

# CITY MANAGER'S CONSENT AGENDA FOR MONDAY, JANUARY 22, 2001

1. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 00-144**, regarding the amount of payment Harvard remitted in lieu of taxes for FY00 and FY01.
2. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Numbers 00-88, 00-98 and 00-139**, regarding the status of the West Cambridge Youth Center Feasibility Study.
3. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 00-136A**, regarding the status of the Men of Color Task Force.
4. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 00-136A**, regarding the status of the Men of Color Task Force.

#### With Power

David Sullivan, 72 Whitelock Drive, Marlborough, MA 01752

Louis Micciche, 46 Portsmouth Street, Cambridge, MA 02141

Burton Malofsky, 19 Roberts Road, Cambridge, MA 02138

#### Without Power

Otis Johnson, 319 Maxfield Street, New Bedford, MA 02740

Antonio Ortiz, 55 Raechel Road, Randolph, MA 02368

5. Transmitting communication from Robert W. Healy, City Manager, relative to the William James House Landmark Study Report.
6. Transmitting communication from Robert W. Healy, City Manager, relative to the status of tattoo establishments as related to recent court decisions which will result in these establishments operating in Massachusetts.
7. Transmitting communication from Robert W. Healy, City Manager, relative to recommendations on the Planning Board Citywide Rezoning Petition.

8. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the transfer of \$18,700 from the Reserve Other Ordinary Maintenance Account to the Election Commission Other Ordinary Maintenance Account to provide funds to cover additional costs incurred for the recount for the Primary Election in September of 2000.
9. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Massachusetts Executive Office of Public Safety for \$25,000 to the Grant Fund Human Services Other Ordinary Maintenance Account to provide funds for a contract with The Meeting Place to provide supervised visitation services for families with a history of domestic violence.
10. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Governor's Alliance Against Drugs through Impact of North Charles, Inc. for \$11,452 to the Grant Fund Human Services Salaries & Wages Account (\$6,452) and Other Ordinary Maintenance Account (\$5,000) to provide funds for alcohol, tobacco, and other drug prevention for training for Cambridge youth.
11. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Commonwealth of Massachusetts for \$192,500 to the Grant Fund Human Services Salaries & Wages Account (\$179,251), Other Ordinary Maintenance Account (\$11,249), and Travel & Training Account (\$2,000) to provide funds to prevent homelessness by providing counseling and housing search assistance for families facing eviction.
12. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a private donation of \$4,000 to the Grant Fund Other Ordinary Maintenance Account to provide emergency/transitional housing for Cambridge homeless clients.

## **CITY MANAGER LETTERS**

January 22, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item Nos. 00-88, 00-98 and 00-139, regarding the status of the West Cambridge Youth Center Feasibility Study, please be advised of the following:

The City will have a site construction feasibility study for the Fresh Pond/Glacken Field site as requested by the City Council by approximately March 1, 2001.

Very truly yours,

Robert W. Healy

City Manager

RWH/mec

**MASSACHUSETTS**

**City Council Calendar No. 2  
MONDAY JANUARY 22, 2001**

**At 5:30 P.M.**

**CHARTER RIGHT**

1. Charter Right exercised by Mayor Galluccio on an order introduced by Mayor Galluccio regarding an annual description of all housing programs and tenant protections available to residents of Cambridge.
2. Charter Right exercised by Councillor Braude on an order introduced by Councillor Braude regarding a report from the Election Commission clarifying rules and operating procedures.

**ON THE TABLE**

3. Consent Agenda #17, relative to a Preservation Easement for 2 Holyoke Place (Fly Club).
4. Order submitted by Councillor Davis to draft new rezoning proposal for Riverside Neighborhood adjacent to Western Avenue.

5. Landmark Designation Study Report for Shady Hill Square, 1-11 Shady Hill Square and 36 Holden Street.
6. An order introduced by Councillor Reeves regarding an allocation for a planning study for Riverside.

### **UNFINISHED BUSINESS**

7. Proposed amendment to the Zoning Ordinances to amend the zoning relating to lodging houses in Residence C and C-1 districts. The question comes on passing to be ordained on or after December 18, 2000. The deadline for this petition is January 30, 2001.
8. Appropriation and authorization to borrow \$31,785,495 for the purpose of constructing and making extraordinary repairs to the Cambridge Public Library. **The question comes on adoption on or after January 1, 2001.**

## **APPLICATIONS AND PETITIONS FOR CITY COUNCIL ACTION CITY COUNCIL MEETING OF MONDAY, JANUARY 22, 2000**

1. An application was received from Zebra Graphics requesting permission to erect a sign at the premises numbered 495 Massachusetts Avenue. Approval has been received approval from Inspectional Services, Community Development and abutters.
2. Approval of constable bond surety was received from James Mack Smith.
3. Approval of constable bond surety was received from Lee Leanders Smith.

## **CONSENT COMMUNICATIONS - CITY COUNCIL MEETING OF MONDAY, JANUARY 22, 2000**

1. A communication was received from Margaret M. McDonnell, President of the Youville Hospital Guild, transmitting thanks for the resolution adopted by the City Council

congratulating the Guild for its fifty-four years at Youville Hospital.

2. A communication was received from Funmi Johnson Ph.D, transmitting concern on the proposed Citywide Rezoning petition as a resident and an employee of Alkermes Inc.
3. A communication was received from Vicki L. Sato, Ph.D., transmitting appreciation for the resolution adopted by the City Council on her promotion to President of Vertex Pharmaceuticals.
4. A communication was received from Valerie C. Stelling, Trustee, Epic Realty Trust, transmitting written opposition to the Citywide Rezoning Petition as owner of **107 First Street and 85 First Street.**
5. A communication was received from Nishan Atinizian, President and Trustee, Fresh Pond Mall Limited Partnership, transmitting written opposition to the Citywide Rezoning Petition as owner of **168-210 Alewife Brook Parkway, 185 Alewife Brook Parkway and 205 Alewife Brook Parkway.**
6. A communication was received from Murielle Sharky, transmitting strong concern regarding the proposed zoning changes.
7. A communication was received from Owen O'Riordan, City Engineer, transmitting notification of new addresses for 770 Memorial Drive and 790 Memorial Drive.
8. A communication was received from Owen O'Riordan, City Engineer, transmitting notification of a new address for 123 Kinnaird Street.
9. A communication was received from Owen O'Riordan, City Engineer, transmitting notification of a new address for 6 Arcadia Street.
10. A communication was received from Daniel St. Clair, Spaulding & Slye, transmitting written opposition to the Citywide Rezoning Petition as owner of **385 Putnam Avenue, 790-797 Memorial Drive and 770-772 Memorial Drive.**
11. A communication was received from Stephanie Dorian, transmitting concern over the proposals of the Citywide Rezoning Petition.

12. A communication was received from Kathy A. Spiegelman, Associate Vice President for Planning and Real Estate, Harvard University, transmitting written opposition to the Citywide Rezoning Petition as owner of sundry properties. (see Attachment)
13. A communication was received from John R. Curry, Executive Vice President, Massachusetts Institute of Technology, transmitting written opposition to the Citywide Rezoning Petition as owner of sundry properties. (see Attachment)
14. A communication was received from John M. Kane, Spaulding & Slye, transmitting written opposition to the Citywide Rezoning Petition as owner of **100 CambridgePark Drive.**
15. A communication was received from John M. Kane, Spaulding & Slye, transmitting written opposition to the Citywide Rezoning Petition as owner of **115 CambridgePark Drive, 180 CambridgePark Drive, 180 CambridgePark Drive and 120 CambridgePark Drive.**
16. A communication was received from Lenore Monello Scholming, President, SPOA, regarding preserving Rooming Houses as a Low-Cost Housing Option.
17. A communication was received from Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, transmitting notice of an investigation into the appropriate pricing, for unbundled network elements and combinations of unbundled network elements to be charged by Verizon as well as the Appropriate Avoided Cost Discount for Verizon's Resale Services and a procedural conference will be held on February 8, 2001 at 10:00 A.M. at One South Station, Second Floor, Boston, MA.
18. A communication was received from Roy Bercaw, Editor, Enough Room, transmitting concerns regarding the City's compliance of the Public Record law.

## **RESOLUTION LIST FOR CITY COUNCIL MEETING OF MONDAY, JANUARY 8, 2000**

1. Resolution on the death of Mario Borges.  
**Councillor Toomey and entire membership**

2. Resolution on the death of Josephine Carpenito.  
**Councillor Toomey and entire membership**
3. Resolution on the death of Jalecya Michaela-Beth Coleman.  
**Mayor Galluccio and entire membership**
4. Resolution on the death of John T. Devaney.  
**Vice Mayor Maher, Councillor Sullivan and entire membership**
5. Resolution on the death of Michael A. DiPietro.  
**Vice Mayor Maher, Mayor Galluccio and entire membership**
6. Resolution on the death of Eleanor J. DiRusso.  
**Vice Mayor Maher and entire membership**
7. Resolution on the death of Donald C. Dudley.  
**Mayor Galluccio, Councillor Sullivan and entire membership**
8. Resolution on the death of Charlotte Frisoli.  
**Vice Mayor Maher, Councillor Toomey, Mayor Galluccio,  
Councillor Sullivan and entire membership**
9. Resolution on the death of Timothy R. Joyce.  
**Councillor Sullivan and entire membership**
10. Resolution on the death of Arthur F. Libitz.  
**Councillors Sullivan, Toomey, Mayor Galluccio,  
Vice Mayor Maher and entire membership**
11. Resolution on the death of Christopher McEvoy.  
**Mayor Galluccio and entire membership**
12. Resolution on the death of Francis L. Pieciul.  
**Councillor Toomey and entire membership**

13. Resolution on the death of Edward A. Raiche.  
**Vice Mayor Maher, Mayor Galluccio and entire membership**
14. Resolution on the death of Lucy Ribeiro.  
**Councillor Toomey and entire membership**
15. Resolution on the death of Thomas E. Spartichino.  
**Vice Mayor Maher and entire membership**
16. Resolution on the death of Judge Jeremiah J. Sullivan.  
**Councillor Sullivan, Vice Mayor Maher, Mayor Galluccio and entire membership**
17. Ninety-sixth Annual Meeting of the Cambridge Historical Commission.  
**Councillor Sullivan and Mayor Galluccio**
18. Black Arts Movements Conference.  
**Mayor Galluccio**
19. Harvard Museum of Natural History event "A Gem of an Evening."  
**Mayor Galluccio**
20. Thanks to James L. Lindstrom, City Auditor, for his years of dedicated service.  
**Councillor Sullivan and entire membership**
21. Groundbreaking celebration for Charles River Center.  
**Councillor Sullivan**
22. Resolution on the death of Helen Salines.  
**Mayor Galluccio and entire membership**
23. Resolution on the death of Alfred Brettauer Cohn.  
**Councillors Born, Sullivan, Toomey and entire membership**
24. 25<sup>th</sup> Anniversary of Transition House, New England's first shelter for battered women and their children.

