

**HEARING SCHEDULE
CITY COUNCIL MEETINGS BEGINNING DECEMBER 3, 2001**

Monday, December 3, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Tuesday, December 4, 2001	10:30 A.M.	The Finance Committee will conduct a public hearing to discuss budget preview, receive a report on the quality of electric service and the DEP investigation of quality of service and receive information about converting traffic lights from incandescent to LED. (Ackermann Room)
Thursday, December 13, 2001	5:00 P.M.	The Ordinance Committee will conduct a public hearing to consider a proposed amendment to the Zoning Ordinance to create a transition district along Hammond and Gorham Streets. (Sullivan Chamber) This hearing is televised.
Monday, December 17, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, January 7, 2002	10:00 A.M.	<i>INAUGURAL MEETING</i> (Sullivan Chamber)
Monday, January 14, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, January 28, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

City of Cambridge does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to person with disabilities upon request. Contact the Office of the City Clerk 349-4260, tty/TDD 349-4242.

RECONSIDERATION
CITY COUNCIL MEETING OF MONDAY, DECEMBER 3, 2001

1. Councillor Davis notified the City Clerk of her intention to move reconsideration on Calendar Item #8 adopted by the City Council on November 19, 2001 regarding allocation of planning study for Riverside.

O-21.

November 20, 2000

COUNCILLOR REEVES
COUNCILLOR BORN
COUNCILLOR BRAUDE
COUNCILLOR DAVIS
COUNCILLOR DECKER
MAYOR GALLUCCIO
VICE MAYOR MAHER
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: On October 16, 2000, the Cambridge City Council voted unanimously to request the City Manager to recommend the allocation of \$200,000 - \$250,000 for a planning study for Riverside; and

WHEREAS: A recent letter from the City Manager indicates that \$100,000 of already appropriated Community Development Department funds will be earmarked for a Community Development Riverside Study Group to be appointed by the City Manager; and

WHEREAS: The newly forming Riverside Neighborhood Association had the understanding that it would play, with consultation assistance, the central role in the planning study; now therefore be it

ORDERED: That the City Manager be and hereby is requested to clarify the use of \$100,000 of funds previously allocated to Community Development Department when the City Council order requested a recommendation for a \$200,000 - \$250,000 new appropriation; and further be it

ORDERED: That the City Manager be and hereby is requested to confer with Community Development Department to specify the key role that the newly-forming neighborhood association will play in a Riverside study plan for which the City Council has requested the new appropriation by unanimous vote.

RECONSIDERATION FILED BY COUNCILLOR DAVIS.

DECEMBER 3, 2001

1. Transmitting communication from Robert W. Healy, City Manager, relative to the appt. of the following person as a Constable With Power, effective the first day of January, 2002:

Francis Conole, 22 Hunting Street, Cambridge, MA 02141

2. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-249**, regarding a report on lighting issues on Franklin Street.
3. Transmitting communication from Robert W. Healy, City Manager, relative to an appropriation of \$1,305 in the Grant Fund DHSP Other Ordinary Maintenance Account from registration fees received by the Commission for Persons with Disabilities for their Community Access Monitor Training to be used to cover expenses related to the training.
4. Transmitting communication from Robert W. Healy, City Manager, relative to an appropriation of \$92,828 in the Grant Fund of the DHSP Salary & Wages Account \$86,443, and Other Ordinary Maintenance Account \$6,385 from the Mass Housing & Shelter Alliance to services to homeless men residing at the YMCA.
5. Transmitting communication from Robert W. Healy, City Manager, relative to an appropriation of \$75,000 to the Grant Fund DHSP Salary & Wages Account \$64,236, Other Ordinary Maintenance Account \$9,964, and Travel & Training Account \$800 from the U.S. Dept. of Justice Office of Juvenile Justice and Delinquency Prevention to the Cambridge Prevention Coalition to provide alcohol, tobacco and other drug prevention training for Cambridge youth.
6. Transmitting communication from Robert W. Healy, City Manager, relative to an appropriation of \$810,150 in the Grant Fund DHSP Salary & Wages Account \$137,466, Other Ordinary Maintenance Account \$670,184, and Travel & Training Account \$2,500 from the Mass Dept. of Health &

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Human Services to provide funds for the Low Income Heating Assistance Program which serves Cambridge and Somerville.

7. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on the City Council Petition to revise Special District 8 and create a new Special District 8A.
8. Transmitting communication from Robert W. Healy, City Manager, relative to the acceptance and appropriation of \$292,250 to the General Fund Executive Department Extraordinary Expenditures Account, which will be issued to Cambridge Community Television (CCTV) pursuant to the agreement between the City of Cambridge and CCTV relative to the City's Cable Television Renewal License with AT&T Broadband.

December 3, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$810,150 in the Grant Fund of the Human Services Salary and Wages Account \$137,466, Other Ordinary Maintenance Account \$670,184, and Travel and Training Account \$2,500. The Commonwealth of Massachusetts through the Department of Health and Human Services and administered by the Department of Housing and Community Development has awarded funds for the Low Income Heating Assistance Program which serves Cambridge and Somerville. The Program serves 2,800 clients in both cities, 1,300 of those served are Cambridge residents. Annual income for a household of four must be at or below \$34,000 in order to qualify for assistance.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$75,000 in the Grant Fund of the Human Services Salary and Wages Account \$64,236, Other Ordinary Maintenance Account \$9,964 and Travel and Training, \$800. The U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention has awarded funds to the Cambridge Prevention Coalition to provide alcohol, tobacco and other drug prevention training for Cambridge youth. Funds will be used to cover a portion of full time salaries of two Case Managers and the Assistant Director of the Prevention program.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$92,828 in the Grant Fund of the Human Services Salary and Wages Account, \$86,443, and Other Ordinary Maintenance Account \$6,385. Funds are received from the Massachusetts Housing and Shelter Alliance through the Mass. Dept. of Transitional Assistance. This program is established at the Multi Service Center of DHSP to provide services to homeless men residing at the Cambridge YMCA. Funds support three full-time and one part-time Case Manager.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To the Honorable, the City Council:

I am hereby requesting an appropriation of \$1,305 in the Grant Fund of the Human Services Other Ordinary Maintenance Account. The Cambridge Commission for Persons with Disabilities has received funds through registration for their Community Access Monitor Training. This training was sponsored by the Massachusetts Office of Disability and funds will be used to cover expenses related to the training.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-249, regarding a report on lighting issues on Franklin Street, please be advised of the following:

Street lighting on Franklin Street was reviewed and determined to be adequate. Lighting in this area was increased a few years ago. Recently there were two defective lights, which were repaired by NStar Electric and are now in full operation.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To The Honorable, The City Council:

I am hereby transmitting notification of the appointment of the following person as a Constable for a term of three years, effective the first day of January, 2002:

Francis Conole
22 Hunting Street
Cambridge, MA 02141

With Power

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

December 3, 2001

To The Honorable, The City Council:

Please find attached for your consideration a Planning Board recommendation on the City Council Petition to revise Special District 8 and create a new Special District 8A.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

November 27, 2001

To the Honorable, the City Council:

SUBJECT: City Council Petition to revise Special District 8 and create a new Special District 8A

Recommendation

The Planning Board recommends adoption of the Petition, which slightly revises Special District 8 in Cambridgeport and creates a new Special District 8A to substitute for the Special District 8 in the area abutting Fort Washington and along Sidney and Chestnut Streets and Putnam Avenue.

