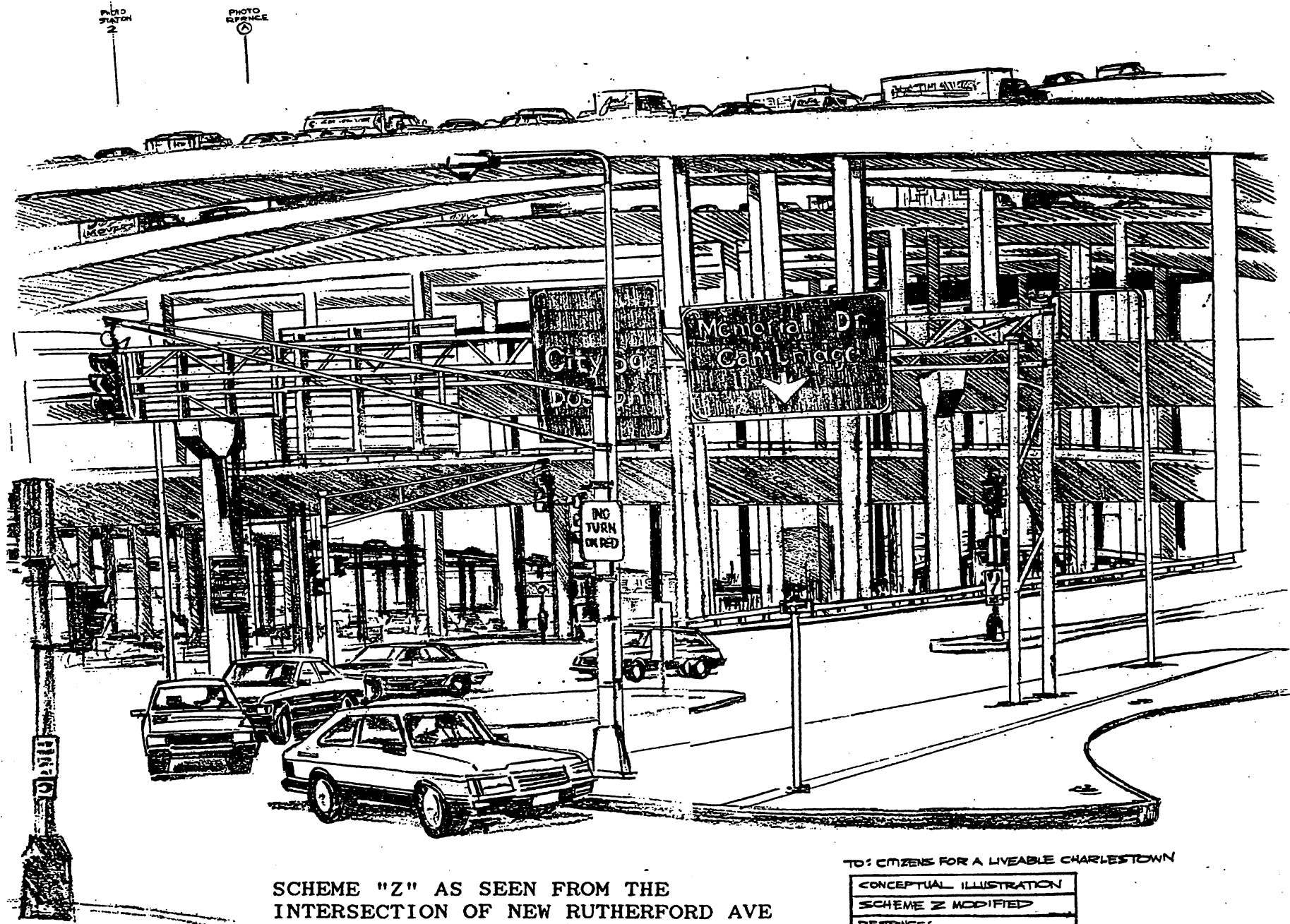
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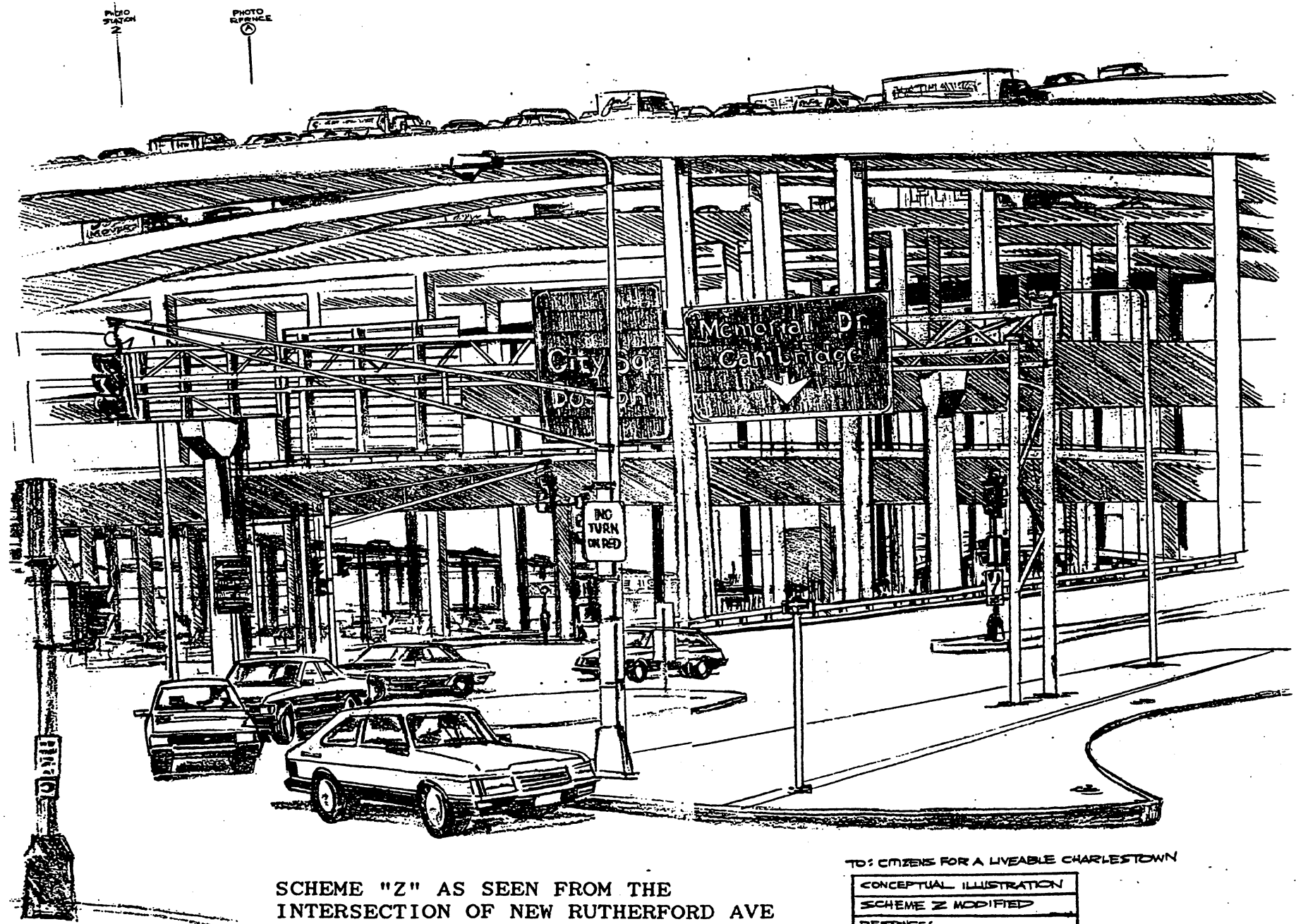


