



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, December 6, 2023

12:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

I. Call to Order

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	12:13 PM
Paul F. Toner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	12:02 PM
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

The Ordinance Committee will meet on Wednesday, December 6, 2023, from 12:00 p.m. to 2:00 p.m. to hold a public hearing on potential changes to the Cambridge Municipal Code, Chapter 12.22 Cycling Safety Ordinance as detailed in Policy Order POR 2023 #147 and the City Manager’s response to POR 2023 #147 as detailed in CMA 2023 #256.

A public meeting of the Cambridge City Council’s Ordinance Committee was held on Wednesday, December 6, 2023. The meeting was Called to Order at 12:00 p.m. by the Chair, Councillor McGovern. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

At the request of the Chair, City Clerk LeBlanc called the roll.

- Councillor Azeem – Present/Remote
- Councillor Carlone – Present/In Sullivan Chamber
- Vice Mayor Mallon – Present/In Sullivan Chamber
- Councillor McGovern – Present/In Sullivan Chamber
- Councillor Nolan – Present/In Sullivan Chamber
- Councillor Simmons – Absent*
- Councillor Toner – Present/In Sullivan Chamber
- Councillor Zondervan – Absent*
- Mayor Siddiqui – Present/In Sullivan Chamber

Present – 7, Absent – 2. Quorum established.

*Councillor Simmons was marked present and remote at 12:13 p.m.

Minutes Acceptance: Minutes of Dec 6, 2023 12:00 PM (Committee Reports)

*Councillor Zondervan was marked present and remote at 12:02 p.m.

The Chair, Councillor McGovern offered opening remarks and noted that the Call of the meeting was to hold a public hearing on potential changes to the Cambridge Municipal Code, Chapter 12.22 Cycling Safety Ordinance as detailed in Policy Order POR 2023 #147 and the City Manager's response to POR 2023 #147 as detailed in CMA 2023 #256. Present at the meeting was Deputy City Manager, Owen O'Riordan, Acting City Solicitor, Megan Bayer, Assistant City Manager for the Community Development Department (CDD), Iram Farooq, and Commissioner of Traffic, Parking, and Transportation, Brooke McKenna.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who offered opening remarks (Attachment A).

The Chair, Councillor McGovern recognized Brooke McKenna who shared that the City was present to answer any questions brought forward and that their fundamental position is in the response to the Council order. Brooke McKenna shared that they feel the City has a strong plan to continue to allow separated bike lanes and outdoor dining anywhere there is space available. Commissioner McKenna gave a brief overview of what the design plans will look like in the winter months when there is no outdoor dining and during the months where outdoor dining will be available.

The Chair, Councillor McGovern opened Public Comment.

Randy Stern, 12 Kenwood Street, Cambridge, MA, offered comments of support for alternative use for curbsides such as outdoor dining, planting trees, and separated bike lanes, but shared concerns about the proposed amendment.

Mark Boswell, 105 Walden Street, Cambridge, MA, asked the Council to vote against the amendment and shared concerns about the proposed language.

Christopher Cassa, 103 Gore Street, Cambridge, MA, asked the City to avoid painted bike lanes in busy business areas for safety purposes.

Itamar Turner-Trauring, 139 Oxford Street, Cambridge, MA, urged the Council not to support the proposed amendment due to it asking for extreme changes.

Jason Alves, East Cambridge Business Association, offered comments of support for the proposed amendments and noted how outdoor dining will positively affect small businesses on Cambridge Street.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who noted the importance of outdoor dining space as an opportunity to help restaurants succeed. Vice Mayor Mallon reviewed the language in the amendment regarding flex posts and bike lanes. The Vice Mayor asked how Traffic and Parking plans on taking the least amount of space away to be mindful of adjacent businesses and the difference between taking four spaces versus two spaces. Brooke McKenna shared that the City is very supportive of outdoor dining and that the concern is that there are certain realities on how the streets operate and the transition going back and forth between

protected bike lanes is not easy. Commissioner McKenna shared that the City is working within the perimeters of the goals that were set in the CSO and noted all the challenges that come with different bike lane designs. Vice Mayor Mallon shared that she is happy to keep this in Committee to continue the conversation and tighten up the proposed language.

The Chair, Councillor McGovern recognized Councillor Zondervan who shared that he understands where the sponsors of the Policy Order are coming from but needs to recognize how the City is responding to the language. Councillor Zondervan shared that the City should not be trading bike safety for outdoor dining. Councillor Zondervan asked what accommodations are being made when redesigns are being developed for streets relative to bike lanes and parking on Cambridge Street. Commissioner McKenna shared that the City goes on a block by block basis to engage with the public on redesign. They are currently not in the redesign phase on Cambridge Street, but in other areas metered parking has been added to side streets.

The Chair, Councillor McGovern recognized Councillor Nolan who shared that the Policy Order was created to meet the needs of small businesses and protect bicyclists. Councillor Nolan shared she would be supportive of meeting with business owners and having more Council discussion. Brooke McKenna shared that the City is always happy to meet with people, continue discussion, and receive feedback. Deputy City Manager O’Riordan shared that he recognizes that there are concerns about the loss of parking on Cambridge Street and noted that Brooke McKenna and her team will be working with the business association to find solutions.