**Councillors Born, Decker, Vice Mayor Maher and Councillor Braude**

25. Resolution on the death of Mary A. Rego.  
**Councillor Toomey and entire membership**
  
26. Resolution on the death of Jacinto P. Rezendes.  
**Councillor Toomey and entire membership**
  
27. Get well wishes to Fred Cabral, Sr.  
**Councillor Toomey**
  
28. Resolution on the death of Sophie Manganelli.  
**Councillor Toomey, Vice Mayor Maher and entire membership**
  
29. Congratulations to Catholic Charities, the Cambridge Police Department and the Massachusetts Executive Office of Public Safety on the Third Annual Martin Luther King Day Celebration.  
**Councillor Sullivan**
  
30. Appreciation for the endeavors of the Kendall Community Group.  
**Councillor Sullivan**
  
31. Congratulations to Merrill Lynch on its new office at 201 Broadway in Kendall Square.  
**Councillor Sullivan**
  
32. Resolution on the Girls LEAP program.  
**Vice Mayor Maher**
  
33. Congratulations to Leslie Davis on being elected to the board of directors of the Catholic Association of Foresters.  
**Councillor Toomey**
  
34. Congratulations to Kwang-Wu Kim on his appointment as president of the Longy School of Music.  
**Councillor Sullivan, Mayor Galluccio and Councillor Toomey**

35. Happy Birthday to David Baier, Legislative Director of the Massachusetts Municipal Association.  
**Councillor Decker**
  
36. Twenty-ninth Anniversary of Clube Desportivo Faialense.  
**Mayor Galluccio and Councillor Toomey**
  
37. New School of Music concert by Second Wind Recorder Duo on January 21, 2001.  
**Councillor Sullivan**
  
38. Thanks to Doug Hattaway for his work on the Presidential election.  
**Councillor Decker**
  
39. Thanks to Gerry McDonough for his work on the Presidential election.  
**Councillor Decker**
  
40. Thanks to David Sullivan for his work on the Presidential election.  
**Councillor Decker**
  
41. Resolution on the death of Dorothy M. Brosnan.  
**Councillor Sullivan and entire membership**
  
42. Congratulations to Joel, Christine and Veronica Claire Burke on hosting the 14<sup>th</sup> Annual Superbowl Road Race.  
**Councillor Toomey**
  
43. Chinese New Year's Dinner being hosted by Falun Dafa Practitioners on January 25, 2001.  
**Councillor Sullivan**

**CONSENT ORDER LIST FOR CITY COUNCIL  
MEETING  
OF MONDAY JANUARY 22, 2000**

1. Dedication of Walnut Avenue and Upland Road to Charlie Ferraro, former Director of the Cambridge Housing Authority.  
**Councillor Born**
2. Hiring process and search for a new City Auditor.  
**Councillor Sullivan**
3. Remand of the M.I.T. Electric Light Tariff case.  
**Councillor Sullivan**
4. Status report on enforcement of Sidewalk Snow and Ice Removal Ordinance.  
**Councillor Toomey**
5. Progress on agreement regarding affordable housing at Fresh Pond Apartments.  
**Mayor Galluccio and Councillor Braude**
6. Liberty Mutual's stock conversion plan.  
**Councillor Braude**
7. Idling of school busses at bus stops.  
**Councillor Sullivan**
8. Report regarding what property taxes would be paid by Harvard and M.I.T. if all of their property were taxable.  
**Councillor Decker**

## **POLICY ORDERS**

O-1.

January 22, 2001

**COUNCILLOR BORN**

**ORDERED:** That the corner of Walnut Avenue and Upland Road be named in honor of Charlie Ferraro, longtime resident of Cambridge, former Director of the Cambridge Housing Authority and that a dedication ceremony be planned by the Assistant to the City Council, after consultation with the family, to celebrate Charlie's contributions to the city.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-2.

January 22, 2001

COUNCILLOR SULLIVAN

**ORDERED:** That the City Council refer the matter of the upcoming vacancy in the City Auditor position to the Finance Committee to establish a hiring process and commence the search for a new auditor.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-3.

January 22, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to instruct the Law Department to review the recent remand of the M.I.T. Electric Light Tariff case and how it will affect Cambridge customers; and be it further

ORDERED: That the City Manager be and hereby is requested to express the support of the city and to take the position to ensure that Cambridge customers do not bear the burden.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-4.

January 22, 2001

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to provide a status report to the City Council on the enforcement of the Sidewalk Snow and Ice Removal Ordinance and report on any programs to assist people who cannot shovel.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-5.

January 22, 2001

MAYOR GALLUCCIO

COUNCILLOR BRAUDE

WHEREAS: The City of Cambridge was involved in extensive negotiations in order to preserve the affordable housing units at Fresh Pond Apartments, 362 and 364 Rindge Avenue, last year; and

WHEREAS: These negotiations resulted in an agreement that provided for a tenant selection system as well as a schedule of maintenance and repairs to the property; and

WHEREAS: Several members of this City Council were involved in negotiating this agreement; now therefore be it

ORDERED: That the City Manager working with appropriate City Departments report back to this City Council by February 26 on progress made since the agreement was signed.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-6.

January 22, 2001

COUNCILLOR BRAUDE

WHEREAS: The insurance industry affects every business and resident of Cambridge and the Commonwealth of Massachusetts; and

WHEREAS: Boston-based Liberty Mutual has hundreds of thousands of Massachusetts policyholders and two million policyholders nationwide, and Liberty Mutual policyholders have built a \$5.7 billion surplus in the company; and

WHEREAS: Massachusetts accounts for over twenty percent of the \$1.39 billion in premiums that Liberty Mutual Insurance Company wrote nationwide in 1999; and

WHEREAS: Liberty Mutual (group) is the state's largest workers compensation insurer, carrying over twelve percent of that market, and also insures about seven percent of Massachusetts' drivers and five percent of Massachusetts' homeowners; and

WHEREAS: Cambridge has an estimated 20,000 homeowners, according to the City of Cambridge's Department of Community Development, and Liberty Mutual insures at least an estimated 1,000 Cambridge homeowners, and thousands more Cambridge drivers and employers; and

WHEREAS: The company plans to convert from a mutual company into a stock company using the controversial "mutual holding company" structure - a model that strips policyholders of ownership rights in the insurer-that has been banned in Canada and is not allowed in twenty-seven states; and

WHEREAS: Other mutual insurers, including Metropolitan Life and Boston-based John Hancock, have returned a combined \$20 billion in surplus to policyholders as part of their conversions to stock ownership; and

WHEREAS: Liberty Mutual's stock conversion plan denies policyholders an estimated average of \$2,800 each in surplus value that they created; and

WHEREAS: The proposed mutual holding company structure creates potential conflicts of interests between policyholders interested in the lowest possible costs, and stock shareholders seeking the highest possible return on their investment; and

WHEREAS: Liberty Mutual's draft plan acknowledges the potential for such conflicts of interest to arise; and

WHEREAS: The company's planned conversion has yet to be aired, discussed or debated in the public realm; and

WHEREAS: Liberty Mutual's rationales for its conversion fail to withstand even simple scrutiny - they note the need for acquisition capital, yet the company has acquired over thirty companies in

1998 and 1999 alone and already operate three companies as one;  
and

WHEREAS: Appropriate and responsible corporate behavior by insurance companies serving Cambridge residents and businesses enhances the city's civic and economic vitality; now therefore be it

ORDERED: That the appropriate Council committee conduct a public hearing to which Liberty Mutual executives be urged to appear to explain the effects of Liberty Mutual's conversion on Cambridge businesses, homeowners and drivers with Liberty Mutual policies; and be it further

ORDERED: That the Cambridge City Council calls upon Liberty Mutual Insurance Company to remain a policy holder-owned mutual company, or to take appropriate steps to become a stock company in a way that ensures fair treatment of its policyholders; and be it further

ORDERED: That the Cambridge City Council calls upon the Massachusetts Commissioner of Insurance to carefully consider the negative effects of this conversion on Cambridge policyholders.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-7.

January 22, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to confer with the Superintendent of Schools relative to ensuring that school busses do not violate state statute by idling in excess of five minutes at bus stops; and be it further

ORDERED: That the City Manager be and hereby is requested to take all steps necessary to post said layover at bus stops.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

O-8.

January 22, 2001

COUNCILLOR DECKER

ORDERED: That the City Manager be and hereby is requested to report to the City Council on what property taxes would be paid by Harvard and M.I.T. if all of their property were taxable.

In City Council January 22, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

City Clerk

## **COMMITTEE REPORTS FOR THE CITY COUNCIL MEETING OF MONDAY, JANUARY 22, 2000**

1. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Ordinance Committee for a meeting held on November 29, 2000 to consider the proposed Citywide Rezoning petition.
2. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Ordinance Committee for a meeting held on December 6, 2000 for the purpose of continuing the consideration of the Planning Board petition for citywide rezoning.
3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Ordinance Committee for a meeting held on December 13, 2000 for the purpose of continuing the consideration of the Citywide Rezoning Ordinance.

### **Full Committee Reports**

#### **Full Committee Report #1**

#### **ORDINANCE COMMITTEE MEMBERS In City Council January 22, 2001**

*Councillor Kathleen L. Born, Co-Chair  
Vice Mayor David P. Maher, Co-Chair  
Councillor Jim Braude  
Councillor Henrietta Davis  
Councillor Marjorie C. Decker  
Councillor Kenneth E. Reeves  
Councillor Michael A. Sullivan  
Councillor Timothy J. Toomey, Jr.  
Mayor Anthony D. Galluccio*

The Ordinance Committee held a public hearing on November 29, 2000, beginning at 5:00 P.M. in the Sullivan Chamber continuing to consider the proposed Citywide Rezoning petition.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Beth Rubenstein, Assistant City Manager for Community Development, Malaina Bowker, Deputy Director of the Community Development Department (CDD), Lester Barber, Director of Land Use, Planning and Development, CDD Stuart Dash, CDD, Roger Boothe, CDD, Iran Farook, CDD and Donald Drisdell, Deputy City Solicitor.

Vice Mayor Maher convened the hearing and explained the purpose. He stated that this meeting would focus on the proposed charges to encourage the development of housing.

Beth Rubenstein began the presentation. The petition proposes to change 17 industrial districts to housing districts. Without the changes staff calculates that from 3,000 to 6,000 units would be built over the next 20 years. Initial calculations are that, with the changes, there will be double that amount.