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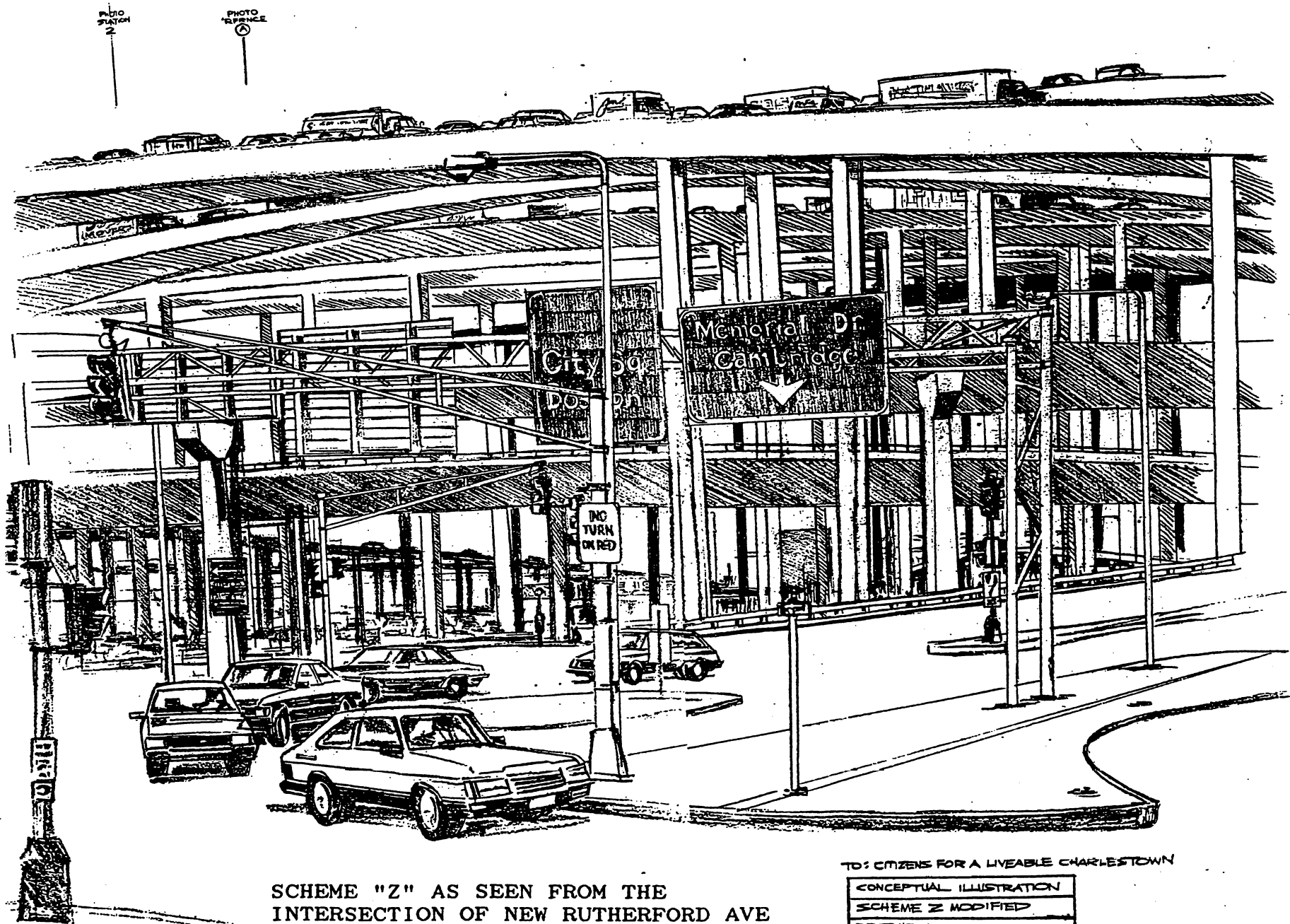
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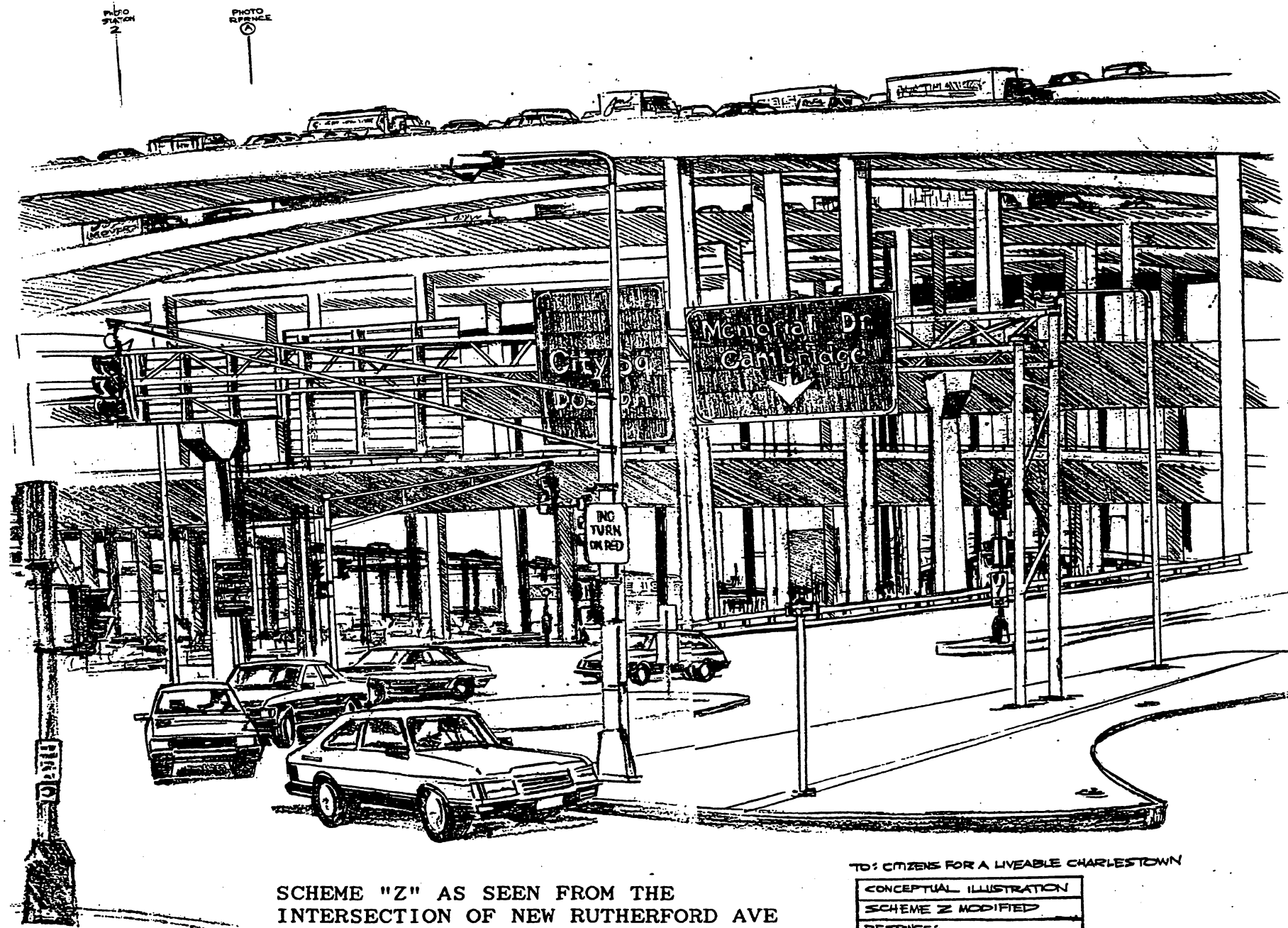
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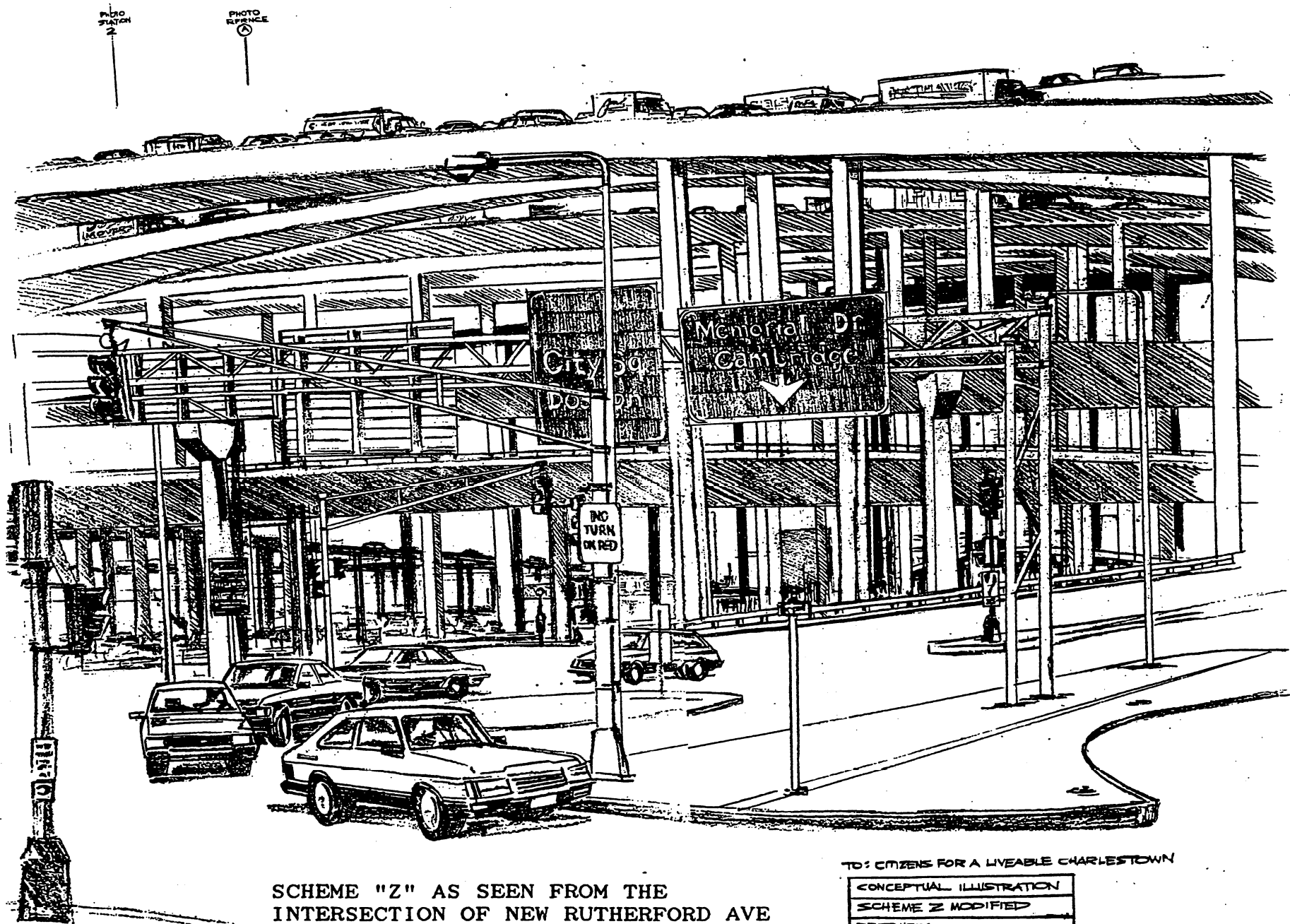
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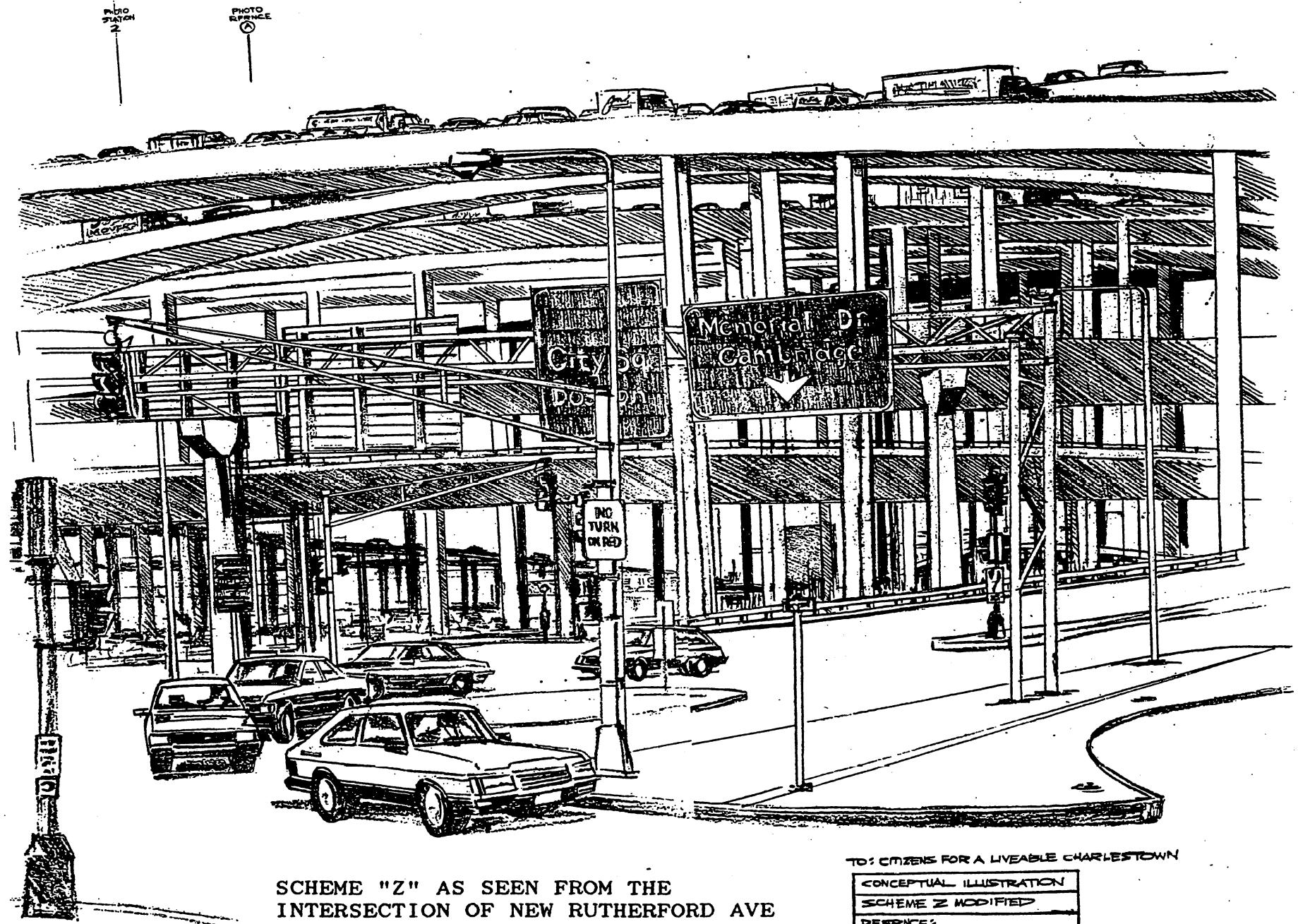