The Board recommends two modest boundary revisions to the Petition as filed: The first would adjust the boundary of the Special District 8A by making it coterminous with the property line of the former Cambridge Tire Company; the net effect is to move the SD-8/SD-8A district line south about seventy feet in the vicinity of Erie and Anglim Streets. The second boundary change would retain the new Special District 8A designation along Sidney Street north of Putnam Avenue, where it abuts the Residence C-1 district, for a depth of ninety feet but retain the existing Special District 8 designation for the remainder of lots north of Putnam Avenue and east of Waverly Street. This change has the effect of protecting the Sidney Street neighborhood edge from further commercial expansion while allowing commercial redevelopment of those lots further removed from the neighborhood and directly abutting existing large-scale commercial buildings.

The text change recommended would provide for interim commercial use of existing non-residential buildings in the new SD-8A district to ease the transition from an industrial district to a residential district for the owners of those buildings. This proposal, also recommended by the Planning Board when the petition was heard earlier, has been modified somewhat to address concerns expressed at that time. Any property making use of the provision, via a special permit process, would be limited to ten years of commercial use after which the only permitted use on the site would be residential. In addition, to encourage redevelopment to housing, a second special permit could be issued to permit the residential FAR to rise from 1.50 to 1.75.

The text necessary to accomplish these changes is attached.

Findings

1. The Board finds this Petition to be a reasonable alternative to the proposal made by the Planning Board in the Citywide Rezoning Petition, where Special District 8 in its entirety was constituted as a residential district. The new Special District 8A, which will replace portions of the current Special District 8, is a residential district more carefully targeted to those areas of the current SD-8 that can be excepted to redevelop to housing in the future or that now abut directly the Cambridgeport residential neighborhood. The existing SD-8 remains in those areas where industrial and office uses predominate.

2. The Petition makes only a slight change to the provisions of SD-8, affecting the FAR for permitted residential uses. The FAR change brings the FAR provisions in SD-8 in line with the inclusionary bonus provisions that apply to all other districts in the city. The FAR provisions of SD-8 are thus proposed as follows:

Existing SD-8 District

FAR for Non-residential Uses: (Industrial, office, residential)	1.25
FAR for Residential Uses:	1.75 (but the inclusionary FAR bonus does not apply)
FAR for Dormitory Uses:	1.75

Proposed SD-8 District

FAR for Non-residential Uses: (Industrial, office, residential)	1.25
FAR for Residential Uses:	1.50 (the inclusionary FAR bonus does apply; therefore the effective FAR is 1.95)
FAR for Dormitory Uses:	1.75

3. Special District 8A is a new district, sharing certain provisions of the existing SD-8 district (height provisions, a mechanism to transfer FAR for the purpose of creating new parks). The SD-8A district is, however, a medium density residential district allowing only housing and institutional uses. The Residence C-1A district serves as the underlying zoning designation for SD-8A; except as otherwise provided in the SD-8A regulations, the Residence C-1A regulations for setbacks, uses and special permit processes continue to apply. This new district is applied to those areas that are best suited to residential use in the future by virtue of their proximity to the existing residential neighborhood. The FAR provisions for the new SD-8A are as follows:

Existing SD-8 District

FAR for Non-residential Uses: (Industrial, office, residential)	1.25
FAR for Residential Uses:	1.75 (but the inclusionary FAR bonus does not apply)
FAR for Dormitory Uses:	1.75

Proposed SD-8A District

FAR for Non-residential Uses: (Institutional uses principally)	0.75 existing
FAR for Residential Uses:	1.50 (the inclusionary FAR bonus does apply; therefore the effective FAR is 1.95))
FAR for Dormitory Uses:	1.50

4. While the height permitted in the SD-8A district is generally sixty feet, a more restrictive forty-five foot limit applies adjacent to Fort Washington and abutting Residence C-1 and C-2A districts.

5. While the area to which the new SD-8A is applied, as revised by in the Planning Board recommendation, is appropriate for housing over the long term, there are existing non-residential buildings within the boundaries of the proposed district. Some of those buildings contain active industrial or office uses. Others, while vacant, are probably not physically suitable for conversion to the desired residential use. To ease the hardship for owners and tenants of these buildings, the Planning Board is suggesting a special permit process by which commercial uses, not otherwise permitted in SD-8A, would be allowed in pre-existing non-residential structures for a transition period not to exceed ten years. At the end of that ten years, any commercial use in such a building would have to cease and the only permitted use thereafter would be residential.

6. The Board considered a number of other approaches to addressing concerns raised by property owners and residents: a mixed use residential/commercial development option for existing commercial sites, transfer of development rights for creating housing, and variations on the interim commercial use provision that is recommended. In the end it is the Board's view that the more direct approach recommended, altering the SD-8A boundary and modifying the interim commercial use provision, best serves the public interest and best balances the competing and sometimes conflicting interests of the affected parties.

Respectfully submitted for the Planning Board

Thomas Anninger, Vice Chair

Planning Board Recommendation
Special District 8 – Special District 8A

I. Amend the text of the Zoning Ordinance by deleting the existing text of Section 17.80 and substituting therefor the following:

17.80 Special District 8 and Special District 8A

17.81 Special District 8

17.81.1 *Scope.* This Section 17.81 regulates development within the Special District 8 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.81, all requirements of and regulations applicable to the Industry A-1 District shall apply equally to the Special District 8.

17.81.2 *Permitted Uses.* Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 8 with the exception of the following:

a. The following additional uses shall be permitted as of right:

(1) Dormitory and resident fraternity or sorority, Section 4.33 b (7).

(2) Residential uses, Section 4.31 a-h.

(3) Heavy Industry, Section 4.38 e, but only if the specific use has been established on a lot on or before January 1, 1991 and which use shall remain in continuous operation thereafter. Once said industrial use has been discontinued, the lot shall only be used for those uses otherwise permitted in this Special District 8.

b. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) All Retail, Business and Consumer Service Establishments Section 4.35 with the exception of 4.35 a (1) and 4.35 b-e.

17.81.3 *Dimensional Regulations.* The dimensional requirements of the Industry A-1 district shall apply in the Special District 8 except as provided below:

- 17.81.31** *Maximum FAR.* The FAR applicable on any lot in the district shall be increased to 1.75 for permitted dormitory uses.
- 17.81.32** *Building Height Limitations.* The maximum height permitted in the district shall be sixty (60) feet for all uses except as modified by the provisions of Sections 17.81.32.1 and 17.81.5.
- 17.81.32.1** For all uses, the maximum height shall be further limited as follows:
- (a) Any portion of a building exceeding a height of sixty (60) feet shall be set back a minimum of twenty (20) feet from the adjacent front property lines on all abutting streets.
- (b) Height shall be limited to forty-five (45) feet in that area defined by a line one hundred (100) feet distant from and parallel to all front and side property lines of Fort Washington Park, lot #72, Assessor's Plat #66, to the extent that the described area is within the Special District 8.
- (c) Height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of the existing Residence C-1 District.
- 17.81.33** *Yard Requirements.* A minimum five (5) foot front yard setback shall be required for all development in the district.
- 17.81.33.1** *Restrictions in Required or Provided Front Yard Setbacks.* That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this Subsection 17.81.33.1 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot. For all other streets the provisions of this Subsection 17.81.33.1 shall apply only to the required front yard setback.
- 17.81.34** *Residential Density.* The minimum lot area per dwelling unit shall be six hundred and fifty feet (650) square feet.
- 17.81.4** *Off Street Parking and Loading Requirements*

17.81.41 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the Industry A-1 district except as provided for below.