Mr. Lester Barber presented the following information on the specific proposed districts:

- Area A - North Point - Now substantially underdeveloped.
- Area B - Near Binney Street - Proposed charge: industry B-1 to Residence C-2A
- Area C - Office uses to expand by 10% to a maximum FAR of 1.
- Area I - Along Broadway - Proposed change: O-1 to Residence C-1 prohibiting future office construction.
- Area J - Along Gore Street in East Cambridge. - The rezoning recognizing the existing character by a change from Bus A to Residence C-2B.
- Area K - Railroad tracks in North Cambridge - Proposed change: Industry A-1 to residence C-1A along Richdale Avenue. It affirms the changing character to residential and prohibits new business use.
- Area L - Industry A district along Sherman Street near Cadbury Road. -Proposal is rezone from IA - IA-2. Reduces FAR and neighborhood. The remaining part of the area would go from IA to residence C-2B.
- Area M - Rindge Avenue between two fairly large housing developments. -Proposed change is from Industry A-1 to Residence C-1A, which limits allowed uses to housing and institutional.
- Area N - Currently zoned IA-1. - Location is near Concord Avenue, New Street near Sozio Circle The proposal would rezone the area by Sozio Circle to Bus A and the New Street area to Residence C-1A.
- Area O - Mount Auburn near Belmont town line. - The proposal changes the existing Office 2 zoning to Residence C-2. It protects the Homer Avenue residential area and prohibits further expansion of business use.
- Area P - Concord Avenue across from Fresh Pond. - The proposed change is from O-2 to Residence C-2 and makes a slight FAR reduction. The parkway overlay district would continue to restrict height. The area is quite variable.
- Area Q - Fresh Pond Parkway, encompassing Alewife T station. - Proposal: Rezone the base to Residence C-2, in which the dimensions would be similar but the uses substantially changed to housing and institutional uses as of right, and housing, institutional, office and R&D and retail through PUD. Up to 25% of new development

could be office and retail. Existing office and telecommunication uses could expand by 10% up to an FAR of 1.25.

Vice Mayor Maher invited comment and questions from committee members.

Councillor Davis asked Mr. Barber which sites are the most promising for new housing. Mr. Barber listed Area A (North Point), Area Q, Area H (Special District 8) and Area E (DOT site). He said that these areas have potential for substantial housing development. Any housing over 10 units would be subject to inclusionary zoning provisions and thus required to include affordable units. In response to a question, Mr. Barber said that the city is not allowed under state law to exclude institutional uses (non profit, educational).in most higher density areas.

Councillor Davis noted the City's priority of affordable housing and expressed enthusiasm for this proposal. Councillor Toomey asked how the Pavilion condo development on Gore Street was allowed to be built. Mr.Barber said that it is zoned as B-A, which allows housing up to Residence C-2 districts. It was conforming building which did not require a variance.

Councillor Toomey asked why there was a change to residential zones instead of just making housing an allowed use. Mr. Barber said that the zoning confirms the present majority use and protects residential uses in small structures that presently could be converted to business use.

Councillor Toomey expressed his concern that the public does not understand that under inclusionary zoning, a building that could be 200 units under the existing zoning can become 260.

Councillor Toomey asked about parking requirements. Ms. Rubenstein said that the current requirement is one parking space per unit. Vice Mayor Maher asked if there has been a great deal of concern in specific areas. Ms. Rubenstein answered yes. Some are very particular, for example, setbacks. Some concerns are from owners of existing businesses.

Vice Mayor Maher asked whether these concerns caused the Community Development Department to change opinions. Ms. Rubenstein answered yes, especially in some of the small, technical issues. The Community Development Department has not yet had time for a full analysis. The Planning Board has asked for staff analysis of some of these concerns. The Planning Board will be issuing its recommendation to the City Council.

Councillor Born said that she hopes that the Planning Board will issue its recommendations as they have them, which could be piece by piece in this case, given the divisions of the proposal into four areas. She then asked Mr. Barber to explain the limits on nonconforming buildings. Mr. Barber stated that the property owner can not expand use and a change of use would require a variance. Councillor Born asked if there is any way to ease the restrictions that owners of existing uses will face. Mr. Barber said that the Planning Board has struggled with this. There are a couple of possibilities in new districts, this is not a problem. The easier it is to expand the existing business, the less likely it is that the district will change to residential use. The other alternative is to more generally increase flexibility in residential districts. That would require careful thought.

Councillor Born asked if these areas are subject to other zoning changes in the petition. Mr. Barber said that if the areas are not rezoned to residential, they are subject to all the general changes. Most of the proposed changes are to particular districts or from commercial to residential and thus would not be subject to the other parts of the petition.

Two areas would be affected. In Area L, the commercial area that this proposal changed to I-A1 would be subject to the FAR adjustments to commercial areas. In Area G(2), the Business-B strip on Main Street would have a reduction in FAR.

Attorney Drisdell noted that some expansion or modification of the use of nonconforming buildings can occur without approval, so long as it is not a "substantial change" of the use. For example, adding refrigeration units to fruit company would probably be allowed.

Councillor Born asked about a change from doctors' offices to consulting offices. Attorney Drisdell said that this would be a change of use and if not permitted under the new zoning, it would not be allowed without a variance.

Vice Mayor Maher then invited public comment.

Stephen McEvoy, 95 Lexington Avenue, fourth generation Cambridge resident, stated that he is general counsel for Biogen. Biogen plans to construct two additional buildings in the MXD district. The proposed rezoning would preclude building these two buildings, which are required under the 121A agreement. Nor is the site appropriate for housing. Biogen requests that this portion of the proposal be amended.

Geoffrey Filbey, 134 North Main Street, Cohasset stated that he was there representing Biopure Corporation, in East Cambridge. He stated that rezoning the area to residential would be detrimental to their production future. It cuts their research/manufacturing facility in half. Biopure is a good corporate citizen and neighbor. The company provides incentives for its employees to use alternative transportation; it is a clean industry.

Varney Hintlian, Trustee of Tarvis Realty Trust and General Partner of 11 Hurley Street Associates, stated his support for the previous testimony and submitted written testimony (see attachments).

John Kernochian, 341/2 Shepard Street, raised concerns about Area L being changed from IA to IA-1. He objects to the new proposed FAR. It does not provide any incentive to convert to residential. The setback formula prohibits any as-of-right development. He does not disagree with the intent, but wants the same treatment as those around him.

Joseph Tulumieri, Executive Director for the Cambridge Redevelopment Authority submitted written testimony that was also submitted to the Planning Board (see attachments). He discussed the proposal's effect on the MXD district and the ability of the CRA and Biogen to meet contractual agreements and requirements under the 121A tax status. He requested amendment of the proposed amendment to Sections 14.000, 14.323. He stated that the CRA is also requesting that the housing and playing fields proposed for that area be allowed to be located on the DOT

and Nstar lots, as illustrated in the written submission. He said that nothing in the citywide proposal would prevent these alterations. The only issue could be with the amount of housing. It would meet requirements, and might go over what the new district would require.

Gwen Noyes, Richdale Avenue, stated that most of the proposed density changes lower the density. However, in the squares served by mass transit, the city should be thinking of allowing increased density for housing. The inclusionary zoning bonus does cause problems when the height is brought down. In all cases where housing is competing with office use, the difference is that FAR needs to be big enough to actually bring about the change. With regard to environmental concerns, she would suggest a smaller FAR bonus as an incentive for environmental improvements.

Eli Yarden, 143 Pleasant Street, Vice President of the Association of Cambridge Neighborhoods, stated that a chief purpose of putting in more housing is economic, to address the disparity between the amount of jobs and the amount of housing available in an ecologically sound way. He noted a tendency of zoning to over-regulate, and said that added parking spaces exacerbate the congestion of on-street parking.

Tom Lucey, stated that he is the president of the Chamber of Commerce, a 1300 member organization. He praised the Planning Board, the Community Development Department, and the Citizens Growth Management Advisory Committee (CGMAC) for their work. While the Chamber supports the concept of inclusionary zoning, the current petition has some problems for business. Further work is needed on the following:

District C Cambridge Street and First Street

District D Biopure

District 8 Cambridgeport

District L Biogen

District P Along Concord Avenue

He stated that the Chamber has confidence that the goal of increasing housing can be achieved without harming businesses that want to remain viable in the future.

James Rafferty, 187 Concord Avenue, resident 40 Larch Road, stated that this part of the proposal is one of the most challenging for the City Council. The Council should proceed very cautiously. Area C is a specific example. He represents Beacon Capital, which purchased seven buildings on Cambridge, First and Otis Streets. Residence C-2 is not an incentive for housing there. Setback requirements are a problem. The plan was to create a mixed use that included housing. Housing needs a mixed use component or it encourages automobile use. This area is being studied in the East Cambridge planning study. The study group is proposing mixed use for that area, which Residence C-2 zoning would not allow.

Mr. Rafferty added that the Council needs to look very closely at the effects of making businesses nonconforming. He noted the case of Verna's Donuts, which Dunkin Donuts was going to purchase. Dunkin Donuts could not be open on Sundays without a variance because Verna's was not open on Sundays. Sunday operation would have constituted an expansion of a nonconforming use. The Council should ask for an analysis of the number of businesses that will be rendered nonconforming. He suggested a dialogue with people who build housing.

Councillor Davis said that the City Council discussed encouraging local retail in neighborhoods as a strategy for reaching its goal of supporting vibrant neighborhoods. She asked whether the City Council could allow some first floor retail as an amendment to this petition. She suggested that staff look into this possibility.

Ms. Rubenstein said that several districts already allow some mixed use. It is a good point. Attorney Drisdell noted that Residence C-2A allows artists' living and working space.

John Pitken, 18 Fayette Street, complimented the staff work and noted the positive tone of the public comment. He stated his agreement with Attorney Rafferty's concerns that neighborhoods need neighborhood-serving retail. This is a concern citywide. A Gateway computer store is not needed on Massachusetts Avenue, a Barsamian's grocery store is. He agreed with the need to have a numerical calculation of the amount of housing that could be created in each district under the proposal.

Karen Carmean, 1657 Cambridge Street, congratulated all who have worked so hard. The new housing districts are near subway stops. She emphasized the need for diversity in residents and businesses. Affordable housing is important. The next step in the next iteration is to make Cambridge greener and to preserve existing housing.

Richard Rourke, BB&T Technologies (formerly Bolt, Beranek & Newman), 10 Moulton Street, expressed concern about the proposed residential housing on Concord Avenue. It is not a good area for housing and the rezoning will render the businesses nonconforming. At present, housing is allowed. The existing commercial and industrial development has grown slowly over the last 40 years. He also noted Carol Hickey's request that this area be withdrawn from consideration. Mr. Rourke also stated that BBN has 500 employees.

Ted Chavone, owner of 162 Sidney Street, stated that he rehabilitated the building on the site. The building does not lend itself to housing. Sidney Street does not lend itself to housing.

At this time the public comment portion of the hearing was closed.

Councillor Sullivan thanked Councillor Born and Vice Mayor Maher for their work on this issue as well. He expressed his concern about rendering businesses nonconforming. He does not want to see the City giving up its economic vitality. Also, mixed uses are important.

Ms. Rubenstein stated that these are really important points.

Councillor Davis reminded the committee that housing is a better use with respect to traffic.

Councillor Born also noted the effects of housing development on traffic, as opposed to commercial development and gave the example of Cambridgeport Drive.

She suggested using the Rizzo analysis of intersections to look at the differences in the level of traffic congestion for different uses.

Vice Mayor Maher noted that the testimony tonight emphasized that this zoning is an exercise in balancing the needs and interests in the community. He thanked all those present for their participation.

The meeting was adjourned at 8:00P.M.