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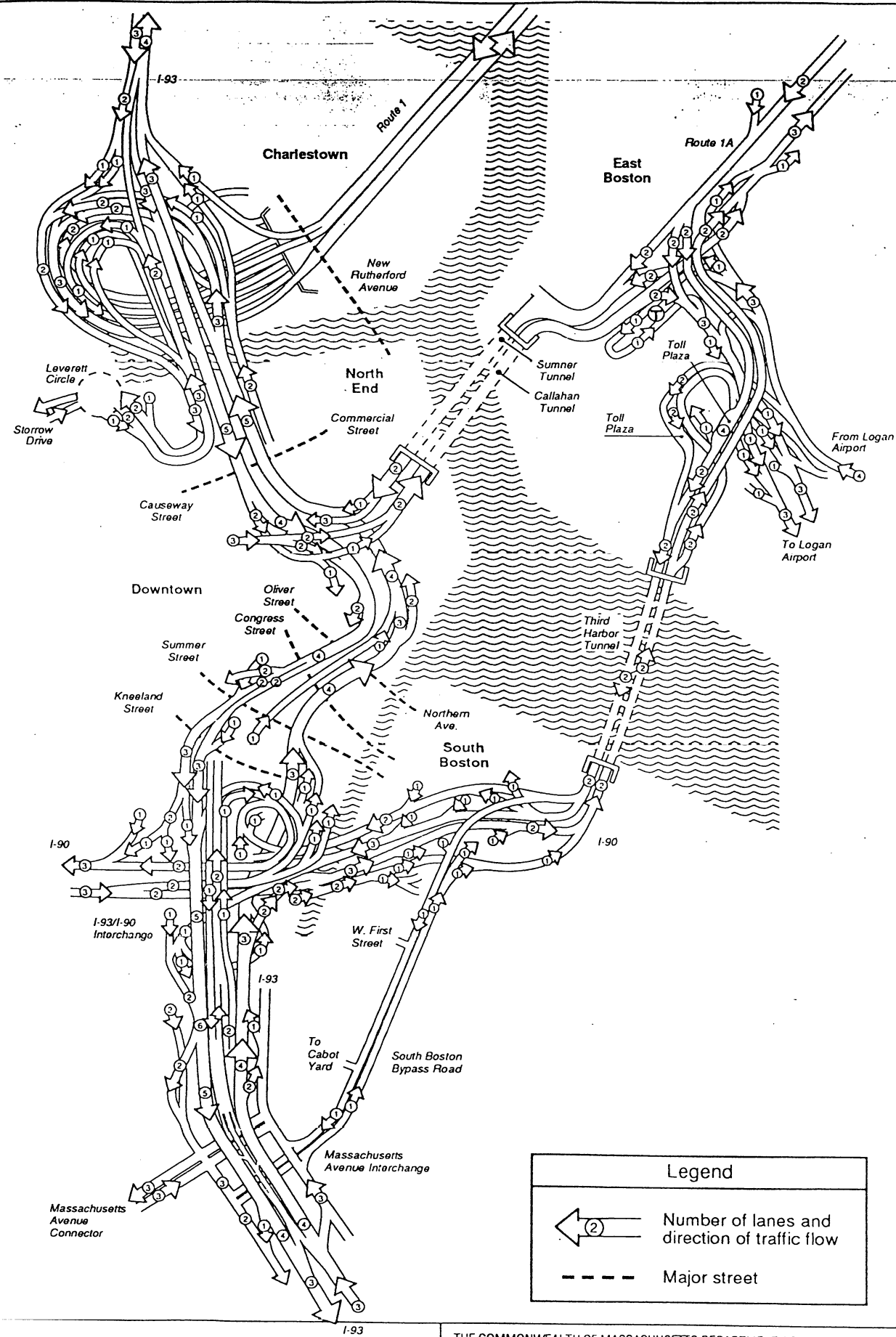
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More than 4 miles of Scheme Z's ramps and highways will be located in Cambridge.