17.81.42 *Minimum Parking Requirement.* The minimum parking requirements shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit and for dormitory uses, Section 4.33 b. (7) one parking space for each twelve (12) beds.

17.81.43 *Maximum Parking Permitted.* The maximum parking permitted for uses in the district shall be one parking space for each six hundred and fifty (650) square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provision of Section 6.31.3; however the Planning Board may permit by special permit the number of parking spaces to exceed the maximum allowed under this Section 17.81.43 provided the number of parking spaces authorized by special permit does not exceed that number which would be permitted on the lot if the maximum parking ratio of 650 were applied to the maximum gross floor area permitted on the lot, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

17.81.44 No special permit shall be issued in this district which permits the total number of parking spaces on a lot to exceed (a) that number permitted in Section 17.81.43 for development authorized by the special permit plus (b) any additional parking present on the site before the date of application for uses not located on the lot, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the zoning district applicable to such uses. Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 17.81.4.

17.81.5 *Transfer of Development Rights and/or Additional Height to Secure Publicly Accessible Open Space.*

Notwithstanding the limitations imposed by the definition of lot in Article 2.000 (as regards non-contiguous lots and common ownership) or the dimensional limitations imposed in this Section 17.80, the Planning Board may allow by special permit the following:

(a) The transfer of all of the Gross Floor Area (GFA) permitted as of right or by special permit:

(1) From one or more Donating Lots (whether contiguous or non-contiguous, held in common or in separate ownership) located in Special District 8, Special Districts 8A, Special District 9, or Special District 10, to

(2) One or more Receiving Lots (whether contiguous or non-contiguous, held in common or in separate ownership), in Special District 8.

(b) An increase in the permitted height on the Receiving Lot(s) as set forth in Section 17.81.51d below.

17.81.51 *Restrictions Applicable to the Transfer of Gross Floor Area or Increase in Permitted Height.*

The special permit shall be granted for the purpose of creating (1) an open space facility of approximately fifty-nine thousand (59,000) square feet, (2) additions to that space, or (3) the creation of other such open spaces as may be offered, which are accessible to the general public and designed and intended to be used for active and/or passive recreation, subject to the following limitations and restrictions:

a. One open space parcel containing an area of approximately fifty-nine thousand (59,000) square feet, as shown on Lots # 48 and 57 on Assessor's Plat # 95, shall be a donating lot and must be secured as an open space as required in this Section 17.81.5 (1) above before any other lot may be considered a Donating Lot; other open space parcels within Special District 8, Special Districts 8A, 9 and 10 may also be Donating Lots.

b. The FAR on the Receiving Lot(s) does not exceed 2.5 for non-residential uses or 3.0 FAR for residential and dormitory uses.

c. The Receiving Lot(s) for the one hundred three thousand, two hundred fifty (103,250) gross square feet or more of floor area to be transferred is located in Special District 8.

d. The maximum height of any structure on the Receiving Lot(s) does not exceed the following limitations:

(1) Sixty (60) feet in that area lying between Sidney Street and a line, which line is parallel to, southeasterly of and one hundred (100) feet distant from Sidney Street;

(2) Ninety (90) feet in that area lying between the parallel line described in Paragraph (a) above and Albany Street and the SD-8A zoning district line;

(3) One hundred (100) feet in that area lying southeasterly of Albany Street and its extension in a southwesterly direction to the SD-8 zoning district line.

e. The Donating Lot for an open space contribution of approximately fifty-nine thousand (59,000) square feet is located at 82 Pacific Street as shown on lots # 48 and 57, on Assessor's Plat # 95.

f. Open space facilities shall be under the control of, and be programmed and maintained by, the City of Cambridge or its designated agent. Transfers of open space facilities shall be by fee simple conveyance, easement, lease (see Paragraph h) or other legal mechanism, and shall be made as a condition precedent to the issuance of the first building permit for a project on a receiving lot that utilizes development rights transferred or height increased by Special Permit for that project. Special Permits granted under this Section 17.85.1 shall run with the land.

g. The site is physically suitable for the recreational uses proposed and certified by the City to meet environmental standards such as they are applied to other such open spaces in the City at the time of transfer to the City of Cambridge.

h. If the development rights transferred by Special Permit to a Receiving Lot are not fully utilized or applied in the construction of a project, the remaining development rights shall remain available for use or application, on a phase by phase basis, on the Receiving Lot. If development rights are applied by a landowner, on a phase by phase basis, the Donating Lot (from which the development rights derive) shall be leased, on a completely “net” basis, by the owner of the Donating Lot to the City of Cambridge, or its designated agent, until such time as the Receiving Lot has fully utilized or applied the development rights derived from the Donating Lot.

When those development rights are fully utilized or applied, which shall be determined by the issuance of a certificate of occupancy for any building making use of such rights, fee simple title to the Donating Lot shall be conveyed to the City of Cambridge or its designated agent; in its decision the Planning Board shall determine if fee simple title shall be conveyed in phases as development rights are utilized or applied or when the entire amount of development rights is fully utilized.

If development rights are applied or utilized on a phase by phase basis, and if, because of an amendment or other change in the Zoning Ordinance of the City of Cambridge, the owner of the Receiving Lot is unable to receive the full benefits of those development rights (in the same manner and to the same extent as if the Zoning Ordinance had not been amended or otherwise

changed), the lease of the Donating Lot to the City of Cambridge shall terminate automatically upon the effective date of that amendment or other change in the Zoning Ordinance.

Any special permit issued under the provisions of this Section 17.81.5 shall be in force and effect for the length of lease of property for open space purposes as required in this Section 17.81.5. For the purposes of Section 10.46, the use authorized by any special permit issued under this Section 17.81.5 shall be deemed to have commenced with the granting of the lease of land for open space purposes as defined in this Paragraph h.

17.81.52 In granting a special permit under this Section 17.81.5 the Planning Board shall consider the following:

a. The proposed open space is consistent with the objectives of this Section 17.81.5 to create a useable open space or recreational facility addressing the unmet needs of the adjacent residential neighborhood and those of the new residents of the district and, if one is adopted, is consistent with a plan for the distribution and use of open space in the District.

b. If less than one acre, the open space is clearly an element of a plan to be implemented incrementally created through the issuance of additional special permits, or is clearly acceptable as an independent facility.

c. If it is intended to be a part of a larger facility, the open space is useable on its own, as an independent facility, if intended future special permits are not sought or granted.

17.82 Special District 8A

17.82.1 *Scope.* This Section 17.82 regulates development within the Special District 8A as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.82, all requirements of and regulations applicable to the Residence C-1A District shall apply equally to the Special District 8A.

17.82.2 *Permitted Uses.* Uses permitted in the Residence C-1A District shall be equally allowed in the Special District 8A subject to the following additions and limitations:

17.8 2.21 Retail, Business and Consumer Service Establishments Section 4.35 a (1) and 4.35 b-e shall be permitted as-of-right provided they are located in a building with other permitted uses, are located on the first floor or the basement of the building, do not exceed twenty-five (25) percent of the total Gross Floor

Area of the building in which they are located. No individual establishment may exceed 2,500 gross square feet in area.