For the Committee,

Councillor Kathleen L. Born, Co-Chair

Vice Mayor David P. Maher, Co-Chair

Committee Report #2

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**ORDINANCE COMMITTEE MEMBERS** In City Council January 22, 2000

*Councillor Kathleen L. Born, Co-Chair*

*Vice Mayor David P. Maher, Co-Chair*

*Councillor Jim Braude*

*Councillor Henrietta Davis*

*Councillor Marjorie C. Decker*

*Councillor Kenneth E. Reeves*

*Councillor Michael A. Sullivan*

*Councillor Timothy J. Toomey, Jr.*

*Mayor Anthony D. Galluccio*

The Ordinance Committee held a public hearing on December 6, 2000, beginning at 4:48 P.M. in the Sullivan Chamber for the purpose of continuing its consideration of the Planning Board petition for citywide rezoning.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Beth Rubenstein, Assistant City Manager for Community Development Department (CDD), James Maloney, Assistant City Manager for Finance, Nancy Glowa, First Assistant City Solicitor, Lester Barber, Director of Land Use Planning and Zoning, CDD, Roger Booth, CDD, Stuart Dash, CDD, and Susan Rasmussen, CDD.

Councillor Born convened the hearing and explained the purpose. She introduced Ms. Rubenstein for a brief presentation on the issues of (1) reduction of FAR in commercial districts; (2) including structured above-ground parking in FAR and (3) limiting rooftop mechanical equipment.

Ms. Rubenstein then introduced Stuart Dash to make a slide presentation on the proposed amendments in Section 2 of the petition. A copy of the material presented in the slides is attached (**Attachment A**). In all cases, residential FAR remains at the higher number and is not reduced. Projected twenty-year impacts under the status quo and the citywide rezoning petition were presented in the area of total new gross floor area (GFA), new commercial GFA, new daily vehicle trips, new housing units, new affordable units and new jobs.

Susan Rasmussen made a presentation on the traffic impacts, and described the methodology of the traffic analysis. In response to a question from Councillor Timothy Toomey, Katherine Preston distributed a memorandum and charts summarizing the intersection analysis (**Attachment B**).

Ms. Rubenstein described the traffic work, which was done as part of analyzing the best way to reduce density. The recommendations presented are expected to cut traffic growth in half and to result in significantly fewer intersections exceeding the threshold.

Councillor Braude asked about the definition of "threshold" intersections. Ms. Rasmussen explained that the intersection threshold is 2 1/2 traffic light cycles to get through an intersection. Waits greater than that mean that the intersection traffic exceeds the threshold. The worst

intersection now is Land Boulevard and Memorial Drive, but that intersection's gridlock is determined by regional conditions.

Councillor Henrietta Davis requested an explanation of the "2 x 3 matrix" on the summary of Critical Movement Analysis". Ms. Rasmussen explained that this document was prepared during the analysis that was done to compare several scenarios for the reduction of FAR.

Councillor Davis asked if the present proposal will affect Intersection 7 on the attached chart (**Attachment B**). Mr. Dash answered in the affirmative. There are FAR reductions in areas that feed into that intersection. Also the housing generator provisions will address this intersection.

Ms. Rubenstein noted that a range of proposals in the petition addressed the traffic issues and the projected increased traffic from development if no zoning changes occur.

Vice Mayor Maher asked why there is a difference between "a.m." and "p.m." traffic volume at the Rindge Avenue and Alewife Brook Parkway and Cambridge Park Drive and Alewife Brook Parkway. Ms. Rasmussen said that she would check the data and get back to him with the answer.

In response to a question from Vice Mayor Maher, Mr. Dash explained that the status quo figures are based on an estimated percentage of buildout. The estimates range from 15-30% of the buildout allowed under current zoning, depending on the area, over the next 20 years.

Councillor Kathleen Born asked if a rezoning is adopted under the Section One proposal to change 17 industrial districts to allow residential development, would these proposals include further FAR reduction for those 17 areas. Mr. Dash said no, with a couple of exceptions.

At this time James Maloney made a presentation on the tax effects of the proposed rezoning. He said that the city is currently in a very strong financial situation. It is one of the six highest rated cities for bonds. The city is highly dependent on property taxes to fund operating budget. In Massachusetts, "Proposition 21/2" limits allowable tax increases; however new construction is exempt - it can increase the levy limits without being counted as part of the allowed 21/2% increase in the levy. Cambridge is well below the levy limit. Excess levy capacity can be "banked" and it can thus grow from year to year. Cambridge has about \$24 million in excess levy capacity. The total excess levy capacity in the state is \$119 million. Cambridge has 13% of that.

Mr. Maloney said that he can comfortably predict the financial future for the next five years. There is much less certainty about the financial situation for years six through twenty. Over the last twenty years the levy increases have averaged 5%. With a basic assumption of new construction growth amounting to one third the currently allowed FAR, by the year 2019, Cambridge would be back at the levy limit.

Vice Mayor Maher asked how accurate the projections have been over the last twenty years. Mr. Maloney said that he is not comfortable with twenty-year projections. He is very comfortable with three-year projections. Over time the City's five-year projections have been very accurate, so he is comfortable with projections through 2006.

Vice Mayor Maher asked about increases from revitalization of the housing stock.

Councillor Davis asked Mr. Maloney whether he expects changes in Proposition 21/2 over the next twenty years. Mr. Maloney said that Proposition 21/2 has been in place for twenty years. There have been a few changes but it is still here.

Mr. Maloney provided a chart projecting finances in twenty years if the full Citywide Rezoning proposal is enacted (**Attachment C**). The city would reach its levy limit five years earlier. With 5% growth, by the year 2019, there would be a \$40 million deficit in the city finances. If the city's expenses averaged a 4% increase, there would be no deficit within the twenty years, under the stated assumptions.

Mr. Maloney concluded by noting that these numbers should not be seen as fact. So many things can change in twenty years, and there will be time to change in response to changes.

Councillor Marjorie Decker asked for information on the growth and new construction for the commercial sector over the past ten years where in the city it took place and what it was.

Mr. Maloney said that the commercial growth took place in East Cambridge, Kendall Square, Alewife and University Park. In 1997 there was a big increase in the residential sector because of the end of rent control. He said that he would supply this information and noted that first class office, hotel and biotech have been the most significant new construction categories.

Councillor Born asked if the city budget goes up at one rate, with the property taxes going up at the same rate, why the big difference in 2019. Mr. Maloney said that the rates don't change at the same rate.

Councillor Decker asked what biotech companies would do if they needed more mechanicals than allowed in ten years because of new federal regulations. Mr. Dash said that in some cases they would be able to expand, and in others, variances might be needed.

Councillor Born then moved to public comment.

Joseph Tulimieri, Executive Director of the Cambridge Redevelopment Authority (CRA), residential address, 27 Hillsdale Road in Arlington, submitted written testimony which he read for the record (**Attachment D**). The CRA has filed written protest. The CRA also proposes certain changes in the zoning map and ordinance in the Department of Traffic (DOT) and NSTAR parcels to facilitate the construction of housing.

Janice Bourque, President and CEO of the Mass. Biotech Council, Cambridge, resident of Lincoln Street, Newton Highlands, stated that the biotech community supports the overarching goals of the petition. It would be unfortunate if the petition means that biotech companies will decide to move out. The FAR reductions will affect biotech primarily and will unduly penalize the biotech sector and discourage manufacturing expansion. If the major goal is to reduce traffic, it is not reasonable to reduce FAR and growth for an industry that produces much less traffic than other uses produce. The proposed mechanicals provision would reduce open space, impede

new construction and pose a problem for existing biotech businesses. This industry has a real sense of concern about these proposed amendments. She submitted a copy of her remarks (**Attachment E**).

Barbara Carter, Genetics Institute, Cambridge (owner of facilities at 3 Cambridge sites (Alewife, Concord Avenue and Bolton Street), resident of Wayland, began by describing the business, its involvement with the community of Cambridge, and its efforts to reduce single occupant vehicle (SOV) traffic. She urged the City Council to enable her company and similar enterprises to continue to thrive in and contribute to the Cambridge community.

Mark Gagnon, Genetics Institute, Manager of Facilities Planning, resident of New Hampshire, described the company's concerns with the proposed FAR reductions and restrictions on rooftop mechanicals equipment. The biotech industry is fundamentally different from other industries. In the case of traditional industries, regulations have to protect the surrounding neighborhood from fumes, etc. Biotech needs to protect the business activity from contaminants from the surrounding area. The work sites must be sterile. He urged the city not rezone the interior triangle at Cambridge Park Drive area as housing. It is not appropriate for housing and will make the existing businesses nonconforming. He submitted a copy of his testimony (**Attachment F**).

Joseph Walsh, member of Local 40 Carpenters Union, Cambridge spoke in opposition to the proposed FAR reductions.

Joe Power, Business Representative of Local Carpenters Union, spoke in opposition to the proposed FAR reduction.

Mark Sutherland, Pearl Street, spoke in opposition. He stated his concern that the proposal will negatively affect jobs and affordable housing.

Richard Rourke, Facilities Manager, BBN Technologies, 10 Moulton Street, spoke in opposition to the reduction of FAR in the Fresh Pond/ Alewife area, where there is good public transportation. The area is good for the development that Cambridge needs for jobs, etc. The Tennis petition already downzoned the area. He is not concerned with rooftop mechanicals but the proposed FAR reduction, conversion of Area P to housing and inclusion of structured parking in FAR are potentially very damaging.

Jim Gascoyne, Executive Director, Charles River Transportation Management Association, Cambridge, resident of Arlington, noted the tradeoffs involved. Employment opportunities in Cambridge mean more traffic. Density near transit locations is important, and this proposal would make the greatest FAR reductions near transit areas. He stated that 7% of total increase in traffic has been created by new employment. It is not clear that these proposals are the right way to go. Measures like the PTDM are more important.

Eric Yarden, 143 Pleasant Street, spoke in support of the proposed zoning amendments. Public transportation in Cambridge is abominable. The biotech and pharmaceutical industries have more power to lobby for these improvements at the state level. Also, there is a severe shortage of

housing. The biotech industry could assist in providing housing. The excess parking generated by zoning is ridiculous. All that is needed is better management of existing parking.

Mark Robitz, Capital Properties, 530 Atlantic Avenue, Boston, representing Elkus Mamfredi Architects, spoke in support of density and mixed use districts.

John Pitkin, 18 Fayette Street, spoke in support of the proposal, and discussed the severity of the traffic problem.

Carol Hickey, Cambridge, urged that the Concord Avenue/Alewife area not be rezoned as residential, thus rendering many businesses nonconforming.

Deborah Kershway, 183 Spring Street, expressed her concern that so few city councillors are present. She is a member of the Eastern Cambridge Planning Committee. This proposal is great work and she is very surprised at the suggestion that it would not pass unanimously. Cambridge residents care very deeply about the noise and disturbance of development, about affordable housing, preserving their neighborhoods and their quality of life. Biotech companies are not good neighbors. They are noisy and they obstruct the view corridor. The FAR reductions in Cambridge are crucial. Approval of the above ground parking changes and rooftop mechanicals are "no brainers."