QUESTION:

Will the exhaust fumes from the 400,000 cars, trucks and buses that will creep and beep their way through the Scheme Z "interchange-in-the-sky" pollute the air in Cambridge?

ANSWER 1:

(Furnished by the state's Central Artery consultants): No.

ANSWER 2:

(Furnished by common sense): Who do these experts think they're kidding?

FIGURE 2.3

Proposed Facilities Diagram

THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS
CENTRAL ARTERY (I-93)/TUNNEL (I-90) PROJECT
SUPPLEMENTAL EIS/R



Not To Scale



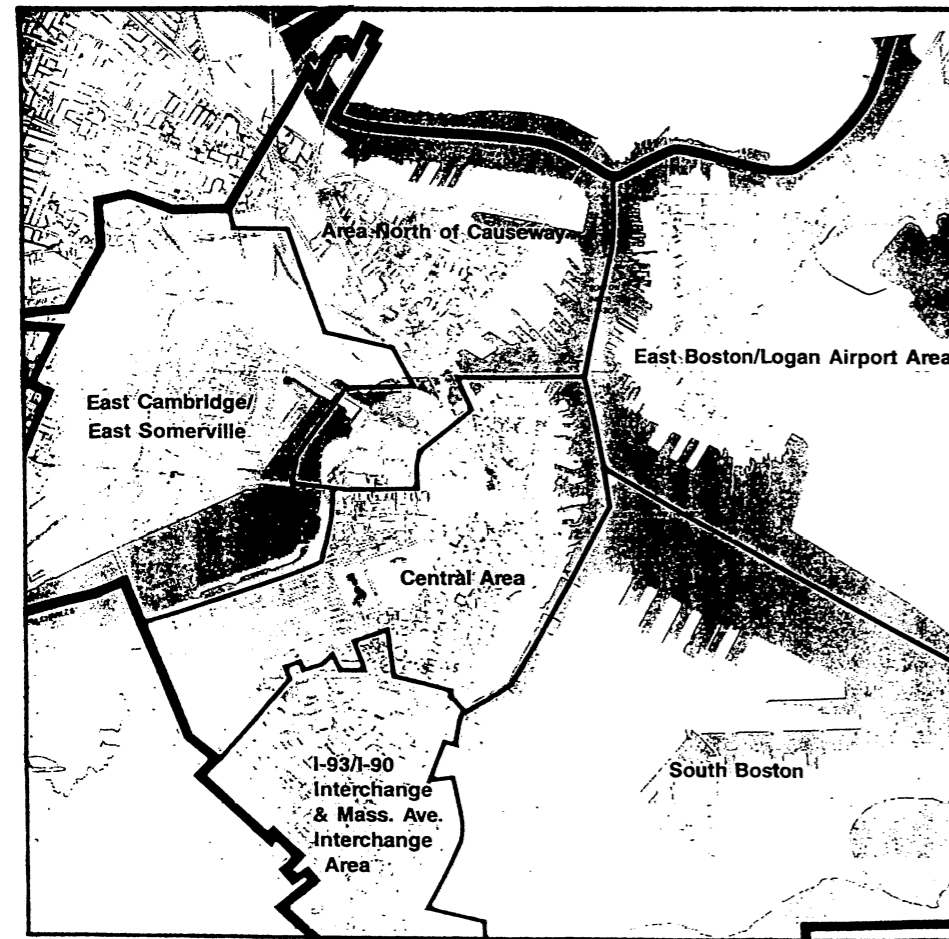
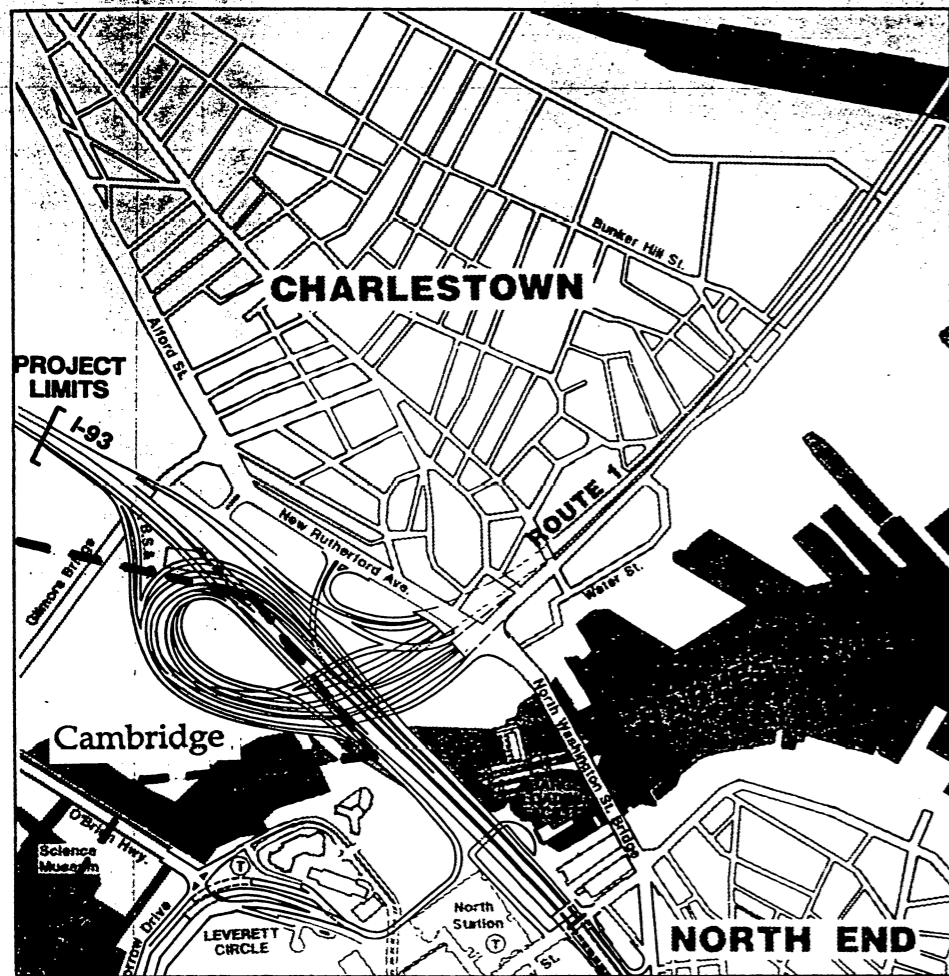


Table 4.14
TRAFFIC PARAMETERS USED TO ESTIMATE
AREAWIDE EMISSION BURDENS FOR THE YEAR 1998

Affected Area	Vehicle Miles Travelled Per Day		Vehicle Hours Travelled Per Day		Average Network Speed (MPH) Per Day	
	Without Project	With Project	Without Project	With Project	Without Project	With Project
Area North of Causeway						
Highways and Ramps	626,630	759,076	26,589	24,168	23.6	31.4
Local Streets	280,540	280,540	235,069	17,759	9.6	13.2
Central Area						
Highways and Ramps	854,823	897,497	46,556	32,501	18.4	27.6
Local Streets	585,670	498,245	84,540	52,053	6.9	9.6
I-93/I-90 Interchange						
Highways and Ramps	495,285	542,978	18,062	18,505	27.4	29.3
Local Streets	315,814	315,207	30,064	31,362	10.5	10.1
South Boston						
Highways and Ramps	0	276,815	0	6,475	N/A	42.7
Local Streets	416,378	336,377	42,454	35,566	9.8	9.5
East Boston						
Highways and Ramps	292,808	377,189	12,703	11,400	23.0	33.1
Local Streets	349,095	201,611	27,602	14,622	12.6	13.8
East Cambridge						
Highways and Ramps	0	0	0	0	N/A	N/A
Local Streets	503,811	436,327	75,060	47,824	6.7	9.1
Totals	4,720,852	4,876,390	392,855	292,235	12.0	16.7

Source: Bechtel/Parsons Brinckerhoff

Here's the simple trick that the state's Central Artery consultants used so they could claim that Scheme Z's exhaust fumes would not pollute the air in Cambridge.

Step 1. Pretend that none of the Scheme Z ramps or highways are located in Cambridge, even though more than 4 miles are located in Cambridge, as is obvious from the state's own plans.

Step 2. Make up a table that shows zero vehicle miles traveled in Cambridge when Scheme Z is completed in the year 1998 (Table 4.14).