17.82.22 The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.82.3 *Dimensional Regulations.* The dimensional requirements of the Residence C-1A district shall apply in the Special District 8A district except as provided below.

17.82.31 *Maximum FAR.* The FAR applicable on any lot in the district shall not exceed 0.75 for permitted non-residential uses, 1.50 for permitted residential and dormitory uses.

17.82.32 *Building Height Limitations.* The maximum height permitted in the district shall be sixty (60) feet for all uses except as the permitted height may be modified by the provisions of Section 17.82.32.1 below.

17.82.32.1 For all uses, the maximum height shall be further limited as follows:

(a) Any portion of a building exceeding a height of sixty (60) feet shall be set back a minimum of twenty (20) feet from the adjacent front property lines on all abutting streets.

(b) Maximum height shall be limited to forty-five (45) feet in that area defined by a line one hundred (100) feet distant from and parallel to all front and side property lines of Fort Washington Park, lot #72, Assessor's Plat #66.

(c) Maximum height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of a Residence C-1 or C-2A District.

17.82.33 *Yard Requirements.*

17.82.33.1 *Restrictions in Required or Provided Front Yard Setbacks.* That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 17.82.33.1 shall apply fully only to a single street, which street

shall be the principal, major or most important street abutting the lot. For all other streets the provisions of this subsection 17.82.33.1 shall apply only to the required front yard setback.

17.82.33.2 Where a lot abuts the railroad right of way, there shall be no minimum yard requirement for that yard abutting the right of way.

17.82.34 *Residential Density.* The minimum lot area per dwelling unit shall be five six hundred and fifty (650) square feet.

17.82.4 *Off Street Parking and Loading Requirements*

17.82.41 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the Residence C-1A except as provided for below.

17.82.42 *Minimum Parking Requirement.* The minimum parking requirements shall be as provided in Section 17.81, for the uses permitted in this Section 17.82.

17.82.5 *Interim Non-Residential Uses.*

17.82.51 Any use allowed in Special District 8 may be allowed in the Special District 8A district on an interim basis by Special Permit from the Planning Board subject to the following conditions and limitations:

(a) **The authorized use is located in a non-residential building in existence as of June 1, 2001.**

(b) The use is authorized for a period not to exceed ten years in total from the date at which a final Certificate of Occupancy for the authorized non-residential use is issued by the Superintendent of Buildings.

(c) All non-residential use on the site shall cease after expiration of the period granted by the special permit for the authorized non-residential use. Thereafter the site shall only be used for residential uses.

(d) In no case may any special permit under this Section 17.82.5 authorizing an interim non-residential use be granted after January 1, 2005.

(e) In granting a special permit under this Section 17.82.5 the Planning Board shall determine that the proposed non-residential use will not unreasonably negatively impact the use of adjacent property for permitted residential uses.

17.82.52 *Additional FAR for Subsequent Residential Uses.*

Any lot for which a special permit has been issued under the provisions of Section 17.82.51 above shall be permitted to increase the FAR for residential use on that lot to 1.75 by special permit from the Planning Board when the non-residential use has ceased and the lot is

developed exclusively for residential use. In granting the special permit the Planning Board shall determine that the increased Gross Floor Area can be accommodated on the site without detriment to the quality of the proposed residential development and without substantial additional negative impact on adjacent residential and other uses. The special permit may be issued at any time during the period the special permit authorized in Section 17.82.51 is in effect, or at any subsequent date provided all non-residential use on the site has ceased.

II. Delete the designation SD 8 (Special District 8) on the Zoning Map and substitute therefor the designation SD 8A (Special District 8A) for that area described below.

- 1.0 An area, bounded by a line, said line beginning at the intersection of the centerline of Sidney Street and the extension of the northeasterly sideline of lot # 96 on Assessor's Plat #66. All subsequent locations are also on Assessor's Plat #66 unless otherwise noted.**
- 1.1 Thence proceeding in a southeasterly direction along the northeasterly sideline of Lot #96, and its extension, to its intersection with the southeasterly sideline of Lot #96;**
- 1.2 Thence turning and proceeding in a southwesterly direction along the southeasterly lot lines of lots #96 and 53 and their extension to the its intersection with the centerline of Allston Street;**
- 1.3 Thence turning and proceeding in a southeasterly direction along the centerline of Allston Street for approximately a foot to its intersection with a line parallel to and ninety feet distant from the southeasterly sideline of Sidney Street; ~~to its intersection with the centerline of Grove Avenue;~~**
- 1.3A Thence turning and proceeding in a southwesterly direction along the line parallel to and ninety feet distant from the southeasterly sideline of Sidney Street to its intersection with the centerline of Putnam Avenue;**
- 1.3B Thence turning and proceeding in a southeasterly direction along the centerline of Putnam Avenue and its extension to the centerline of Waverly Street.**
- ~~1.4 Thence turning and proceeding in a southwesterly direction along the centerline of Grove Avenue to its intersection with the extension of the northeasterly sideline of Lot #30;~~**
- ~~1.5 Thence turning and proceeding in a southeasterly direction along the northeasterly sideline of Lot #30, and its extension, to its intersection with the southeasterly sideline of Lot #30;~~**
- ~~1.6 Thence turning and proceeding in a southwesterly direction along the southeasterly sidelines of Lots #30 and 42 to its intersection with the northeasterly sideline of Lot #94;~~**

- ~~1.7 Thence turning and proceeding in a southeasterly direction along the northeasterly sideline of Lot #94, and its extension, to the centerline of Waverly Street;~~
- 1.8 Thence turning and proceeding in a northeasterly direction along the centerline of Waverly Street to its intersection with the centerline of Erie Street;
- 1.9 Thence turning and proceeding in a southeasterly direction along the centerline of Erie Street to its intersection with the northwesterly extension of the centerline of Anglim Street;
- 1.9A Thence turning and proceeding in a southeasterly direction along the centerline of Anglim Street to its intersection with the northwesterly extension of the of the southwesterly sideline of Lot #12 on Assessors Map #54;
- 1.9B Thence turning and proceeding along the southwesterly sideline of Lot #12 and its extensions to its intersection with the existing Special District 8/Special District 6 zoning district line (which is the centerline of the railroad right of way);
- 1.10 Thence turning and proceeding in a southwesterly direction along the existing SD 8/SD 6/SD 11 zoning district line to its intersection with the centerline of Chestnut Street and its extension;
- 1.11 Thence turning and proceeding in a northwesterly direction along the centerline of Chestnut Street, and its extension, to its intersection with the existing SD8/Residence C-1 zoning district line;
- 1.12 Thence turning and proceeding in a northeasterly direction along the existing SD 8/Residence C-1 zoning district line to its intersection with the centerline of Putnam Avenue;
- 1.13 Thence turning and proceeding in a northwesterly direction along the centerline of Putnam Avenue to its intersection with the centerline of Sidney Street;
- 1.14 Thence turning and proceeding in a northeasterly direction along the centerline of Sidney Street to its intersection with the extension of the northeasterly sideline of Lot #96, the point of origin.

No change is made to the Open Space Zoning District that is located within this described area.