Sarah Klipfel, Director of Government and Community Affairs for the Chamber of Commerce, commended the hard work on the proposal. The Chamber recommends looking at the rooftop mechanical proposal more carefully, in light of the concerns of the biotech companies in Cambridge. The Chamber is also concerned that the reduction of FAR may do little to address the traffic problem and poses the threat of significant economic detriment. There is also the concern of the message that is sent by a disproportionate disadvantage to the biotech industry. The Chamber urges separation of the proposals regarding FAR reductions, structured parking and rooftop mechanicals from the rest of the proposal.

Stash Horowitz, 12 Florence Street, spoke in support of the proposal. It will slow down the rate of unacceptable growth. It is a good step but it is not enough.

Kathleen Crier, 183 Spring Street, CEO of Cambridge Educational Network, former secretary of East Cambridge Planning Team, urged the City Council to adopt the measure as it is. She noted Professor John Kenneth Galbraith's concern with the public good and urged the City Council to have a similar focus. She urged preservation of the sightlines to Boston and the view corridor in Cambridge free of rooftop mechanicals.

Harry Hintlean, owner of a small business, Superior Nut Company, Monsignor O'Brien Highway, residence on Roger Street in Gloucester, stated that as a small businessman, he experiences the proposal as a slap in the face. The proposal is particularly unfair to North Point. It makes no sense to rezone his area as residential. It is completely industrial. There is nothing wrong with small manufacturing businesses. Businesses pay 65% of the tax base of Cambridge. He tries to be a good corporate citizen. Last year his business won an award from the EPA for

carbon sequestration - they planted a forest of 1300 trees in Costa Rica. This proposal feels like an attempt to wipe out businesses in Cambridge.

Hugh Russell, member of the Planning Board, stated that he does not believe that Mr. Hintlean's property is included in the area proposed for rezoning.

Councillor Born thanked those present for their participation.

The meeting was adjourned at 8:37 p.m.

For the Committee,

Councillor Kathleen L. Born, Chair

Committee Report #3

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**ORDINANCE COMMITTEE MEMBERS** In City Council January 22, 2000

*Councillor Kathleen L. Born, Co-Chair  
Vice Mayor David P. Maher, Co-Chair  
Councillor Jim Braude  
Councillor Henrietta Davis  
Councillor Marjorie C. Decker  
Councillor Kenneth E. Reeves  
Councillor Michael A. Sullivan  
Councillor Timothy J. Toomey, Jr.*

*Mayor Anthony D. Galluccio*

The Ordinance Committee held a public hearing on December 13, 2000, beginning at 5:03 P.M. in the Sullivan Chamber for the purpose of continuing the consideration of the City Wide Rezoning Ordinance.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Beth Rubenstein, Assistant City Manager for Community Development, Malaina Bowker, Deputy Director of the Community Development Department (CDD), Stuart

Dash, CDD, Roger Boothe, CDD, Iran Farook, CDD, and Donald Drisdell, Deputy City Solicitor.

Vice Mayor Maher convened the hearing and explained the purpose. He stated that this is the fourth meeting. The topic of this meeting is the proposed design review process. He invited Beth Rubenstein to begin the presentation. Ms. Rubenstein presented slides and distributed hard copies of the slides. Attachment A.

Roger Boothe then described the urban design objectives. See A-4 through A-9. Vice Mayor Maher asked for an example of projects that are larger than 25,000 square feet and do not generate significant traffic. Mr. Booth cited telecom hotels and dormitories.

Councillor Born asked how one would determine whether traffic review was required. Ms. Rubenstein stated that a developer would consult Section 3, Table 1, and select the use category of the proposed development. The use category determines the square footage threshold applicable to the proposed project. Councillor Born stated her concern that often the changes that affect traffic are based on a lateral change in use, that is, the new use could be contained in the same use category but in actuality could change the traffic impact significantly.

Ms. Preston said that a change of use to a greater trip generating use would require additional permission. Most projects that will generate traffic must come through the PTDM process, and the traffic mitigation requirements set in that process remain with the property regardless of change of ownership. There is annual monitoring.

Councillor Born then asked about the visual aspects of project review. The urban design criteria are significantly broader than the traffic review requirements. What measure will be used for staff review and how will monitoring take place?

Mr. Barber stated that staff review will not use the urban design objectives. The administrative review will use Section 19.50, a checklist of requirements, not a discretionary review. If staff finds the requirements are not met, the owner can go to the planning board for a special permit and then the broader urban design objectives will pertain.

Councillor Born asked about projects larger than 25,000 square feet that do not have a significant traffic impact. Mr. Barber said that a project of between 25,000 and 99,999 square feet that doesn't exceed the traffic generation criteria would be subject to administrative review. The process is public with the same notice as a special permit hearing.

Councillor Born asked if anything similar exists presently. Mr. Barber answered in the affirmative. He said that large project review is required in Harvard Square and Central Square.

Councillor Born asked if the 19.50 requirements are different from the present requirements in the zoning ordinance. Mr. Barber answered in the affirmative. They are significantly different. They constitute a minimum standard for an acceptable urban building.

Councillor Davis noted that this proposal is different from the IPOP. It constitutes a new way of looking at urban buildings.

Ms. Rubenstein agreed. She noted, however, that the traffic impact requirements are very similar. What is different is the administrative review.

Councillor Davis asked the pros and cons from a neighborhood resident's point of view. Ms. Rubenstein said that any building with a significant traffic impact will be reviewed just as presently occurs in the IPOP. On the urban design side, the Planning Board will continue to utilize urban design objectives. For the smaller projects, this gives residents notice and a chance to watch a public project review.

Councillor Davis said that the traffic impact review requirements for institutional use will be changed: the trigger for the Planning Board review is 150,000 square feet where it used to be 100,000 square feet. The threshold for review of retail projects is also changed.

Mr. Barber emphasized that the changes in thresholds for particular uses are not arbitrary. They grow out of Planning Board experience in reviewing the traffic impacts of a variety of projects under the IPOP. The Planning Board has reviewed 2 or 3 institutional projects and found no significant traffic impact. However, a particular proposed design could well have a significant negative impact on the neighborhood, and this proposed amendment will provide a new opportunity for public information about the design.

Councillor Davis stated her concern about when administrative reviews will be scheduled. Will they take place during daytime or in the evening when the public is more likely to be able to attend. Mr. Barber said CDD staff will be sensitive to the new process and the need to make it accessible to the public.

Councillor Davis asked about MIT's Stata Center. Ms. Rubenstein said that this Center would have gone through a Planning Board review under the new proposal. In response to a question from Councillor Davis, Ms. Rubenstein stated that the proposed - trigger for traffic impact review for dormitories is 300,000 square feet.

Vice Mayor Maher then invited public testimony.

Stash Horowitz, 12 Florence Street, said that a 300,000 square feet dormitory and a 150,000 square feet institutional building would be exempt from traffic impact review.

Public input should be allowed in administrative review to the same extent as at the Planning Board. Mr. Horowitz also criticized Table 1. He stated that one cannot tell that these uses, especially institutional, will not have significant traffic impacts. There have also been significant changes to the existing IPOP thresholds for other uses. The threshold for local government uses goes up from 50,000 to 60,000 sq. ft.. Technical uses have gone up to 80,000 square feet. He

urged the committee to recommend that existing IPOP be made permanent. There should be a unitary threshold of 50,000 square feet. Table One does not work.

Steve Kaiser, 191 Hamilton Street, noted the possibility for developers to define the project differently before separate city agencies. They are starting to do this with the IPOP. The difficulty lies with the building permit where project can be defined very narrowly. Also the PTDM ordinance has no teeth. The safety criteria have been deleted. The Council should trust the Planning Board to come up with the criteria, rather than writing it into the zoning. There are already loopholes without the complexity of Table One, for example, changing a telecom use to an office use after the building is done. Table One will only increase the number of loopholes. A simple standard of 50,000 square feet is simpler and less subject to "loophole" manipulation. Also, the traffic impact criteria should include all roads, not just neighborhood roads.

Cobb Carlson, 26 Hingham Street, addressed Section 19.35 and stated his strong support for the principle that new institutional development should take place within their existing campuses. Harvard has plenty of open space on its campus.

James Williamson, 17 Perry Street, stated his concern with the potential loopholes in Table One. He emphasized the importance of the citizens defining the campus of the institutions, not the universities themselves. He stated that there has not been much public interest in this process and attributed this to a failure of the proposal to address the lack of accountability of boards and commissions. Freedom is participation in decision making power, not just showing up at a public meeting. There need to be neighborhood planning boards to put power in the hands of citizens. He urged inclusion of "green building" criteria and stated that it is not satisfactory to have just a staff review. The question is who will review the reviewers.

Richard Rourke, 10 Moulton Street, urged the City Council to put together all the changes in current zoning that this amendment would entail, along with the regulations and standards it will require. Reducing the design review threshold to 25,000 sq. ft. in O2 zone is unnecessary. Development that will add only 63 parking spaces should stay at 50,000 square feet threshold. Full hotels would generate over 200 trips per day, which would certainly have a traffic impact. He also questioned the rationale for the increased threshold for public health buildings containing hazardous materials.

Kathy Spiegelman, Assistant Vice President for Planning and Real Estate, Harvard University, submitted a letter, which she summarized in her testimony. Attachment B. She expressed Harvard's appreciation for this process and the opportunity to participate. The entire zoning ordinance reflects the fact that institutions are significantly different. They are different in their traffic and parking impacts. The buildings tends to be connected through pedestrian pathways. Their projects are not market-driven. Harvard proposes some changes and clarifications. The Table One standards are related to vehicle trip impacts. For universities, that relationship means that the threshold should be the number of new parking spaces that the project would add, not square footage of the building. Also, universities change the uses of their buildings often. Clarification of what constitutes minor versus major changes is needed. There should also be clarification of the relationship of staff review to the Planning Board review. The ordinance

should clearly make the Planning Board the agency for resolving any disagreements that arise through the staff review process.

Sara Gallop, MIT, Co-Director of the Office for Government and Community Relations, submitted a letter for the record, Attachment C, and summarized MIT's concerns relative to the design review. The proposed petition does not truly recognize the whole extent of the differences between educational institutions and other uses. She noted the special protection provided for institutions in MGL Ch. 40A. She noted MIT concern that the idea of advisory administrative review is practical, but the proposal needs clarification. She suggested clear definitions, clarification of the Planning Board as the entity to resolve disputes, and, for universities, measuring the threshold by parking spaces.

Sarah Klipfel, Director of Government and Community Affairs, Cambridge Chamber of Commerce, stated that the Chamber supports some form of continued project review and the reduction of parking minimums and maximums as tools which have more proven effectiveness and are responsive to changing economic conditions and individual sites than the blunt instrument of citywide commercial FAR cuts.

Councillor Sullivan asked for more information about how institutional growth within their campuses relates to the Cambridge universities. Roger Booth said that "campus " is a term that the Planning Board will have to define this term.

Councillor Davis said that the question of campus is very serious. The City needs to work with Harvard and MIT to get from them master plans about what they plan to grow to.

Councillor Toomey also expressed his concern about the lack of boundaries to the universities' campuses.

Vice Mayor Maher described the next steps in the process and thanked the members of the City Council who stayed until the end of the meeting.