Table 4.16
ANNUAL EMISSION BURDENS IN THE STUDY AREA
(tons per year)
1998

Affected Zone	CO			HC			NO _x		
	Without The Project	Proposed Action	Change ¹	Without The Project	Proposed Action	Change ¹	Without The Project	Proposed Action	Change ¹
Area North of Causeway									
Highways and Ramps	1,147	1,043	(104)	195	209	14	201	224	22
Local Streets	1,171	818	(353)	173	116	(57)	131	101	(30)
Central Area									
Highways and Ramps	2,114	1,402	(711)	300	258	(41)	300	273	(27)
Local Streets	2,980	2,058	(921)	461	303	(158)	275	219	(56)
I-93/I-90 Interchange									
Highways and Ramps	779	800	21	144	153	9	152	164	11
Local Streets	1,283	1,308	26	174	191	17	146	147	1
South Boston									
Highways and Ramps	0	270	270	0	65	65	0	76	76
Local Streets	1,761	1,451	(311)	258	213	(45)	196	159	(36)
East Boston									
Highways and Ramps	550	491	(59)	92	101	9	95	110	15
Local Streets	1,210	666	(544)	172	93	(79)	133	75	(58)
East Cambridge									
Highways and Ramps	0	0	0	0	0	0	0	0	0
Local Streets	2,645	1,880	(764)	407	279	(128)	253	207	(47)
Totals	15,637	12,187	(3,450)	2,376	1,981	(396)	1,882	1,755	(129)

¹ Change = the difference in emissions with/without the project

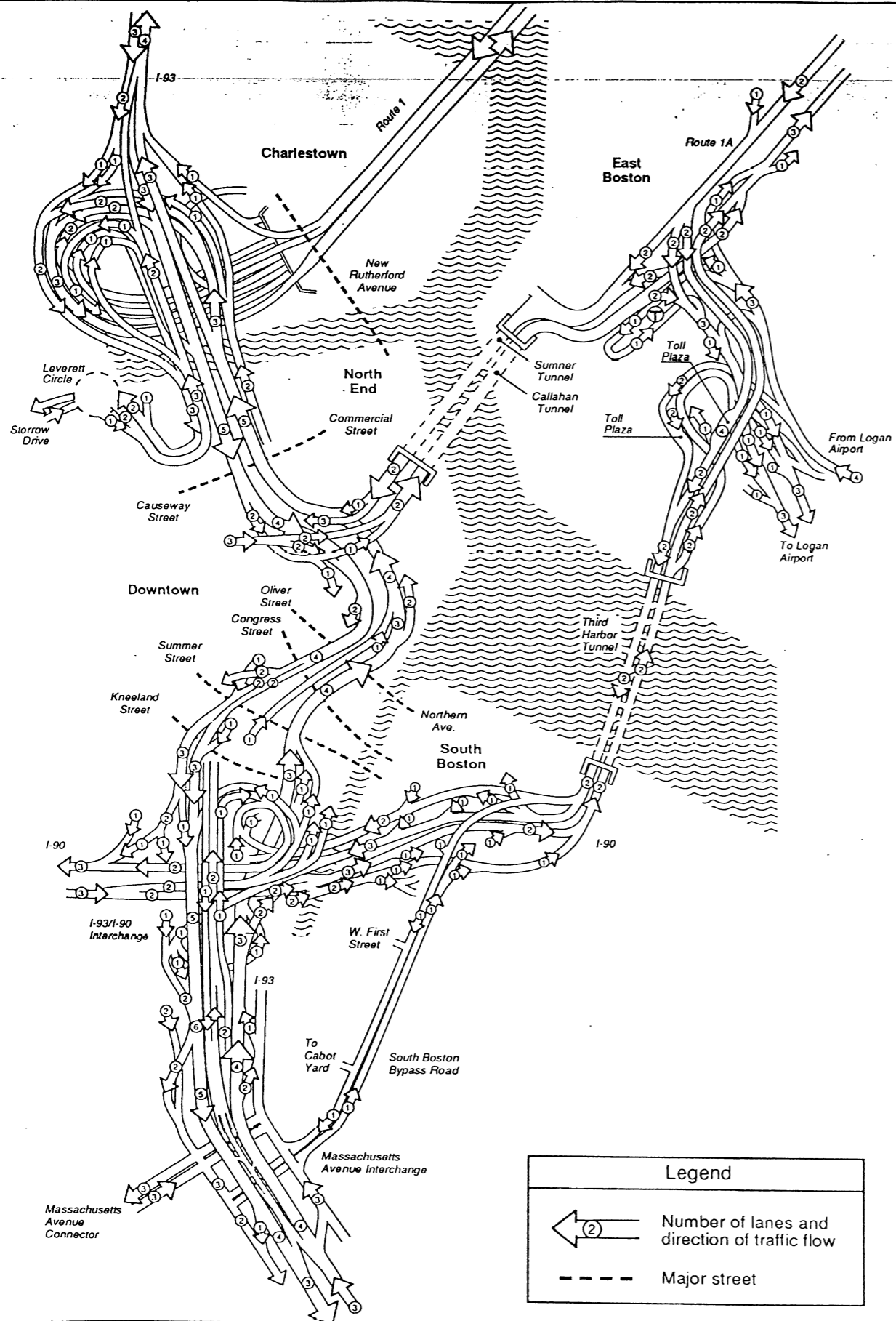
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Step 3. Give this table to the air pollution experts.

Step 4. Since the air pollution experts don't know there are any vehicle miles traveled in Cambridge, they don't predict any exhaust fumes in Cambridge.

Step 5. Make up a table that shows zero exhaust fumes in East Cambridge (Table 4.16).

Step 6. Assure Cambridge officials and residents that there will be no air pollution problems from Scheme Z.



More than 4 miles of Scheme Z's ramps and highways will be located in Cambridge.

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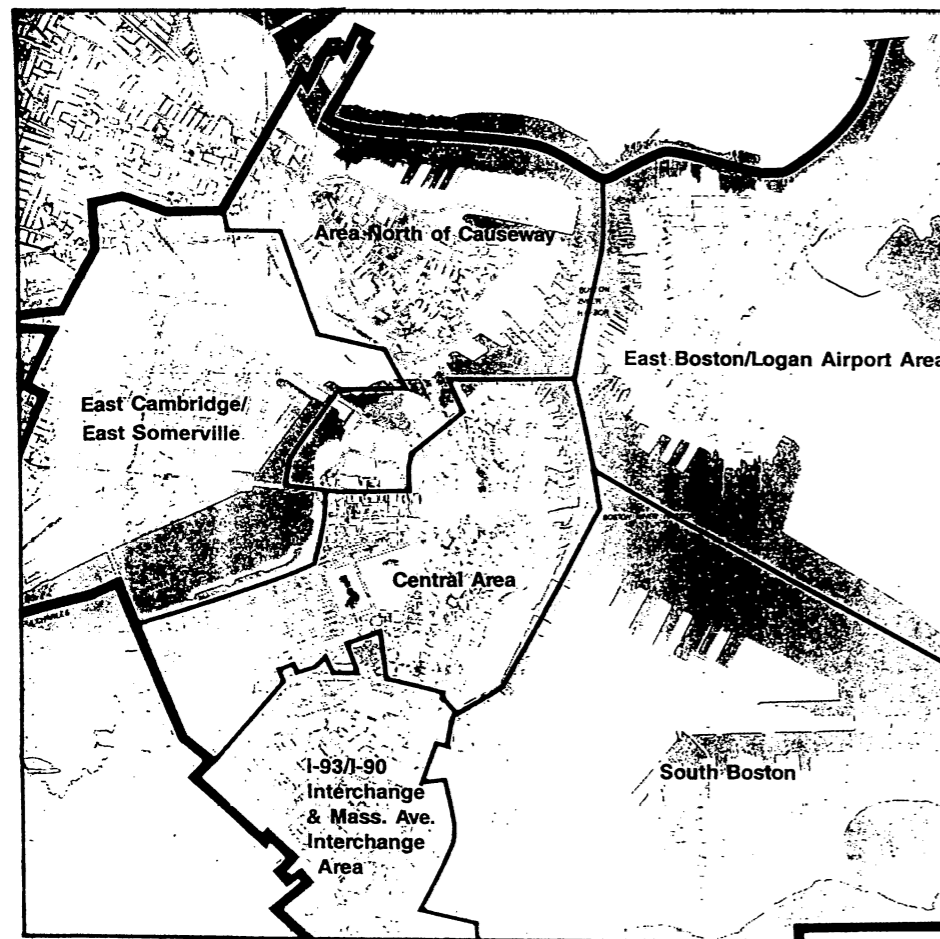
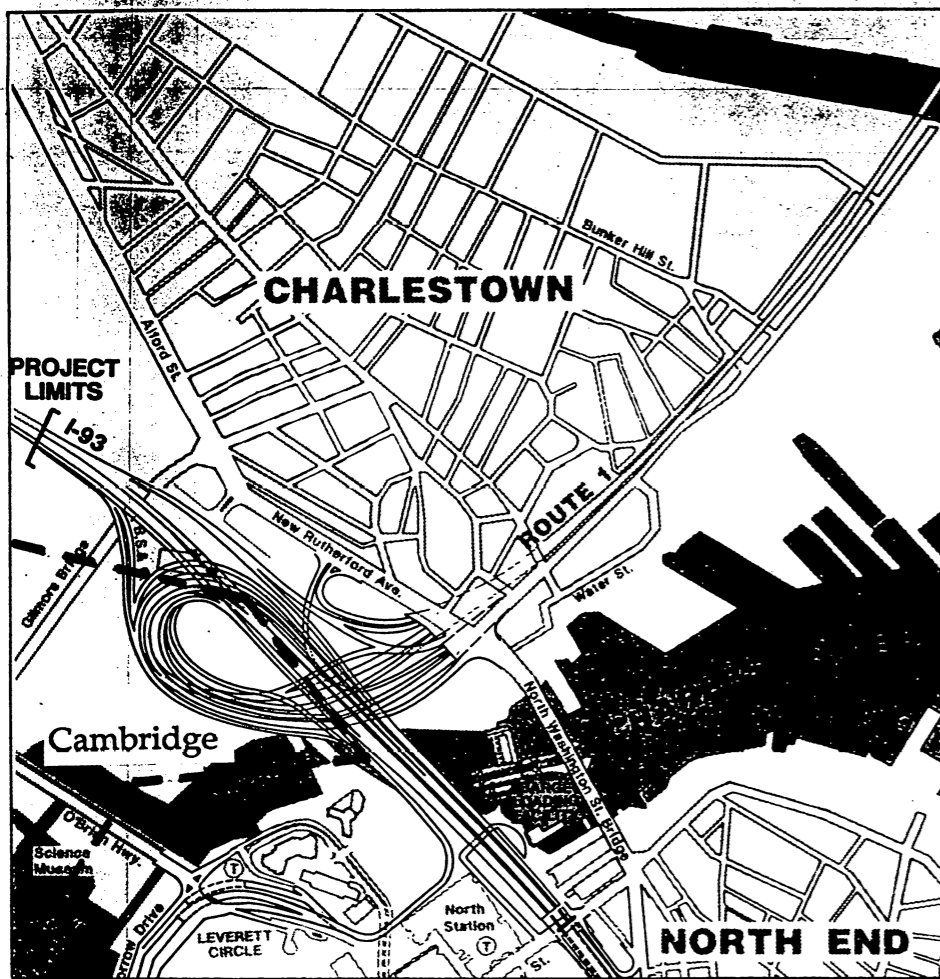


