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CAMBRIDGE CHAMBER OF COMMERCE

October 10, 1989

Cambridge City Council
c/o Joseph E. Connarton, City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Procedural Changes for Zoning Petitions

Dear Councillors:

The Committee on Government and Community Affairs of the Cambridge Chamber of Commerce has concluded that over the past year repetitive and sometimes frivolous petitions to amend the Zoning Ordinance of the City of Cambridge have been filed. To date, nineteen (19) petitions have been filed this year. Each of these petitions causes the Council, Planning Board, Community Development Department and our businesses to devote substantial amounts of time and resources to its consideration.

In particular, it distracts the energies of our members from the task of providing jobs and economic base for the City. Many of our members are the City's largest employers and property owners, who as a result of the unusually large number of petitions brought before the City Council in the past year, are concerned about how to plan for their future in Cambridge.

It is our view that the zoning process, as it is now practiced, should be reviewed to protect the interests of ALL -- businesses, owners and residents.

Consequently, the Committee proposes for the consideration of the Council and the Planning Board, the


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enclosed recommendations for procedural changes to the manner in which zoning petitions are considered.

Our purpose in submitting the recommendations is to stimulate a dialogue among the Council, Planning Board, business community and Cambridge residents about how best to support the rights of citizens to petition without unduly disrupting the process of government and the conduct of business. The essence of the recommendations is a more focused consideration of the petitions at the formally scheduled City Council Ordinance Committee public hearings, freeing the City Council's time for handling other matters at regular City Council meetings. The recommendations proposed should be beneficial to all petitions coming before the City Council and should permit prompt and fair disposition of petitions.

The Committee and its members are anxious to meet and discuss the recommendations before the Council at its earliest convenience.

Very truly yours,


Daniel C. Crane,
Chairperson
Committee on Government
& Community Affairs

DCC/jcp

cc: Michael Rosenberg, Assistant City Manager
for Community Development
Paul Dietrich, Chairperson, Planning Board

Recommended procedural changes for zoning petitions

1. Have the filing fee match the cost to the City of the public notification process

Comments:

- a) any group could ask a Councillor to sponsor an order asking CDD to study a zoning concept and report on it rather than submitting a zoning petition
- b) zoning petition falls under Chapter 40A and requires certain formal steps which cost the City money for publication (\$800 per petition for publication alone)
- c) City revenues have been reduced and there have been efforts in other areas to have fees match costs

2. Have the Ordinance Committee elevate the importance of its Public Hearing

Comments:

- a) process now frequently inconclusive - petitions are typically heard and are referred without recommendation
- b) make clear that the Public Hearing is the major opportunity for proponents and opponents to state their case to the City Councillors.

- c) if Ordinance Committee is not ready to refer out immediately after the Public Hearing, have the matter kept on the table in the Committee and have the Clerk maintain a list of items "on the table" at the Committee.
 - d) when the Committee takes it up for recommendation at a later date, limit further testimony to those who have submitted written request to do so unless the Hearing has been formally continued, scheduled, and reopened.
 - e) maintain a clear separation between the Committee and the Council.
3. Have the City Council request the Planning Board to adhere to the 21 day period provided in Chapter 40A for making a recommendation to the City Council - don't wait until the last possible time (just before the petition is to expire.)

Comments:

- a) the Council has to wait 21 days from its (Ordinance Committee) hearing to allow a period for the Planning Board to make a report.
- b) the Planning Board now feels it has the full 90 days from the Ordinance Committee hearing (less 14 days for the Council to act) before making its recommendation. The Council in turn prefers to wait for the Planning Board recommendation before acting.

c) the result is that the encumbrance which the petition places on property is extended for the maximum possible time and the final arguments for or against are made in a "pressurized" environment.

4. Have the City Council request the Planning Board to make a clear recommendation.

Comments:

a) instead of saying "we can/cannot recommend", say "we recommend against/for".

b) if the Planning Board clearly recommends against, and the City Council subsequently votes against, the petition cannot be refiled for two years

c) if the Planning Board recommends adoption of the petition, and it receives an unfavorable vote by the City Council, it can be immediately refiled.

5. If the Planning Board feels that the petition has merit but is not properly worded, they should propose an amendment for Council action.

6. When the City Council takes up the petition at a regular City Council meeting, limit speakers for and against the petition - make clear that the Ordinance Committee Public Hearings provide for that purpose.

Comments:

- a) the Council could allow brief summary statements by a representative of the petitioners and by a representative of the opponents prior to Council votes, the statements to be limited in time.
- b) this is also a fair approach for the various proponents and opponents and will eliminate the fear of a vote without their having been heard.

7. Have the City Council impose upon itself a rule that zoning items will not be taken "off the table" or from "unfinished business" after a certain reasonable time of night (suggestion: not after 10:00 p.m.)

Comment:

- a) this will eliminate the fear of a late night vote as a tactic to enact or kill a zoning petition and relieve somewhat the burden on the affected parties of monitoring City Council actions.

9.

0-122

Comm. from Daniel C. Crane, Chairperson, Committee on Government and Community Affairs, Cambridge Chamber of Commerce, transmitting recommendations for procedural changes for the filing of zoning petitions.

In City Council,
Oct. 16, 1989

*Referred to Ordinance
Committee
Copy sent to Ord. Committee
10/17/89 @*

9.