December 3, 2001

To The Honorable, The City Council:

I am hereby requesting the acceptance and appropriation of \$292,250 to the General Fund Executive Department Extraordinary Expenditures Account, which will be issued to Cambridge Community Television (CCTV), pursuant to the agreement between the City of Cambridge and CCTV relative to the City's Cable Television Renewal License with AT&T Broadband. These funds represent 3% of AT&T's gross annual revenues derived from the Renewal License for the period of January 1 through June 30, 2001. This funding is to be used for salary and operating expenses related solely to the provision of public access programming to cable television subscribers in the City of Cambridge.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

MASSACHUSETTS

**City Council Calendar No. 26
Monday, December 3, 2001**

At 5:30 P.M.

ON THE TABLE

1. Landmark Designation Study Report for Shady Hill Square, 1-11 Shady Hill Square and 36 Holden Street.

2. Committee Report #1 of April 23, 2001 regarding a meeting held on March 27, 2001 for the purpose of discussing whether a zoning prohibition of lodging houses in Residence C and C-1 zoning districts is consistent with the City's goal of promoting affordable housing.

3. Landmark Designation Study Report for designating as a protected landmark the Tulip Tree at 1436 and 1446 Cambridge Street.

4. An order introduced by Councillor Decker regarding increasing the Affordable Housing Trust by at least one million dollars.

5. Committee Report #2 of September 10, 2001 regarding the progress made on improving the condition of the housing at Fresh Pond Apartments.

6. Committee Report #3 of September 24, 2001 regarding the roundtable-working meeting with representatives of tenants and owners of Fresh Pond Apartments and regulatory agencies to follow up on the prior hearing on the condition of the housing and related matters.

7. Consent Agenda #5 relative to Awaiting Report #01-218 of October 15, 2001 regarding a report on issues surrounding the gas station at the corner of Walden Street and Concord Avenue.

8. Applications and Petitions #1 of October 1, 2001 on an application from US Petroleum/Cambridge Auto Clinic requesting permission for a sign at the premises numbered 297 Concord Avenue on the Concord Avenue side. Approval has been received from Inspection Services and Community Development. **(This is a pre-existing sign.)**

9. Applications and Petitions #2 of October 1, 2001 on an application US Petroleum/Cambridge Auto Clinic requesting permission for a sign at the premises numbered 297 Concord Avenue on the Walden Street side. Approval has been received from Inspection Services and Community Development. **(This is a pre-existing sign.)**

10. Consent Agenda #1 of October 15, 2001 on a preliminary report regarding an offer from Harvard University to purchase an easement below Cambridge Street that represents the conclusion of a 5-year process relating to the construction of the Center for Government and Institutional Studies project.

11. Order #14 of October 29, 2001 on amending City Council Rules as amended to prohibit adoption of policy orders at the end of City Council regular business meetings.

12. Order #19 of October 29, 2001 on providing the City Council with an Action Plan that addresses the loss of the 28th Middlesex Seat currently held by Representative Jarrett Barrios.

UNFINISHED BUSINESS

13. Proposed ordinance to the Zoning Ordinance to amend zoning in the Cambridgeport area in Special 8 (SD8) to create new SD 8 and SD8A. The question comes on passing to be ordained on or after October 29, 2001.
14. Proposed ordinance to the Zoning Ordinance to amend zoning regarding the regulation of storage and mechanical space in residential buildings. The question comes on passing to be ordained on or after November 12, 2001.

**APPLICATIONS AND PETITIONS -
CITY COUNCIL MEETING OF MONDAY, DECEMBER 3, 2001**

- | | |
|--|----|
| 1. An application was received from Sovereign Bank, requesting permission for a sign at the premises numbered 515 Massachusetts Avenue. Approval has been received from Inspectional Services, Community Development Departments and abutters. | 1. |
|--|----|

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, DECEMBER 3, 2001**

- | | |
|---|----|
| 1. A communication was received from Mary Grieco and family, transmitting appreciation for the City Council resolution on behalf of Rosemary Grieco. | 1. |
| 2. A communication was received from Carole Lee, transmitting thanks for the City Council regarding her retirement form Harvard University. | 2. |
| 3. A communication was received from the family of Emile Henry Fontaine, transmitting grateful appreciation for the City Council's kind expression of sympathy. | 3. |
| 4. A communication was received from Fran Sullivan and the Citino family, transmitting thanks for the dedication honoring their parents on St. Sauveur Court. | 4. |
| 5. A communication was received from Representative Paul C. Demakis, regarding the City Council resolution support legislation that prohibits the operation of motorized scooters on public ways and sidewalks. | 5. |
| 6. A communication was received from Barbara Anthony, Regional Director, Federal Trade Commission, transmitting thanks for the resolution adopted by the City Council on the death on her mother Natalie DeFalco. | 6. |
| 7. A communication was received from Roy Bercaw, regarding the City Council rules. | 7. |
| 8. A communication was received from Owen O'Riordan, Assistant Commissioner to Engineering, transmitting notification for an established address of One Kendall Square, Building 1000. | 8. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, DECEMBER 3, 2001**

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| 9. A communication was received from Cambridgeport Neighborhood Initiative, regarding Special District 8 and 8A. | 9. |
| 10. A communication was received from Roy Bercaw, regarding a schedule meeting of the Mid-Cambridge Neighborhood Conservation District Commission on December 10, 2001 at Gund Hall, Harvard University. | 10. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, DECEMBER 3, 2001**

1. Congratulations to Paul A. Lonergan and Anne C. Tallon on the birth of their son, John Francis Lonergan, on September 16, 2001. 1.
Mayor Galluccio and entire membership
2. Resolution on the death of Joseph G. Santos. 2.
Councillor Toomey and entire membership
3. Resolution on the death of Michael F. Brennan. 3.
Mayor Galluccio and entire membership
4. Resolution on the death of Catherine M. Doyle. 4.
Mayor Galluccio and entire membership
5. Resolution on the death of Michael Lipof. 5.
Councillor Sullivan and entire membership
6. Resolution on the death of Dorothy Sherwood. 6.
Councillor Toomey and entire membership
7. Resolution on the death of Charles Menunoo. 7.
Mayor Galluccio and entire membership
8. Urge residents to be cognizant of the free program for all ages entitled "Women on the Homefront" on Monday, December 3, 2001 from 1:00 p.m. to 2:30 p.m. at the Cambridge Senior Center. 8.
Councillor Davis and entire membership
9. Resolution on the death of Marion T. Falvey. 9.
Councillor Sullivan and entire membership
10. Resolution on the death of Robert A. Melchin. 10.
Councillor Sullivan and entire membership
11. Happy 90th Birthday wishes to Theresa Colbert O'Connor. 11.
Councillor Sullivan and entire membership

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, DECEMBER 3, 2001**

- | | |
|---|-----|
| 12. Congratulations to the CRLS football team on their Thanksgiving Day victory over Everett High School.
Councillor Sullivan, Mayor Galluccio, Councillor Decker and entire membership | 12. |
| 13. Resolution on the retirement of Jo-Ann and Neil Campbell.
Councillor Toomey and entire membership | 13. |
| 14. Thanks to the Saint Anthony's Youth Ministry for sponsoring a Thanksgiving Day Lunch for deserving and elderly residents of the city.
Councillor Toomey and entire membership | 14. |
| 15. Resolution on the death of Michael F. Baia.
Councillor Toomey and entire membership | 15. |
| 16. Congratulations to Emily Sherlock on being named Matignon High School Volunteer of the Year in the Prudential Spirit of Community Awards.
Councillor Sullivan and entire membership | 16. |
| 17. Commend City Manager Robert W. Healy on his announcement of a \$2,500 adoption assistance benefit for Cambridge employees.
Councillor Davis, Vice Mayor Maher and entire membership | 17. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, DECEMBER 3, 2001**