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ORDINANCE NO. 1112
Final publication number 2513.
First publication in the Chronicle
on November 8, 1990.
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety
AN ORDINANCE

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 amend-
ed by adding a new Chapter 10.16 entitled "Park-
ing Freeze."**

In City Council November 26, 1990.

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

Robert W. Healy, City Manager.

ATTEST:-

Joseph E. Connarton
City Clerk

NOTE: Pursuant to the provisions of General Laws,
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Joseph E. Connarton
City Clerk



ORDINANCE NO. 1112

**Final publication number 2513.
First publication in the Chronicle
on November 8, 1990.**

**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 amend-
ed by adding a new Chapter 10.16 entitled "Park-
ing Freeze."**

In City Council November 26, 1990.

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

Robert W. Healy, City Manager.

ATTEST:-

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OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

January 15, 1991

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

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Code of the City of Cambridge relative to the Parking Freeze which was passed to be ordained at the City Council meeting held on November 26, 1990.

Enclosed also you will find copies of two amendments which were passed to a second reading at the City Council meeting held on January 7, 1991 as follows:

1. Amendment to the Zoning Ordinances to extend the East Cambridge Interim Planning Overlay to February 28, 1991.
2. Amendment to the Code to amend the Stratospheric Ozone Layer Ordinance.

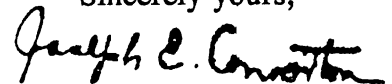
Enclosed finally you will find a copy of a proposed amendment to the Code relative to the taxi cab rates and waiting time which was passed to a second reading at the City Council meeting held on January 14, 1991.

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

- 2 -

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

A handwritten signature in black ink that reads "Joseph E. Connarton". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph E. Connarton
City Clerk

JEC/dl

Enc. Ordinance # 1112, First publication numbers 2514, 2515 and 2516.

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 designated as the "Cambridge Municipal Code."

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 10.16

PARKING FREEZE

Sections:

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

10.16.010 Time period of Chapter

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

10.16.020 Definitions

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

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

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

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

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

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

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

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

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

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

10.16.030 Building or operation of parking facilities

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

10.16.040 Pre-existing applications, permits and determinations

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

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

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

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

10.16.050 Interim Parking Control Committee

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

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

10.16.060 Procedure for obtaining CPFPS or Determination of Exclusion

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

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

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

c) Every application for a 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 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 CPFPP or determination of exclusion after full consideration of all the facts contained in the application. 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. 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. All CPFPPs shall include a provision requiring that any spaces in the facility

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

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

10.16.080 Enforcement

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

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

At any hearing held by the IPCC to decide if excluded spaces have been operated as commercial spaces, or as controlled parking spaces as defined in s. 10.16.020, any facility holding a determination of exclusion, which is found to have any spaces operating in violation of the terms of said determination shall be presumed to have all of its spaces operating in violation of the terms of its determination unless the operator demonstrates to the satisfaction of the IPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of their determination. It shall be the responsibility of the IPCC to determine the number of spaces within a facility that are operating in violation of the terms of their determination of exclusion, and to impose fines or revoke the determination.

Nothing in this Agreement shall prohibit the owner of spaces which have been improperly used from applying for a new determination of exclusion or a 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 CPFPS for spaces in amounts equal to the number of spaces the City is seeking to eliminate until the City has initiated enforcement action including filing a complaint in court with an application for a preliminary injunction, to compel compliance with the administrative order. The City agrees that it shall initiate said court action no later than 30 days following the issuance of the administrative order if the facility has not complied. The City further agrees that it shall only be authorized to issue new CPFPS for 50% of the number of spaces sought to be eliminated by court action upon the filing of said action. The remaining 50% of said spaces will only be available for issuance as new spaces when and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

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

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

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

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

In City Council November 26, 1990.

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

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

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

- I. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.15 - The East Cambridge Interim Planning Overlay District in the area of East Cambridge as shown on the accompanying map, having the following requirements:

Section 3.15

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;
2. The floor area ratio applicable on any lot shall be limited to 1.0 or that applicable in the base district, whichever is less;
3. The maximum height of any building shall be 45' or that applicable in the base district, whichever is less;
4. Notwithstanding the limitations in subsections 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made hereto providing the following conditions are met:
 - (a) Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 gross square feet, whichever is greater; and
 - (b) All regulations and limitations of the base district shall be met.
5. This Section 3.15 shall be in effect through February 28, 1991.

Passed to a second reading at the City Council meeting held on January 7, 1991 and on or after January 21, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

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

That Chapter 8.48 of the Municipal Code of the City of Cambridge be amended as follows:

Section 8.48.040

subsections g & h: the effective date of January 1, 1991 be changed to January 1, 1992

Section 8.48.050

The final paragraph be amended so that it reads in its entirety: "Said labels should be affixed on the face of said container or product in the form of a removable sticker not smaller than 3 x 5 inches, with the lettering and background in contrasting colors. In addition, the consumer information packet with regard to each product offered for sale shall include warnings about the dangers of ozone depleting substances in accordance with directives of the Commissioner of Health and Hospitals".

Passed to a second reading at the City Council meeting held on January 7, 1991 and on or after January 21, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

Chapter 5.20 of the Code entitled "Public Transportation" is hereby amended by striking out and inserting the following new sections: 5.20.210 entitled "Rates - Designated Meter Required When;" 5.20.240 entitled "Rate Reduction Plan;" 5.20.250 entitled "Waiting Time" and 5.20.270 entitled "Hiring by hour or by trip" as follows:

5.20.210. Rates - Designated -Meter required when.

The price of rates of fares which drivers of Motor Taxicabs shall charge and demand for services rendered in conveying passengers are as follows:

(A) The initial drop shall be one dollar (\$1.00) and shall cover the cost of the first one-eighth of a mile or fraction thereof: or the first two minutes of waiting time or a combination of both. Each one-eighth of a mile thereafter or fraction thereof shall be at the rate of Twenty-five cents (\$.25).

(B) Each hackney carriage shall be equipped with a meter which shall be of a size and design approved by the License Commission.

(C) All owners of hackney carriages shall be allowed sixty (60) days from the time a change in rates is mandated to change the taximeter to reflect the new rates.