Councillor Born requested that staff identify the issues that have been raised for discussion at the next meeting and thanked those present for their attendance.

The meeting was adjourned at 7:15 P.M.

For the Committee

Councillor Kathleen L. Born, Co-Chair

Vice Mayor David P. Maher, Co-Chair

Committee Report #4

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**ORDINANCE COMMITTEE MEMBERS** In City Council January 22, 2000

*Councillor Kathleen L. Born, Co-Chair*  
*Vice Mayor David P. Maher, Co-Chair*  
*Councillor Jim Braude*  
*Councillor Henrietta Davis*  
*Councillor Marjorie C. Decker*  
*Councillor Kenneth E. Reeves*  
*Councillor Michael A. Sullivan*  
*Councillor Timothy J. Toomey, Jr.*  
*Mayor Anthony D. Galluccio*

The Ordinance Committee held a public meeting on December 20, 2000, beginning at 4:40 p.m. in the Sullivan Chamber for the purpose of continuing discussion of the Citywide Rezoning Petition filed by the Planning Board.

Present at the meeting were Vice Mayor David P. Maher and Councillor Kathleen Leahy Born, Co-Chairs of the committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Marjorie C. Decker and City Clerk D. Margaret Drury.

Present from the Planning Board were Larissa Brown, Chair, Thomas Anninger, Florrie Darwin, Hugh Russell, William Tibbs and Pamela Winter. Also present were Beth Rubenstein, Assistant City Manager for Community Development, Donald Drisdell, Deputy City Solicitor, Malaina Bowker, Deputy Director of Community Development (CDD), Lester Barber, CDD, Roger Boothe, CDD, Stuart Dash, CDD, Susanne Rasmussen, CDD, Catherine Preston, CDD.

Vice Mayor Maher convened the meeting and explained that the meeting would be a working meeting of the Ordinance Committee, meeting with the Planning Board and members of the Citizens Growth Policy Advisory Committee, to discuss the Citywide Rezoning Petition of the Planning Board. He introduced Larissa Brown, Chair of the Planning Board to make introductory remarks. Ms. Brown and Ms. Rubenstein, Assistant City Manager for Community Development summarized the issues that have been raised most frequently in public testimony at the Planning Board, as follow:

- Concern has been expressed about some of the districts that the petition proposes to convert to exclusively residential districts. As a result of issues raised, the CDD staff is prepared to recommend to the Planning Board that several of those districts not be exclusively residential. They also expect to recommend that the exclusively residential

districts allow for some of the commercial retail uses that contribute to viable urban residential districts. They are also looking at possibilities for allowing some limited expansion of existing businesses "as of right" in these districts.

- While the Planning Board may recommend some modifications to the proposed FAR reductions, the structured parking proposal and the new treatment of rooftop mechanicals, there is a strong commitment to a proposed rezoning that includes all of these elements.
- With regard to the project review provisions, testimony before the Planning Board has focused on concern about the thresholds for urban design review, the proposed administrative review of projects of under 25,000 square feet, and the combined use/square footage analysis in establishing the thresholds.
- The Planning Board has not heard much public concern about the proposed parking changes.

Ms. Brown stated that as a result of the issues raised and the resulting Planning Board discussion, the Planning Board will be forwarding some recommended revisions to the City Council in early January.

Vice Mayor Maher said that he is pleased to hear that some changes will be recommended, because at this time, if the City Council had to decide on the whole proposal in its present form, there probably would not be sufficient support for ordination. He asked the Planning Board for their suggestions on structuring the Council considerations.

Hugh Russell suggested taking the proposals in the order that they have been discussed at the Ordinance Committee and not leaving the hardest part until the end.

Councillor Born requested that the Planning Board provide the list of suggested changes to the proposal for residential districts as soon as possible. She stated that she would be very interested in a "laundry list" of items that the Planning Board will be looking at.

Vice Mayor Maher listed the issues he finds most troubling:

1. He sees a contradiction to the principle of having more density close to public transportation in proposing the biggest FAR reductions in the areas next to the Alewife and Lechmere MBTA stations.
2. Site H: He does not see the present candy company area as a realistic housing site.
3. Rooftop mechanicals: The BioPure problem. There should be a way to differentiate the treatment for the construction of new buildings and the renovations to existing sites.
  
4. It is not clear to him that the Concord Avenue O-2 district at Fresh Pond is a very good site for housing, and he is troubled by the fact that this would be the second rezoning for this district in less than a year.

Councillor Born then noted that her concern about rooftop mechanicals is their unsightliness. Perhaps the ordinance could provide for a special permit for mechanicals in areas that have a bigger visual impact.

Councillor Davis stated that she is concerned about the additional height that mechanicals add, which can be as much as 10-15 feet. Screening does not solve this problem. She would also like to see "truth in advertising" required by the ordinance. If the ordinance says the height limit is 60 feet, that should not mean 60 feet plus 15 feet of additional height due to rooftop mechanicals.

Councillor Davis then asked if there is a mechanism to allow existing businesses some growth while still providing a strong incentive for the development of housing. Mr. Russell replied that he believes that there should be a provision for a special permit where the impact on the residential property is not horrendous and there are technical and/or legal reasons why the mechanicals are needed. He added that he would like to see some as-of-right ability for smallish changes to existing businesses. Mr. Russell also said that perhaps there could be a special permit for new buildings to install rooftop mechanicals that exceed the building height limit if the owner could meet specific standards relative to screening, bulk, minimal effect on any residential neighborhood, etc.

Councillor Davis asked how other cities handle this issue. Ms. Rubenstein replied that Boston allows mechanicals as of right for 10% of the roof area or 330 sq. ft. Brookline allows mechanicals to go 10 feet above the height limit. Stamford, Connecticut, allows 15% of the roof area and Providence, R.I., allows 1/3 of the roof area.

Councillor Davis observed that Cambridge is doing less regulation of mechanicals than other cities.

Vice Mayor Maher stated that Cambridge has a much bigger biotech business sector.

William Tibbs stated that the object is not to limit the biotech industry's ability to grow, but rather to regulate its land use impacts on the community. It would be possible to actually contact all of the biotech companies in Cambridge to get details about the legal and technological requirements for mechanicals with which they must comply.

Ms. Brown noted the importance of looking at the entire proposal as one entity. The change in the height limits, along with the changes in FAR and the mechanicals, means that the impact on neighborhoods is much less significant than what is being suggested .

Councillor Born noted the biotech community's concern with existing buildings that may need to expand their mechanicals to meet legal/technical requirements in the future. Mr. Russell agreed that the proposal should be changed to make sure that some flexibility is available for equipment that has to be there.

Vice Mayor Maher then raised the issue of the MXD district in Kendall Square, and requested that the Planning Board look carefully at the Cambridge Redevelopment Board's proposed amendment. It would require changes to one of the 17 proposed districts, but it seems to make

sense. Ms. Brown stated that she agrees that the proposal looks promising, but she noted that it is also speculative at this point. The CRA does not have control of the property it proposes for the housing development.

Mr. Russell stated that the first decision that would need to be made is whether the development of housing in Area E would mean that housing need not be constructed in Area F. Thus, it would probably be sensible to adopt the present proposal for Area F, with the understanding that there would be an adjustment to the housing requirement if housing is developed in Area E. Mr. Russell added that the CRA should work with the East Cambridge Planning Group on this issue.

Vice Mayor Maher asked what the East Cambridge Planning Group's response has been to the Citywide Rezoning proposal. Ms. Brown said that the Planning Group sees the proposal as a good basic framework upon which they can build.

Councillor Decker expressed concern about Area P, Concord Avenue and the area between Concord Avenue and the Alewife T station. She said that she can envision a whole new, vibrant neighborhood in that area, and asked whether the proposal facilitates

this type of development. Stuart Dash stated that the proposed reduction of 31% in the allowed FAR only affects commercial development; there is no reduction to FAR in residential development. Ms. Brown added that the Planning Board sees this area as the next area for a focused planning study. Councillor Decker requested that she receive any communications that the Planning Board has had about

Councillor Davis then stated that she believes that Area C requires mixed use, especially ground floor retail uses. She also noted that some of these areas have roadway issues that must be addressed.

The discussion now moved to the design and project review proposal. Councillor Born said that she has heard a great deal of public concern about public accessibility of the administrative review proposal and about the complication of the threshold standards proposed to replace the 50,000 sq. ft. threshold.

Ms. Brown stated that the Planning Board is now somewhat divided as to the best recommendation. Her opinion is that the threshold table, which incorporates both the proposed use of the development and the proposed square footage of the building, makes sense. Different uses reach trip generation capacity at different square footages. The table reflects the Planning Board's experience with these differences over the time that the IPOP has been in place. With regard to the administrative review, the goal is an objective review through a checklist of numerical standards.

Tom Anninger added that, since the review is objective, the public cannot have any influence, which some members of the public find problematic.

Councillor Davis expressed her concern that the proposed tables are not capturing the impact. The IPOP provides traffic impact review for a lot more development than this proposal. The

tables also miss other location factors, such as proximity to a busy intersection, which can really affect traffic impacts.

Vice Mayor Maher then listed concerns that had been voiced to him by members of the public in attendance:

1. In Area O, the dividing line for the zoning districts appears to be drawn right through the middle of a building.
2. A description of the standard assumptions that staff used in estimating how many units of housing would be built in the Alewife area. (Mr. Dash explained that the assumption included the proposed Oaktree development, and then calculated the available FAR and assumed a buildout of housing over the next 20 years.
3. Katherine Donaher, MIT, stated that the impacts of institutional projects are very different from those of commercial developments, for example, for institutions, the threshold of review should be related to the number of new parking spaces that are proposed.

Councillor Davis moved to forward the petition to the full City Council without a recommendation and to hold the issue in committee for further committee review. The motion passed without objection on a voice vote.

Vice Mayor Maher and Councillor Davis thanked all those present for their attendance. The meeting was adjourned at 7:03 p.m.

For the Committee,

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Vice Mayor David P. Maher, Co-Chair Councillor Kathleen Leahy Born, Co-Chair

Committee Report #5

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PUBLIC SAFETY COMMITTEE MEMBERS In City Council January 22, 2001

*Councillor Michael A. Sullivan, Chair*

*Councillor Henrietta Davis*

*Councillor Marjorie Decker*

The Public Safety Committee held a public meeting on December 21, 2000, beginning at 6:05 P.M. in the Ackermann Room for the purpose of discussing issues of homelessness, public intoxication and nuisance behaviors.

Present at the meeting were Councillor Michael A. Sullivan, Chair of the Committee, Councillor Henrietta Davis, Councillor Marjorie C. Decker and City Clerk D. Margaret Drury. Also present were Harold Cox, Chief Public Health Officer for the City of Cambridge, Ronnie Watson, Police Commissioner, Harold Murphy, Police Superintendent, Jill Herold, Assistant City Manager for Human Services, Attorney Chris Beaumont, Legal Assistant to the Police Commissioner, Gail Enman, Executive Director of CASPAR, and Michelle O'Brien, First Step Street Outreach Program, CASPAR.

Councillor Sullivan convened the hearing and explained the purpose. He thanked all those present for coming to this meeting during this very busy holiday season and noted the appropriateness of a meeting on homelessness on the longest night of the year.