1. Developing a hotline number to enable a parent to call their child's school when there has been an incident such as the events of September 11, 2001 or a gas leak requiring temporary evacuation. 1.
Councillor Sullivan

2. Possibility of using Reverse 911 to notify parents when a school has closed and students have been moved to another location. 2.
Councillor Sullivan

3. Revisit the possibility of the use of Reverse 911. 3.
Councillor Born

4. Develop a program for young adults on CPR, similar to that of a Kincaid County program that has resulted in decreased deaths. 4.
Councillor Sullivan

5. Formation of a task force whose goal is to create a partnership between Cambridge businesses, universities, Chamber of Commerce, elementary and secondary schools, Rindge School of Technical Arts, residents, workforce and economic development professionals. 5.
Councillor Davis and Vice Mayor Maher

6. Report from the Cambridge Housing Authority on its policy for allowing tenants to have satellite television. 6.
Councillor Toomey and entire membership

7. Report from the Cambridge Housing Authority on its policy regarding tenants painting their apartments. 7.
Councillor Toomey

O-1.

December 3, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to confer with the Superintendent of Schools and the Director of Emergency Communications with the view of developing a hot line number to enable a parent to call their child's school when there has been an incident such as the events of September 11, 2001 or a gas leak requiring temporary evacuation.

O-2.

December 3, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to confer with the Superintendent of Schools and the Director of Emergency Communications with the view of using Reverse 911 to notify parents when a school has closed and students have been moved to another location.

O-3.

December 3, 2001

COUNCILLOR BORN

WHEREAS: As experience with the use of Reverse 911 accumulates with its use by more cities it is advisable to revisit the possibility of Cambridge using it and to examine and analyze the experiences of other cities and the pros and cons of the use of Reverse 911; and

WHEREAS: On the evening of November 26, 2001, National Public Radio aired a report on the use of Reverse 911 in several cities; and

WHEREAS: It was reported that the experience of some cities utilizing this technology has been that when it is used on a regular basis, Reverse 911 has reinforced citizen confidence in their police and assisted in achieving policy goals; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Police Commissioner and the Director of Emergency Communications to obtain a tape/transcript of the NPR report and contact the cities cited in the report for details of their experience; and be it further

ORDERED: That the City Manager be and hereby is requested to report to the 2002 City Council on this matter.

O-4.

December 3, 2001

COUNCILLOR SULLIVAN

WHEREAS: Kincaid County has a training program for young adults on CPR and its has resulted in decreased deaths due to heart attacks; now therefore be it

ORDERED: That the City Manager be and hereby is requested to work with the Assistant City Manager for Human Services and the Superintendent of Schools to develop a similar program.

December 3, 2001

COUNCILLOR DAVIS
VICE MAYOR MAHER

WHEREAS: There are many career opportunities in Cambridge; and

WHEREAS: There is an interest on the part of the City in seeing that its residents are well-informed and well-trained to fill Cambridge jobs, for community stability, prosperity, economic vitality and to encourage people to walk and bike to work; now therefore be it

ORDERED: That the City Manager be and hereby is requested to form a task force whose goal it is to create a partnership between Cambridge businesses (including the universities and the Chamber of Commerce,) elementary and secondary schools, Rindge School of Technical Arts, residents, workforce and economic development professionals and any others who could be helpful; Goals of the task force would include:

- Fostering cooperative ventures and networking between the parties, in order to do such things as apply jointly for workforce grants, develop training programs and fill jobs with local people;
- Following up on the report "Education and Skills for the New Economy;" completed by the Economic Development Division of the Community Development Department which has a wealth of information about the future of many growth sector businesses in Cambridge;
- Spreading the word about this report and other information about what jobs and careers will be available in the future and what kinds of training Cambridge employers will need in their workforce;
- Defining the target audiences to serve; and
- Creating a method to keep up to date on employment prospects in the coming years.

and be it further

ORDERED: That the City Manger be and hereby is requested to report back to the City Council on the formation of the task force by January 15, 2002.

O-6.

December 3, 2001

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with the Cambridge Housing Authority and provide the City Council with a report from the Cambridge Housing Authority on its policy for allowing tenants to have satellite television.

O-7.

December 3, 2001

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with the Cambridge Housing Authority regarding its policy on tenants painting their apartments and specifically, to answer the following:

- Are supplies provided by the Cambridge Housing Authority; and
- Is the tenant responsible for payment of the supplies to paint the apartment.

COMMITTEE REPORTS
FOR THE CITY COUNCIL MEETING OF MONDAY, DECEMBER 3, 2001

1. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Jim Braude, Chair of the Government Operations, Rules and Claims Committee, for a meeting held on November 14, 2001 for the purpose of reviewing and making recommendations regarding claims file against the City by members of the public.

2. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Jim Braude, Chair of the Government Operations, Rules and Claims Committee, for a meeting held on November 28, 2001 for the purpose of considering possibilities for a more efficient selection of the mayor and a proposal to amend the rules to prohibit the introduction of late policy orders at the end of the meeting.

Committee Report #1

GOVERNMENT OPERATIONS, RULES AND CLAIMS COMMITTEE MEMBERS

In City Council December 3, 2001

Councillor Jim Braude, Chair

Councillor Henrietta Davis

Vice Mayor David P. Maher

Councillor Michael A. Sullivan

Councillor Timothy J. Toomey, Jr.

The Government Operations, Rules and Claims Committee held a public hearing on Wednesday, November 14, 2001 at five o'clock and thirty-five minutes p.m. in the Ackermann Room for the purpose of reviewing and making recommendations regarding claims filed against the City by members of the public.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Vice Mayor David P. Maher, Councillor Michael A. Sullivan and Councillor Timothy J. Toomey, Jr., Cheryl Anne Watson, Legal Counsel, Law Department and Deputy City Clerk Donna P. Lopez.

Councillor Braude convened the hearing and explained the purpose. He requested Councillor Toomey to serve as chair of the Claims meeting. Thereupon the Committee moved to the consideration of the following claims:

<u>Claimant</u>	<u>Nature of Claim</u>	<u>Award</u>
Jameel Ali 207 A Summer Street Somerville, MA 02143	Struck a pothole on Bay State Road near the corner of Fern Street, Cambridge, MA.	Approved
Sarah Boyer 831 Massachusetts Avenue Cambridge, MA 02139	Struck a pothole on Raymond Street just before Gray Gardens East, Cambridge, MA.	Approved
Gavin Braithwaite 87 Oxford Avenue, #2 Cambridge, MA 02138	Struck a pothole in the tunnel at Harvard Square on the end of Cambridge Street, Cambridge, MA.	Approved
Rob Burton 2 Tompkins Lane Framingham, MA 01702	Struck a pothole in the right lane of the tunnel next to Harvard University, Cambridge, MA.	Approved
Leo Ciccolo 15 Locust Street Cambridge, MA 02138	Water Department struck electric utility while excavating causing electricity to go off at his house. Two television sets and a clock radio were damaged.	Approved
Rachael A. Clark 6 Winn Street Belmont, MA 02478	Struck a pothole near CVS across from the Fresh Pond Mall, Cambridge, MA.	Approved