5.20.240. Rate reduction plan.

The License Commission shall implement a program effecting a cab meter rate discount for any person 65 years of age or over, and for handicapped persons, as follows:

A \$1.25 discount coupon shall be allowed for any such fare \$5.00 or under:
Two \$1.25 discount coupons shall be allowed for any such fare over \$5.00.

The License Commission shall regulate the specific mechanism by which this program is implemented.

5.20.250. Waiting time.

Waiting time shall include all time during which the vehicle is not in motion beginning five (5) minutes after its arrival at the place to which it has been called. No charge shall be made for time between a premature arrival in response to a call and the times for which the vehicle was ordered nor for time attributable to a breakdown of traffic, with the exception of such time lost through interruption and closing of drawbridges and the passage of railroad trains. Waiting time shall be at the rate of Nineteen Dollars (\$19.00) per hour.

5.20.270. Hiring by hour or by trip.

(A) When a motor taxicab is hired by the hour, the hourly rate shall be Nineteen Dollars (\$19.00) per hour. When a motor taxicab is hired for a trip wholly or in part outside the limits of the City, and when the destination is not listed in the flat rate book issued by the Commission, the person in charge may suspend, with the consent of the passenger, the use of the taximeter as a means of determining the price to be paid. In such cases the price shall be agreed upon between the persons in charge of the automobile and the passenger.

(B) A vehicle licensed under this Chapter for the transportation of those who are ill, or who are invalids or who are elderly may be engaged by an arrangement between the person in charge of said vehicle and the passenger establishing a flat rate price per hour, per mile or per trip for the use of the vehicle, and in such instance the use of the meter in said vehicle may be suspended.

Passed to a second reading at the City Council meeting held on January 14, 1991 and on or after January 28, 1991 the question comes on passing to be ordained.

ATTEST: Joseph E. Connarton
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council Nov. 24 1990

*C. Cyr - Moral Abandon of Unfinished Business #1 Re: Parking Freeze
Question comes on Ordinance as amended.*

	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



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 10.16

PARKING FREEZE

Sections:

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

10.16.010 Time period of Chapter

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

10.16.020 Definitions

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

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

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

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

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

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

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

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

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

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

10.16.030 Building or operation of parking facilities

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

10.16.040 Pre-existing applications, permits and determinations

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

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

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

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

10.16.050 Interim Parking Control Committee

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

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

10.16.060 Procedure for obtaining CFPF or Determination of Exclusion

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

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

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

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

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

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

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

d) The Committee shall be required to process any applications already on file with the Director at the time of the adoption of this Chapter in the order of the filing of said pending applications. All amendments to pending applications shall be deemed to relate back to the original date of filing. Any pending application relating to a project for which there is an Agreement for Traffic Mitigation (ATM) executed by the City shall be processed and acted upon by the Committee, in accordance with the limits established in section 10.16.070, subject to the requirement that any permit or determination of exclusion shall be conditioned upon compliance by the applicant with the terms of the ATM and upon no other conditions, and without any modification of the application by the Committee.

e) At least 14 days before the hearing, the Interim Parking Control Committee shall send to each applicant which has submitted a complete application an analysis of the application in regard to the criteria set out above. This analysis will highlight any

further information required in order to make a full assessment of the application. Any applicant who has filed an incomplete application shall be so notified at that time.

f) Within 14 days after the hearing, the Interim Parking Control Committee shall approve or disapprove the application for a CPFPP or determination of exclusion after full consideration of all the facts contained in the application. 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. 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. All CPFPPs shall include a provision requiring that any spaces in the facility

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

10.16.070 Number of CFP's to be Issued

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

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

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

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

10.16.080 Enforcement

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

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

At any hearing held by the IPCC to decide if excluded spaces have been operated as commercial spaces, or as controlled parking spaces as defined in s. 10.16.020, any facility holding a determination of exclusion, which is found to have any spaces operating in violation of the terms of said determination shall be presumed to have all of its spaces operating in violation of the terms of its determination unless the operator demonstrates to the satisfaction of the IPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of their determination. It shall be the responsibility of the IPCC to determine the number of spaces within a facility that are operating in violation of the terms of their determination of exclusion, and to impose fines or revoke the determination.

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

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

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

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

10.16.090 Memorandum of Agreement of August 15, 1990

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

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

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

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

In City Council November 26, 1990.

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

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



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."

In City Council November 26, 1990.

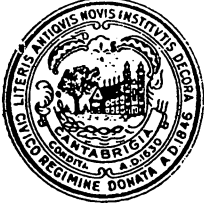
Passed to be ordained as amended by a yeas and nays vote:-
Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

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 ^Nnety

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 10.16

PARKING FREEZE

Sections:

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

10.16.010 Time period of Chapter

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

10.16.020 Definitions

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

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

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

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

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

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

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

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

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

"Person" means and includes a corporation, firm, partnership, association, executor, administrator, guardian, trustee, agent, organization, any state, regional or political subdivision, agency, department, authority or board, and any other group acting as a unit, as well as a natural person.

10.16.030 Building or operation of parking facilities

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

10.16.040 Pre-existing applications, permits and determinations

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

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

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

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

10.16.050 Interim Parking Control Committee

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

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

10.16.060 Procedure for obtaining CFPF or Determination of Exclusion

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

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

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

c) Every application for a 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 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 CPFPP or determination of exclusion after full consideration of all the facts contained in the application. 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. 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. All CPFPPs shall include a provision requiring that any spaces in the facility

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

10.16.070 Number of CFP's to be Issued

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

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

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

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

10.16.080 Enforcement

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

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

At any hearing held by the IPCC to decide if excluded spaces have been operated as commercial spaces, or as controlled parking spaces as defined in s. 10.16.020, any facility holding a determination of exclusion, which is found to have any spaces operating in violation of the terms of said determination shall be presumed to have all of its spaces operating in violation of the terms of its determination unless the operator demonstrates to the satisfaction of the IPCC that a distinct and identifiable portion of the spaces have been operated in accordance with the terms of their determination. It shall be the responsibility of the IPCC to determine the number of spaces within a facility that are operating in violation of the terms of their determination of exclusion, and to impose fines or revoke the determination.

Nothing in this Agreement shall prohibit the owner of spaces which have been improperly used from applying for a new determination of exclusion or a 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 CPFPS for spaces in amounts equal to the number of spaces the City is seeking to eliminate until the City has initiated enforcement action including filing a complaint in court with an application for a preliminary injunction, to compel compliance with the administrative order. The City agrees that it shall initiate said court action no later than 30 days following the issuance of the administrative order if the facility has not complied. The City further agrees that it shall only be authorized to issue new CPFPS for 50% of the number of spaces sought to be eliminated by court action upon the filing of said action. The remaining 50% of said spaces will only be available for issuance as new spaces when and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

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

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

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

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

In City Council November 26, 1990.

Passed to be ordained as amended by a yeas and nays 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:

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."

In City Council November 26, 1990.

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

Robert W. Healy, City Manager.

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



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Yeas 5; Nays 4; Absent 0.

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In City Council November 26, 1990.

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

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ATTEST:- Joseph E. Connarton
City Clerk

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ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

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In City Council November 26, 1990.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

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

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In City Council November 26, 1990.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

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

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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."

In City Council November 26, 1990.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 5; Nays 4; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

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. 26 1990

C. Sullivan Subst. Motion to Parking Freeze Ordinance

Amendments Entitled # 1A

	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

Failed of Adoption



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

Unfinished Bus.

Item # 1A.

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

Sheila T. Russell
City Councillor

Walter J. Sullivan

Walter J. Sullivan
City Councillor

s

attachment

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 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
<u>10.16.100</u>	<u>Adoption of SIP Amendments</u>
10.16.010	<u>Time period of Chapter</u>

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 ~~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., § 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. ~~TT~~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 phrase "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~~88~~

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.

City of Cambridge

MASSACHUSETTS

In City Council Nov. 26 1990

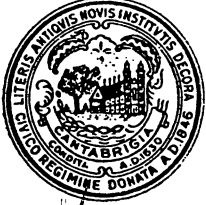
C. Cyr - Moved Substitution of Proposed Parking Freeze

Amendment.

	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



City of Cambridge

In the Year One Thousand, Nine Hundred

DRAFT-A

November 26, 1990

AN ORDINANCE

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

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

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

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

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

*C. City
Manager*

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

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

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

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

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

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

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

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

Chapter 10.16

PARKING FREEZE

Sections:

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

10.16.010 Time period of Chapter

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

10.16.020 Definitions

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

"Controlled parking facility permit" (CPFP) means a permit

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

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

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

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

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

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

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

10.16.050 Interim Parking Control Committee

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

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

10.16.060 Procedure for obtaining CFPF or Determination of Exclusion

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

b) The IPCC will publish in at least one local weekly newspaper a notice of the hearing. The notice shall set forth a specific hearing date not less than fourteen days and not more than thirty days from the date of publication, as well as the time and place of such hearing; said notice shall indicate that a copy of the application(s) is available for public inspection at the

Traffic and Parking Department. A notice of all applications to be heard at the hearing shall be sent at least two weeks before the hearing to the DEP.