Councillor Davis stated that the committee must have a meeting to receive an update on the report on homelessness submitted by staff last year.

Councillor Sullivan invited Jill Herold to begin the discussion. Ms. Herold stated that the staff present were prepared to provide some highlights of developments in the area of assistance to the homeless since the last City Council meeting on this topic. She announced that On the Rise, a street-based outreach program for women has secured its own space at the corner of Broadway and Inman Street and has expanded its services. Ms. Herold then introduced Harold Cox to describe a new initiative by Cambridge Cares About AIDS, aimed particularly at providing services to homeless youth. Mr. Cox stated that Cambridge Cares About Aids has a new youth worker and has opened a new drop-in center at the Harvard Epworth Church in Harvard Square. The center is open three nights a week and has approximately 75 regular attendees. The center provides an opportunity for young people to come in, get a warm meal, information and referrals, with some limited counseling. The youth themselves gave the program its name, "Youth on Fire." It is a great project, not heavily funded, and in need of funds.

Gail Enman described the issue of the requirement for health care workers to have parental consent in order to provide substance abuse care to minors.

Councillor Sullivan noted that Harvard Square is a regional gathering place for homeless youth and asked Mr. Cox where the youth served by Youth on Fire come from. Mr. Cox said that he did not have the answer to that question at the time, but that the program does collect data.

Councillor Davis said that data previously collected has shown that most were not from Cambridge, but rather were part of a regional population. Mr. Cox noted that the regional aspect of the population in the Square provides a strong support for the need for state funds that are based on provision of services to youth of several cities and towns who are homeless in Harvard Square.

Mr. Cox then described some preliminary work that has been done on the issue of public toilets. He is working with the Police Department, the Department of Public Works, the Community Development Department and the Commission on Disabilities.

Councillor Davis asked where the public toilets would be located. Mr. Cox said that that is an important question that is being looked at. The need for public facilities cuts across several populations: the homeless, tourists, children in parks. In a response to a question from Councillor Davis about Boston's announced plan to install public toilets, Mr. Cox said that Boston is currently stuck on the issue of accessibility.

Councillor Sullivan noted the difficulty of finding room on Cambridge sidewalks.

Councillor Davis brought up the issue with advertisements. In most places, that is how the public facilities are funded, but advertisements are not acceptable in Cambridge.

Ms. Enman then reported on the need for shelters for women. She said that Albany Street was built with the idea of providing beds for 10 women. There are usually 30 women per night there. Ms. Enman stated that there is a strong need to look at a regional approach to solving this problem. There are no shelter services for women in Malden, Medford, Everett, etc. so these women come to Cambridge and Somerville. Mayor Dorothy Kelly Gay, Somerville, wants to convene a meeting of mayors and city managers.

Councillor Sullivan asked about the status of the Middlesex Hospital. Ms. Enman explained that the hospital was sold to a for-profit entity that subsequently failed, and now the building is going to be converted to condominiums.

Ms. Enman summarized the following most pressing needs with regard to homeless women:

- Space for women to spend the night.
- Need for a regional solution
- Increasing numbers of homeless women

Councillor Sullivan noted the fire at North Point in a shed last week. Apparently homeless people were staying in the shed.

Councillor Decker asked how many homeless people have died in Cambridge this year. Ms. Enman said that the last couple of weeks have been very bad for the Boston metropolitan area. Last year, no homeless persons died on the streets after November because of a pilot program that identified the homeless people most at risk for dying and tracked them. Almost all had had a hospital visit within the last 30 days. There have been several deaths in shelters.

Michelle O'Brien stated that the only death on the street in Cambridge this year was a heroin overdose. In Boston, just before Thanksgiving a homeless man was struck and killed by a car. Ms. Enman noted that in Somerville, a homeless man was killed by a train recently.

Councillor Decker asked what is needed for the City of Cambridge to advance a regional approach. Ms. Enman replied that a good step would be for Cambridge and Somerville to work together for a solution to the need of women for overnight shelter.

Councillor Decker asked whether Belmont and Arlington could be included in such an effort. Ms. Enman said that they are considered part of the same region by the State Department of Public Health, along with Watertown. However, they do not recognize that they have any problem at all.

Ms. Enman noted that last year's goals were looking for funding for more shelter beds at Albany Street and for the street outreach program. The City Manager has provided funds to keep the third shift (4 P.M. to midnight) of the street outreach program and the state has provided funds to keep the 32 additional beds at Albany Street.

The discussion then turned to the street outreach program, First Step. Ms. O'Brien distributed copies of statistics for outreach with the additional shift (**Attachment A**) and outlined the data presented therein. She stated that the total this year will probably reach 12,000 contacts and 4,000 referrals. In response to a question from Councillor Sullivan about how many different people those numbers represent, she said that this year the program served 407 different people, and the year before the number was 350, a total of 757. Ms. Enman stated that the increase in the number this year over last year reflects the overall increase in the number of homeless individuals on the street.

Ms. Enman asked Ms. O'Brien whether she could track information about where the contacts are coming from, and Ms. O'Brien said that she could.

Commissioner Watson mentioned that MacDonald's won the bid for providing food for the prisoners being held in lock-up at the police station. Ms. Enman suggested the possibility of the shelter providing this service, which could in turn provide some vocational food service training to shelter residents.

The Committee then heard from Chris Beaumont, who distributed an update on police statistics for homelessness, vagrancy and public intoxication (**Attachment B**) and summarized the information. She reported a significant decrease in calls for services for public drunkenness. She attributed the decrease to the First Step van. Ms. Enman said that the police now call First Step. Clients who are brought to the shelter by the First Step van are calmer and less agitated when

they arrive. Ms. O'Brien said that for 20 hours per week there is a person with medical training on the van.

Councillors Sullivan, Davis and Decker then made the following motion:

**Whereas: First Step has provided appropriate transportation for homeless persons to the CASPAR shelter; and**

**Whereas: First Step's transportation services have decreased the need for police transportation to the shelter; now therefore be it**

**Ordered: That the City Manager be and hereby is requested to provide funding to insure that First Step can continue operations at its present level.**

The motion passed on a voice vote without objection.

Councillor Decker pointed out that the statistics show a much greater number of calls from the public about public intoxication in Central Square than any other part of Cambridge. Ms. O'Brien stated that the third shift of the van is stationed in Central Square. Commissioner Watson emphasized that the calls are not all complaints about homeless persons; they are also about residents who are drunk and loud.

Ms. Enman asked the Commissioner to provide information that breaks down these calls as to the day of the week, because the First Step van is not on the street on weekends.

Councillor Decker asked for more information about how many of the calls are about homeless people.

Councillors Sullivan, Davis and Decker made the following motion:

**Resolved: That the City Council go on record thanking the Leadership Council for their efforts and problem solving, which have helped the City of Cambridge to make significant progress along the long and difficult path of serving homeless individuals in need of services and protecting the quality of life for all in our squares and streets.**

The motion passed on a voice vote without objection.

Councillor Sullivan asked about the effects of the changes in allowed liquor store opening hours from 8 A.M. to 9 A.M. that the License Commission is making, pursuant to the special act allowing Cambridge to set later opening times than the 8 A.M. specified under state law.

Commissioner Watson said that they are seeing some dangerously-ill alcoholics on Monday mornings.

Ms. Enman responded that there is some increased risk of death to homeless alcoholics on Monday mornings. There have always been more deaths of homeless alcoholics on Sundays and on Monday mornings. The later opening time adds some additional hours of risk. Commissioner Watson said that the police have identified the 32 most severe cases and they are talking to the Health Department about ways to treat these individuals before they drop dead on the street.

Councillor Decker asked why the new opening time does not apply to all liquor stores. Councillor Sullivan said that the License Commission is making the new time a part of the licensing procedure. Ms. Enman said that this is another issue that really needs a regional approach; otherwise, the alcoholics just go to the places where the opening time is still 8 A.M.

Councillor Decker stated that she would like more information about the effects as liquor stores move to the new 9 A.M. opening time and whether additional resources are needed for these critical hours.

It was agreed that the following issues would be addressed at the next meeting:

- An update on the report on homelessness done last year
- A presentation from a medical expert on alcohol withdrawal and detox
- The issue of a universal opening time for liquor stores
- Information breaking down the calls to police about public drunkenness by days of the week and also telling whether the transport of that person was by police or First Step or other.
- Information on where people are coming from pertaining to the Youth on Fire program and also other services to homeless individuals.

Councillor Sullivan thanked all those present for their attendance. The meeting was adjourned at 7:20 P.M.

For the Committee

Councillor Michael A. Sullivan, Chair

Committee Report #6

PUBLIC SAFETY COMMITTEE MEMBERS In City Council January 22, 2001

*Councillor Michael A. Sullivan, Chair*  
*Councillor Henrietta Davis*  
*Councillor Marjorie Decker*

The Public Safety Committee conducted a public meeting on Thursday, January 11, 2001 at 6:20 p. m. in the Sullivan Chamber.

The purpose of the meeting was to continue discussions on issues concerning NSTAR, Cambridge Electric Light and Boston Edison.

Present at the meeting were: Councillor Sullivan, Chair of the Committee, Councillor Toomey, Robert Bersani, Inspectional Services Commissioner, Nike Nicoloro, Assistant Inspectional Services Commissioner, George Fernandes, City Electrician, Gerald Reardon, Fire Chief, Arthur Goldberg, Legal Counsel, Law Department, Paul Schlaver, Cambridge Consumer Council, George Dean, Chief of Regulated Industries Division, Attorney General's Office, Paul Henue, Manager, NSTAR, Steve Sullivan, Community Relations, NSTAR, William Zamparelli, NSTAR and Donna P. Lopez, Deputy City Clerk.

Councillor Sullivan opened the meeting by reading a statement filed by him with the City Clerk regarding a conflict of interest pursuant to Chapter 268A of the Massachusetts General Laws, section 23 (b) (3) that is made part of this report. **ATTACHMENT A.** He stated that the purpose of the meeting is a follow-up to a previously scheduled meeting on the operation of the Cambridge Service Center being moved out of Cambridge. Rate setting was also a concern, he said. The rate issue is being postponed to a later date. Councillor Sullivan thanked Mr. Dean from the Attorney General's Office for coming to the meeting to hear the concerns of Cambridge City officials.

On behalf of one of his colleagues, Councillor Sullivan informed the representatives from NSTAR that the City Council had adopted an order regarding the relamping of lights in the city. Two issues that came to light were:

1. Harvard Square underground; and
2. Norfolk Street above ground.

George Fernandes, City Electrician, stated that there were 175 street light locations that required repair and they were not being taken care of. He felt that street light repair was not a big issue for NSTAR. Many complaints were received because lights were not being repaired. Four hundred fifty calls were received for street light repair. Currently, he said, 75 out of 150-160 streetlights were repaired. Mr. Fernandes informed the Committee that he supplied NSTAR with monthly repair lists. To date the November and December lists were not repaired.

Mr. Paul Henue, NSTAR, stated that a more formal method is needed for repairs. He further stated that all except 10 streetlights were fixed out the 154 listed on the November and December list he had received.