Priscilla M. Cobb 56 Dartmouth Street Belmont, MA 02478	Struck a pothole at 258 Blanchard Road, Cambridge.	Approved
Hope L. Cribbs 28 Newtowne Court #261 Cambridge, MA 02139	Twisted her left knee and ankle after her foot went into a pothole on Cherry Street, Cambridge, MA.	Approved
Louise DeBenedictis 165 High Street Reading, MA 01867	Struck a pothole on Walden Street, Cambridge, MA.	Approved
Thomas F. Herlihy 7 Line Street Cambridge, MA 02138	Window got broken due to a tree limb falling at 7 Line Street, Cambridge, MA.	Approved
Richard M. Hunt 10 Coolidge Hill Road Cambridge, MA 02138	Fence was damaged due to a tree at 10 Coolidge Hill Road, Cambridge, MA.	Approved
Joseph T. Johnson 129 Cable Avenue Salisbury, MA 01952	Struck a pothole on Bay State Road at the corner of Garden Street, Cambridge, MA.	Approved
Joan Keenan 1580 Massachusetts Avenue, 5C Cambridge, MA 02138	Tripped and fell at the corner of Follen Street and Waterhouse Street due to a missing brick from the sidewalk.	Approved
Joseph F. Keough 92 Livermore Road Belmont, MA 02478	Struck a pothole at 242 Garden Street, Cambridge, MA.	Approved
Claudia Bigio-Kingscote 40 Alfred Road Arlington, MA 02474	Struck a pothole on Sherman Street, Cambridge, MA.	Approved
Alfred F. Lange 29 Sargent Street Cambridge, MA 02140	City snow plow struck a phone line causing damage to a shutter and vinyl siding of my home at 29 Sargent Street, Cambridge, MA.	Approved
Alexander C. Leacock 29 Pratt Street #2 Boston, MA 02134	A Cambridge Fire truck struck my vehicle while it was parked on Putnam Avenue at Brookline Street, Cambridge, MA.	Approved
Paul Marsh 71B Martin Street #1B Cambridge, MA 02138	Struck a pothole on Oxford Street, Cambridge, MA.	Approved

Peter Mauro 12 Blakeslee Street Cambridge, MA	Car windshield was damaged from a limb of a Norway Maple tree in front of 12 Blakeslee Street, Cambridge, MA.	Approved
David Morris 187 Beech Street Belmont, MA 02478	Struck a pothole while riding my bicycle on Mount Auburn Street.	Approved
Angelo Muraca 85 Silver Lane Waltham, MA 02154	Power lawn mower struck a water pipe shutoff valve which the grass had overgrown the top of the pipe.	Approved
Vlasis Phillips 31 Bright Road Belmont, MA 02478	Struck a pothole on Aberdeen Avenue, Cambridge, MA.	Approved
Janet Koenig Picinich 90 Western Avenue Cambridge, MA 02139	Struck a pothole on Massachusetts Avenue at Albany Street (Near M.I.T.), Cambridge, MA.	Approved
S. Paul Reville 8 Story Street Cambridge, MA 02138	Struck a pothole on Hawthorne Street and Memorial Drive, Cambridge, MA.	Approved
Dwight Richardson 16 Seattle Street Allston, MA 02134	Struck a pothole on Rindge Avenue at Middlesex Street, Cambridge, MA.	Approved
Alison E. Rowell 58 Garden Street H1 Cambridge, MA 02138	Struck a pothole on Sparks Street, Cambridge, MA.	Approved
Melissa N.G. Rozenwald 3 Olive Place, #2 Cambridge, MA 02140	Struck a pothole on Rindge Avenue, Cambridge, MA.	Approved
Brian Sykes 37 Sorrel Road Concord, MA 01742	Struck a pothole on New Street, Cambridge, MA.	Approved
Eleanor Tynan 490 Huron Avenue Cambridge, MA 02138	Struck a protruding part of a tree which projected out over the sidewalk while parking my vehicle on Huron Avenue, Cambridge, MA.	Approved

Councillor Braude made the following motion in relation to one of the claims:

ORDERED: That the City Manager be and hereby is requested to direct the Law Department to seek reimbursement for damages from the contractor for work performed on New Street.

This motion carried on a voice vote.

Councillor Toomey thanked those present for their attendance.

The meeting was adjourned at six o'clock and fifty minutes p. m.

For the Committee,

Councillor Jim Braude
Chair

Councillor Timothy J. Toomey, Jr.
Co-Chair

COMMITTEE REPORT # 1

December 3, 2001

COUNCILLOR BRAUDE

ORDERED: That the City Manager be and hereby is requested to direct the Law Department to seek reimbursement for damages from the contractor for work being done on New Street.

COMMITTEE REPORT # 1

December 3, 2001

COUNCILLOR BRAUDE
VICE MAYOR MAHER
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Council hereby approves payment of claims against the City of Cambridge in accord with the recommendations set forth in the report of December 3, 2001 Government Operations, Rules and Claims Committee, in he total amount of \$6,695.89.

Committee Report #2

GOVERNMENT OPERATIONS, RULES AND CLAIMS COMMITTEE MEMBERS

In City Council December 3, 2001

Councillor Jim Braude, Chair

Councillor Henrietta Davis

Vice Mayor David P. Maher

Councillor Michael A. Sullivan

Councillor Timothy J. Toomey, Jr.

The Government Operations, Rules and Claims Committee held a public hearing on November 28, 2001, beginning at 6:35 o'clock p.m. in the Ackermann Room for the purpose of considering possibilities for a more efficient selection of the mayor and a proposal to amend the rules to prohibit the introduction of late policy orders at the end of the meeting.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Vice Mayor David P. Maher, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Deputy City Solicitor Don Drisdell and Terrence Smith, Chief of Staff for Mayor Anthony Galluccio.

Councillor Braude convened the hearing and explained the purpose. He began with the issue of election of a mayor. He said that at the time the City Council referred this issue to the Government Operations Committee, there was discussion of the possibility of establishing a trigger for moving to a default criterion, which would establish for whom the City Council would vote for mayor. For example, the rule could provide that after X number of meetings, the Council will vote for the senior member or the senior member who has not yet served, just to name two examples.

Councillor Braude then moved to comments from committee members. He began by informing committee members that Councillor Born called him to say that she was not able to attend this meeting and to request that he forward her suggestion for an alternative for selection of the mayor. Councillor Born's suggestion is that if no mayor is chosen at the first meeting, the organizational meeting, then the second regular meeting cannot be adjourned until a mayor is elected.

Councillor Davis stated that she favors the trigger/default approach, with the last regularly scheduled meeting in January as the trigger date.

Vice Mayor Maher stated that he could consider that idea, and there are a couple of different criteria that could be considered for the default selection. He emphasized that he does not believe that the mayor would end up being elected under the default provision, rather, this provision would help the City Council make a decision more quickly. He asked Mr. Drisdell if the City Council has the power to make such a change by amending its rules.

Mr. Drisdell stated that the Charter requires that the City Council elect the Mayor by majority vote. The City Council can adopt whatever rules it desires to assist the process, but at the end of the day there has to be a majority vote. Mr. Drisdell noted that council rules can always be suspended by a two-thirds vote.