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

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

10.16.090 Memorandum of Agreement of August 15, 1990

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

Upon submission by the City Manager to the Metropolitan Planning Organization, or other appropriate agency, of a proposed amendment to the SIP, which shall include a form of ordinance to implement such amendment, approved by the City Council, as contemplated by the August 15, 1990 MOA and by this Chapter, the provisions of this Chapter shall continue in effect for a period of

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

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



City of Cambridge

In the Year One Thousand, Nine Hundred

*Unfinished Bus
Item # 1 B*
DRAFT 6:00pm

November 19, 1990

AN ORDINANCE

Placed on File

*Wally
Car*

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

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

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

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

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

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

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 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

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" (CPFPP) 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, except for the enforcement provisions of §10.16.080, unless the owner or operator of the facility seeks to increase the number of parking spaces therein.

Pursuant to this paragraph the owner or operator of any non-commercial facility (including employee parking facilities) which was in compliance with all applicable laws at the time it was established, which did not apply for or receive either a permit or a determination of exclusion, and which would have been entitled to an exemption under the then existing rules of the parking freeze, shall be entitled to receive an exemption upon application to the IPCC. Such application shall include documentation evidencing compliance with all other applicable laws, the date of commencement of operations at the facility, and evidence of the qualification for an exemption under the parking freeze rules as applied by the Traffic Director at the time the facility began operations. Upon review of said application materials, and a finding that the facility would have been entitled to an exemption, the IPCC may waive the public hearing required by section 10.16.060 of this Chapter. If a facility is out of compliance with any applicable law, the IPCC may require any necessary steps to achieve compliance prior to notifying the Traffic Director to issue the determination

of exclusion authorized by this paragraph. The IPCC shall make a determination within thirty (30) days of an application under this paragraph. If the IPCC finds that the facility would have been entitled to an exemption under the rules of the parking freeze as applied by the Traffic Director at the time the facility began operations, then the IPCC shall notify the Traffic Director to issue a determination of exclusion.

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 CPFPP or Determination of Exclusion

a) An application for a CPFPP 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 CPFPP 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 ~~structure~~ 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 CPFPP in accordance with the terms of this Chapter.

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

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

Unless the owner of a facility complies with an administrative order to eliminate spaces under this section, and waives any further appellate rights, the City shall not be authorized to issue new CPFPPs 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 CPFPPs for 50% of the number of spaces sought to be eliminated by court action upon the filing of said action. The remaining 50% of said spaces will only be available for issuance as new spaces when

and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

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

Upon submission by the City Manager to the Metropolitan Planning Organization, or other appropriate agency, of a proposed amendment to the SIP approved by the City Council, as contemplated by the August 15, 1990 MOA and by this Chapter, the provisions of this Chapter shall continue in effect for a period of sixty (60) days from the date of said submission. If, at the end of said sixty (60) days, there has not been a final approval by the United States Environmental Protection Agency (EPA) of the proposed SIP amendment, then the City shall take the necessary action to substitute the terms of said proposed SIP amendment for the terms of this Chapter, and shall implement said proposed SIP amendment on an interim basis pending final approval by the EPA.



City of Cambridge

In the Year One Thousand, Nine Hundred

DRAFT 6:00pm

November 19, 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 City has authority to enact the provisions of this ordinance pursuant to G. L. c. 111, § 31 C, as well as by

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

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

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

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

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

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 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

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" (CPFPP) 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, except for the enforcement provisions of §10.16.080, unless the owner or operator of the facility seeks to increase the number of parking spaces therein.

Pursuant to this paragraph the owner or operator of any non-commercial facility (including employee parking facilities) which was in compliance with all applicable laws at the time it was established, which did not apply for or receive either a permit or a determination of exclusion, and which would have been entitled to an exemption under the then existing rules of the parking freeze, shall be entitled to receive an exemption upon application to the IPCC. Such application shall include documentation evidencing compliance with all other applicable laws, the date of commencement of operations at the facility, and evidence of the qualification for an exemption under the parking freeze rules as applied by the Traffic Director at the time the facility began operations. Upon review of said application materials, and a finding that the facility would have been entitled to an exemption, the IPCC may waive the public hearing required by section 10.16.060 of this Chapter. If a facility is out of compliance with any applicable law, the IPCC may require any necessary steps to achieve compliance prior to notifying the Traffic Director to issue the determination

of exclusion authorized by this paragraph. The IPCC shall make a determination within thirty (30) days of an application under this paragraph. If the IPCC finds that the facility would have been entitled to an exemption under the rules of the parking freeze as applied by the Traffic Director at the time the facility began operations, then the IPCC shall notify the Traffic Director to issue a determination of exclusion.

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 CPFPP or Determination of Exclusion

a) An application for a CPFPP 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 CPFPP 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~~ 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 CPFP in accordance with the terms of this Chapter.

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

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

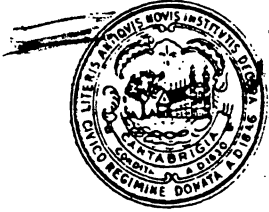
Unless the owner of a facility complies with an administrative order to eliminate spaces under this section, and waives any further appellate rights, the City shall not be authorized to issue new CPFPs for spaces in amounts equal to the number of spaces the City is seeking to eliminate until the City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

and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

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

Upon submission by the City Manager to the Metropolitan Planning Organization, or other appropriate agency, of a proposed amendment to the SIP approved by the City Council, as contemplated by the August 15, 1990 MOA and by this Chapter, the provisions of this Chapter shall continue in effect for a period of sixty (60) days from the date of said submission. If, at the end of said sixty (60) days, there has not been a final approval by the United States Environmental Protection Agency (EPA) of the proposed SIP amendment, then the City shall take the necessary action to substitute the terms of said proposed SIP amendment for the terms of this Chapter, and shall implement said proposed SIP amendment on an interim basis pending final approval by the EPA.



City of Cambridge

In the Year One Thousand, Nine Hundred

DRAFT 6:00pm

November 19, 1990

AN ORDINANCE

Wally Cur

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

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

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

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

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

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

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, except for the enforcement provisions of §10.16.080, unless the owner or operator of the facility seeks to increase the number of parking spaces therein.

Pursuant to this paragraph the owner or operator of any non-commercial facility (including employee parking facilities) which was in compliance with all applicable laws at the time it was established, which did not apply for or receive either a permit or a determination of exclusion, and which would have been entitled to an exemption under the then existing rules of the parking freeze, shall be entitled to receive an exemption upon application to the IPCC. Such application shall include documentation evidencing compliance with all other applicable laws, the date of commencement of operations at the facility, and evidence of the qualification for an exemption under the parking freeze rules as applied by the Traffic Director at the time the facility began operations. Upon review of said application materials, and a finding that the facility would have been entitled to an exemption, the IPCC may waive the public hearing required by section 10.16.060 of this Chapter. If a facility is out of compliance with any applicable law, the IPCC may require any necessary steps to achieve compliance prior to notifying the Traffic Director to issue the determination

of exclusion authorized by this paragraph. The IPCC shall make a determination within thirty (30) days of an application under this paragraph. If the IPCC finds that the facility would have been entitled to an exemption under the rules of the parking freeze as applied by the Traffic Director at the time the facility began operations, then the IPCC shall notify the Traffic Director to issue a determination of exclusion.

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 CPFPP or Determination of Exclusion

a) An application for a CPFPP 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 CPFPP 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 ~~lot~~ 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 CPF or determination of exclusion after full consideration of all the facts contained in the application. The Committee's approval shall indicate on the CPF 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 CPFPP in accordance with the terms of this Chapter.

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

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

Unless the owner of a facility complies with an administrative order to eliminate spaces under this section, and waives any further appellate rights, the City shall not be authorized to issue new CPFPPs 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 CPFPPs for 50% of the number of spaces sought to be eliminated by court action upon the filing of said action. The remaining 50% of said spaces will only be available for issuance as new spaces when

and if the City prevails on the merits of said court action. The City agrees to prosecute aggressively any such court action to compel compliance with said administrative order.

10.16.090 Memorandum of Agreement of August 15, 1990

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

Upon submission by the City Manager to the Metropolitan Planning Organization, or other appropriate agency, of a proposed amendment to the SIP approved by the City Council, as contemplated by the August 15, 1990 MOA and by this Chapter, the provisions of this Chapter shall continue in effect for a period of sixty (60) days from the date of said submission. If, at the end of said sixty (60) days, there has not been a final approval by the United States Environmental Protection Agency (EPA) of the proposed SIP amendment, then the City shall take the necessary action to substitute the terms of said proposed SIP amendment for the terms of this Chapter, and shall implement said proposed SIP amendment on an interim basis pending final approval by the EPA.

Parking Freeze ^{#2} 0-54C

11/26/90 Passed to be
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