Councillor Sullivan asked what was the rate of repair received prior to the merger and after the merger. Mr. Fernandes stated that prior to the merger lights were repaired in 72 hours; now it is 5 to 10 days. Councillor Sullivan asked if the City pays for repairs. Mr. Fernandes responded in the affirmative. The city budget contains \$1.3 million for repairs.

Councillor Toomey asked who has jurisdiction on Land Boulevard. Mr. Henue responded that Land Boulevard is MDC jurisdiction.

Mr. Fernandes stated that he would continue to track the repair of streetlights. Light patrols will be needed, he said.

Councillor Toomey asked what is the average life on bulbs. Mr. Fernandes stated 27,000 hours of services. The whole city can be relamped in six years.

Councillor Sullivan inquired what is cycling. Mr. Fernandes responded cycling is when the lights go on and off.

Mr. Fernandes stated that progress is being made. Group lamp patrols are needed. It is not fair to expect citizens to report when lights are out, he said.

In response to an inquiry, Councilor Sullivan stated that there are 721 city lights and 5,346 NSTAR lights in the city. He stated that the city needs to return to the 72-hour response time. Mr. Henue stated that he does not know how to respond to calls that are being made and no response is received. There is the same number of personnel responsible for lights - 5 troublemen and the same number of employees. Lamp rangers are fixing lights, he said. He asked how could the response get worse when more people are employed. Mr. Fernandes stated that he cannot get an answer to how long it takes when a call is made before a light is repaired. Councillor Sullivan suggested "secret shoppers" for lighting repair.

Mr. Fernandes stated that he needs a guarantee of either the lights are inspected or group relamping is being conducted. Mr. Zamparelli informed the Committee that there are two different systems running because of the merger. Mr. Fernandes stated that the emergency response is working fine.

Fire Chief Reardon asked what are the duties of the troublemen. Mr. Henue responded the duties are the same. If the troublemen are covering other areas, he said, Cambridge might have a concern about this matter. Mr. Steve Sullivan stated that only underground troublemen come from the Massachusetts Avenue location. Mr. Fernandes stated that there is no problem with the underground troublemen; the problem is the overhead. He asked what is the time from for response. Developers need to schedule installation of underground poles with the utility company. Mr. Nicoloro stated that the problem is that there is not overhead and underground work being done at the same time. Mr. Henue stated that the developers should be calling him. Mr. Fernandes stated that developers are not receiving any satisfaction from the utility company.

Councillor Sullivan stated that NECCO is ready to transfer over their Internet hotels. Mr. Henue stated that the planning process did not include the Internet hotels. If all the Internet hotels came on line in three years, that is all of Cambridge's peak power, he said. This load can be planned; it is an economic project.

Councillor Sullivan asked if the utility company becomes a cash cow. Mr. Henue responded that once you build infrastructure a huge sum of money is needed.

A discussion ensued regarding the dedicated to Cambridge crews. Mr. Henue stated that the number is the same. Mr. Fernandes stated that the crew is not committed to Cambridge.

Councillor Toomey asked if Blackstone Street is closed. Mr. Henue stated that the steam plan is still at Blackstone Street. Councillor Sullivan stated that Blackstone Street could never be closed because it provides steam for Harvard University.

Mr. Nicoloro stated that people are complaining about service time. Mr. Fernandes stated that he needs to have a review of how the NSTAR system works. Councillor Sullivan asked could we figure out how to get through this so that we do not reinvent the wheel. Problems need to be anticipated and solved.

Councillor Sullivan stated Cambridge was fortunate with its relationship with Cambridge Electric. The connection was strong. How does Cambridge ensure the connection, he asked. He suggested the following:

1. computerize the system; and
2. service aspects that trigger a mechanism for follow-up.

Mr. Fernandes stated that the situation in Harvard Square was a fault with the network transformer. Mr. Henue stated that the

danger in the manhole was such that no one could go in the manhole. Mr. Fernandes stated that Police details were called away

from the scene. Signs were placed on the sidewalk, but it was difficult to keep pedestrians from walking in this area. Councillor Sullivan asked if mapping of Harvard Square was an issue. Mr. Nicoloro responded that the first crew did not have any plans with them. Mr. Fernandes stated that it took six hours to find the problem. A good job was done, he said. Chief Reardon stated that he has trepidations that people who do not know Cambridge can cause a problem. The dot.coms and the network hotels have a backup. Training is being done in the Fire Department, he said.

Mr. Henue stated that Cambridge is being serviced from Somerville, a rural area. Mr. Fernandes stated that Cambridge could live with service from Somerville; the issue is the distance for the service. Mr. Henue informed the Committee that he does not expect that there will always be a five personnel team for Cambridge. He will keep in mind the density of Cambridge, he said. Mr. Fernandes asked that this personnel matter be addressed with Cambridge because Cambridge needs to develop a plan.

Councillor Sullivan submitted the following motion:

**ORDERED:** That the City Manager be and hereby is requested to prepare a communication to NSTAR relative to ensuring notification to the City prior to any changes to the level of service to the Cambridge community.

The motion carried on a voice vote.

Councillor Sullivan stated that this is an issue of public safety and service level. Cambridge cannot afford to shirk the level of service to its citizens. Rates did not go up across the board. When asked if rates will go up, an NSTAR representative responded that there is a rate freeze on.

Chief Reardon stated that if troublemen are rotated this will cause a problem. Councillor Sullivan stated that the Fire Department and the utility company worked together to solve problems and created a professional relationship. Mr. Henue stated that union and job bidding procedures are issues of concern.

In conclusion Councillor Sullivan stated that Cambridge needs to make sure concerns are addressed before the Department of Telecommunications and Energy (DTE) so that NSTAR gets the staff needed to serve the city's needs.

Councillor Sullivan thanked all that attended the meeting.

The meeting adjourned at 7:35 p. m.

For the Committee,

Councillor Michael Sullivan,

Chair

Committee Report #7

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**FINANCE COMMITTEE MEMBERS** In City Council January 22, 2001

*Councillor Michael A. Sullivan, Chair  
Councillor Kathleen L. Born  
Councillor Jim Braude  
Councillor Henrietta Davis,  
Councillor Marjorie C. Decker  
Vice Mayor David P. Maher  
Councillor Kenneth E. Reeves  
Councillor Timothy J. Toomey, Jr.  
Mayor Anthony D. Galluccio*

The Finance Committee held a public meeting on Wednesday, January 17, 2001, beginning at 6:25 p.m. in the Sullivan Chamber for the purpose of a preliminary overview of the FY2002 city budget.

Present at the meeting were Councillor Michael A. Sullivan, Chair of the Committee, Vice Mayor David P. Maher, Councillor Kathleen L. Born, Councillor Marjorie C. Decker and City Clerk D. Margaret Drury. Also present were

Robert W. Healy, City Manager, Richard Rossi, Deputy City Manager, James Maloney, Assistant City Manager for Finance and Louis DePasquale, Budget Director.

Councillor Sullivan convened the hearing and explained the purpose. He then invited Mr. Healy to make a brief presentation. Mr. Healy distributed a report to the Finance Committee consisting of a short itemization of points of which the Council should be aware in its consideration of the budget, a copy of his budget message to department heads, five year fiscal projections and an analysis of the city's "pay-as-we-go" capital program (Attachment A). Mr. Healy then presented a brief summary of the material contained in his report. He noted that next year is the year in which employee salaries will increase by 4%, almost across the board, as the last year in a three year 2%-2%-4% collective bargaining contract. Blue Cross insurance is also a concern. The schools are an unknown. Given the looming state tax cut, he expects Governor Cellucci's proposal for state aid to be conservative. The Massachusetts Municipal Association is proposing a new formula for distribution of the state aid that would be helpful for Cambridge, in that it would give additional weight for bilingual students, special education students and students whose family incomes fall below the poverty line. Mr. Healy also urged the Council to look closely at the capital budget.

Councillor Sullivan then invited public comment.

William Jones, 55 Essex Street, complimented the City Manager on his financial management of the city.

John Gintell, 9 West Street, urged the City Council to look at all the initiatives it has adopted or approved recently, for example, signs at bus stops, to make sure that there is adequate funding for their implementation in the FY2002 budget. He urged attention to the city's web site, which has fallen behind, and noted that the trustees of the library have just adopted a strategic plan that will have budget implications.

Shelley Kilday, new Assistant Director for the Rappaport program at the Kennedy School, introduced herself to the committee and stated that her former job was city budget director for Austin, Texas. She said that in Austin, this meeting would have been full of concerned citizens.

Councillor Sullivan stated that he expects to schedule the budget hearings as daytime full-day sessions starting at 11 a.m. The Council will receive the budget at its April 23, 2001 meeting. Budget hearings will begin in early May. The final date for budget adoption by the Council is June 6, 2001. Mr. Healy explained that the budget staff goal is to have a final budget for the Council on May 21, 2001, because the next Monday is the Memorial Day holiday.

Councillor Born said that the condition of the War Memorial is an embarrassment, and urged that the rehab begin as soon as possible.

Councillor Decker requested that Mr. Healy communicate to the School Department the need for them to articulate and plan for the expenses related to the Maynard and to the Cambridgeport School move in their budget. She does not want to see a repeat of how the Maynard expenses were handled by the Schools last year.

Councillor Decker then inquired as to whether Mr. Healy had sent copies of the City Council's priorities to the State Legislature. Mr. Healy said that he had not. Councillor Decker then made the following motion:

**Resolved: That the City Clerk be and hereby is requested to forward a copy of the City Council priorities to the Cambridge delegation to the State Legislature; and be it further**

**Resolved: That the City Council go on record requesting that the Cambridge delegation do its best to provide for state funding for these priorities as the state budget is considered and negotiated.**

**The motion passed on a voice vote without objection.**

The committee then moved to a lengthy discussion of in-lieu-of-taxes payments by the universities, in particular Harvard and MIT. All present expressed dissatisfaction with amounts currently paid. Vice Mayor Maher expressed his frustration with the fact that the five-year projections show increasing tax burdens on the commercial and residential owners, while the universities continue to pay the same amount and thus pay a smaller and smaller percentage as the years go by. Councillor Sullivan stated that he will schedule a meeting of the Finance Committee to focus on this issue, as well as another meeting to deal with the upcoming vacancy in the City Auditor's position. The following motion was made and adopted by the committee:

**Ordered: That the City Manager be and hereby is requested to begin negotiations with the universities for increases in the in-lieu of tax payments from institutions and for arrangements that provide predictability and stability with regard to the city's future revenues; and be it further**

**Ordered: That the City Manager negotiate a written agreement with MIT as to the method of calculation of the in-lieu- of-tax payment; and be it further**

**Ordered: That, particularly in view of MIT's recent purchase of Tech Square, which came as an unpleasant surprise to the City Council, the City Manager ensure that any agreement as to in-lieu-of-taxes payment include provisions to protect the City's financial interests in tax revenues from taxable property that is acquired by these institutions.**

The meeting was adjourned at 7:45 p.m.

For the Committee,

Councillor Michael A. Sullivan, Chair