In response to a question from Vice Mayor Maher, Mr. Drisdell stated that the Council cannot amend its rules to contradict the charter requirement for a majority vote. If a majority of the Council chooses not to vote, they cannot be forced to do so.

Councillor Braude stated that a 9-0 vote of this City Council might provide incentive for the City Council to follow the rule. Vice Mayor Maher agreed that adopting the rule would send a good message

Vice Mayor Maher asked Mr. Drisdell if the only way to make the default mandatory would be through a charter change, and the quickest method for changing the charter would be the home rule method. Mr. Drisdell answered in the affirmative.

Councillor Davis expressed a concern that adopting a rule with no way of compelling compliance could make the process look worse rather than better.

Councillor Braude then invited public comment.

Robert Winters, Broadway, stated that City Council orders are statements of the policy of the City Council. He suggested adopting a policy order that sets forth the alternative procedure. He emphasized that whether rule or council order makes the change, as long as five members of the Council agree to use this method, the method will be used.

William Jones, 127 Essex Street, stated that he was here in 1948, when the City Council elected a mayor at 2 a.m. If the City Council cannot decide, the default criterion should be the member that got the highest popular vote or the senior member.

Lisa Stuardi, Cambridge Chamber of Commerce, spoke in opposition to making the change by Council order. She stated that it would just prolong preliminary discussion on the content of the order, without even getting to the question of the election of the mayor.

Eli Yarden, 143 Pleasant Street, discussed the public interest in choosing the mayor. He had had a great deal of experience in academia with elected committees that then elect a chair from among the members. The more important the chair is perceived the longer the process of choosing takes. In the meantime, the students' interests are being ill served. The public has a great deal of interest in the choice of Mayor. The Mayor must be a person who is accessible to the entire public, devoted to the public and devoted to improving citizen participation and civic life. The mayor must have a willingness to listen to everyone and be equally comfortable with CEO's and homeless people.

John Gintell, West Street, emphasized the urgency of having a permanent mayor. Having a temporary mayor is very bad for the functioning of the School Department. The rapid selection of the mayor sends a message to the public that the City Council is ready to work. The mayor also plays a role in a crisis situation. Also, a lengthy process of selection leads to acrimony that affects the City Council and its work long after the Mayor has been elected. He spoke in support of making the trigger date in January, and said that the end of January is too late.

Councillor Toomey stated that he believes the Mayor should be selected by January 15th.

After further discussion, Councillor Toomey moved that the Committee recommend a rules change to provide that the Mayor shall be elected by the end of the second regularly scheduled meeting of the Council (with the organizational meeting counting as the first regularly scheduled meeting). Balloting shall continue until a mayor is elected, provided that if no mayor is elected by the fifth ballot of that meeting, the City Council shall vote for the member mandated by application of the default criterion. The motion was adopted on a voice vote without objection.

The Committee then moved to discussion of possible default criteria.

Councillor Davis expressed the opinion that using the seniority of membership for the criterion makes the least change to the present system because the charter provides that the senior member is the acting chair when no mayor has been selected.

Vice Mayor Maher stated that he believes that he would lean toward selection of the most senior person who has not yet served as mayor. However, another possibility is to elect the Councillor who had the most votes in previous ballots.

Councillor Davis asked what would happen if the most senior member who had not yet served declined. Vice Mayor Maher stated that the next person meeting the criterion would be elected.

Councillor Davis said that she wants to be sure that the Committee does not end up selecting a mayor for the next council by way of setting up the default criterion.

Vice Mayor Maher reiterated his strong belief that the Council will choose to select a mayor rather than have a mayor elected by default. Councillor Braude agreed with Vice Mayor Maher and said that the goal of adopting this rule is to increase the likelihood of a mayor being elected by the traditional method in a more timely manner.

Councillor Sullivan said that the new council would be free to change the rule at the organizational meeting, or suspend the rule by a two-thirds vote.

Councillor Braude stated that he is still not sure what the criterion should be. He would like to hear debate by the entire City Council. He reviewed the possibilities mentioned so far at this meeting: senior member, senior member who has not yet served as mayor, member who received the highest popular vote, member who received the most votes for mayor in previous ballots, oldest member, youngest member. He stated that he would vote to send the first two on the list as part of a motion for a rule change because the City Clerk has requested specificity for a draft rule. He emphasized that his vote is merely to move the proposal to the next stage of debate at the full council level and that he is very open to considering other potential criteria.

It was agreed without objection that the proposed rule for selection of the mayor that the Committee will recommend to the Council will include two alternatives for the criterion for the default vote: senior member and most senior member who has not yet served as mayor.

Councillor Braude emphasized that any committee is free to propose an alternative to the trigger or the criteria at the City Council discussion on this report.

The Committee then moved to the proposal to prohibit the introduction of late orders at the end of the meeting.

Councillor Toomey said that if City Councillors are listening to the late orders, they can just use the charter right to hold the order for the next meeting.

Councillor Sullivan said that sometimes there is a need for adoption of a policy order. He is more concerned about making sure that the members all have a typed copy of a policy order on their desks before they have to vote. He suggested changing the rules to require a separate roll call vote for suspension of the rules for late policy orders.

Councillor Davis proposed a separate roll call on suspension for the introduction of each policy order.

Councillor Sullivan stated that the purpose of a separate roll call vote is to make sure the councillors are aware that they are about to vote on a policy order, not just another ceremonial resolution. One vote should be sufficient.

Councillor Braude moved that the Committee recommend that the City Council amend its rules to require a roll call vote to suspend the rules to introduce late policy orders and policy resolutions at the end of the meeting separate from any vote on suspension to consider late resolutions at that time. The motion passed on a voice vote with Councillor Toomey recorded in the negative.

Councillor Braude thanked all those present for their attendance. The meeting was adjourned at 7:10 p.m.

For the Committee

Councillor Jim Braude, Chair

Councillor Braude
Councillor Davis
Vice Mayor Maher
Councillor Sullivan
Councillor Toomey

Ordered: That Rule 2 of the Rule of the City Council As Amended be amended by inserting the following language before the final sentence of the paragraph:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**”

such that Rule 2 as amended shall read, in its entirety, as follows:

“The Mayor shall be elected by the end of the second regularly scheduled meeting of the City Council. Balloting shall continue until a Mayor is elected, provided that if no Mayor is elected by the fifth ballot at said second meeting, on the sixth ballot the members of the City Council shall elect as Mayor by majority vote the **(member of the City Council senior in length of service) or (member of the City Council senior in length of service who has not yet served as Mayor)**. The City Council shall, in like manner, elect a Vice-Chairman who shall also be call Vice-Mayor.

ORDERED: That Rule 35A of the City Council Rules as Amended, be amended as follows:

At the end of the present text of Rule 35A, add the following new sentence: “

A roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.”

Rule 35A. Any of the foregoing rules with the exception of Rule 19 may be suspended at any meeting by a two-thirds yeas and nays vote of the entire membership of the City Council, provided that suspension of the rules to take up an item of business out of order may be moved only one time per meeting by each member. This limitation does not apply to motions to suspend the rules to move reconsideration hoping the same does not prevail.

A roll call vote for suspension of the rules to consider late policy orders, separate from any vote for suspension of the rules to consider late ceremonial resolutions, shall be required to allow consideration of policy orders at the end of the regular business meeting, after the regular order of business has been concluded.”