The Chair, Councillor McGovern recognized Mayor Siddiqui who asked if there are regulations available for her to review and highlighted that there are many goals that the Council and the City mutually agree on. The Deputy City Manager shared that the challenge with the CSO is that it is extremely prescriptive and that there is not much left for the writing of regulations, noting that the nature of the Ordinance itself continues to be a conversation within the City and the community.

The Chair, Councillor McGovern recognized Councillor Carlone who noted the importance of doing something the right way with the least amount of negative impact and shared it would make sense to keep this topic in Committee to have further discussions. Councillor Carlone suggested that the City addresses what needs to be changed in the Ordinance to evolve and meet the needs and goals of the community.

The Chair, Councillor McGovern recognized Councillor Azeem who agrees that this topic should be left in Committee to continue discussion to address different issues that have been brought up.

The Chair, Councillor McGovern recognized Councillor Toner who asked about a previous Policy Order regarding having a working group for the Cambridge Street redesign and asked for confirmation if there would be a working group going forward. Deputy City Manager O’Riordan shared that it is something the City is looking at very closely and will have an answer for the Council in the near future.

The Chair, Councillor McGovern recognized Councillor Zondervan who noted that the Ordinance does have a provision for the staff to come back and propose certain timelines cannot be met and the Council can vote to extend the timeline, sharing that the Ordinance is not completely inflexible.

The Chair, Councillor McGovern noted that although there is a provision for the City to come forward if they need additional time, there is not a provision in the Ordinance for the City to share that they believe they have a better plan to bring forward, which is something the Council and the City should address in future conversations. The Chair noted that it is important to be able to adjust and reevaluate goals but shared that he strongly believes safety should always be a priority. The Chair asked Brooke McKenna to review the suggested changes from the City. Commissioner McKenna responded noting that the City is trying to maximize the ability to return parking when outdoor dining is not in use. The Chair agreed to leave the language in Committee to have more discussion.

The Chair, Councillor McGovern recognized Councillor Nolan who made a motion to close public comment.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes
 Councillor Carlone – Yes
 Vice Mayor Mallon – Yes
 Councillor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Simmons – Yes
 Councillor Toner – Yes
 Councillor Zondervan – No
 Mayor Siddiqui – Yes
Yes – 8, No – 1. Motion passed.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion to adjourn.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes
 Councillor Carlone – Yes
 Vice Mayor Mallon – Yes
 Councillor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Simmons – Yes
 Councillor Toner – Yes
 Councillor Zondervan – Yes
 Mayor Siddiqui – Yes
Yes – 9. Motion passed.

The meeting was adjourned at approximately 1:04p.m.

Attachments:

Attachment A – Opening Statement from Vice Mayor Mallon.

Attachment B – The City Clerk’s Office received two written communications.

Clerk’s Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/631?view_id=1&redirect=true&h=0b38f5b5f1298e5df1948ac292f422ae

That the City Manager is requested to report back to the City Council on whether change in language to the CSO is necessary to enable installation of permanent, seasonal, and/or temporary outdoor dining and pop-ups alongside separated bicycle lanes consistent with Cycling Safety Ordinance that address concerns about the current situation. CHARTER RIGHT EXERCISED BY COUNCILLOR MCGOVERN IN COUNCIL AUGUST 7, 2023.

A communication transmitted from Yi-An Huang, City Manager, relative to Policy Order #23-147, regarding a report on whether change in language to the CSO is necessary to enable installation of permanent, seasonal, and/or temporary outdoor dining and pop-ups alongside separated bicycle lanes consistent with Cycling Safety Ordinance that address concerns about the current situation.

Attachment A – Vice Mayor Mallon opening remarks.

"This amendment came about as a result of bike lane installations as they pertain to outdoor dining. As we continue to install these lanes, we should be open to learning from the installs, and then iterating where we can to ensure that all street uses are compatible with each other.

While I certainly appreciate the response from the City and their willingness to take a look at this issue WITHIN the current ordinance language, we still see the need to amend it slightly to allow for site based discretion on the part of the Traffic and Parking commissioner to work with lively street activation like patios and pop ups, like the Formaggio kitchen bbq on Hampshire street. We all agree that one of the silver linings from the covid pandemic is that outdoor dining is exponentially higher than it was before, and that's a good thing! As Will Gilson, owner of Puritan & Co, The Lexington, Cafe Beatrice and Gepetto stated in his email to us, and I hope you all took the time to read it: "We have a restaurant on Cambridge Street for 7 years, where we would hemorrhage money in the summer months, because we did not have a way to have outdoor seating. Now that we have had it for 3 years I cannot imagine it going away."

Mr. Gilson went on to describe the potential pitfalls of the CURRENT language of the ordinance, and the directive that TP&T is taking, that in order to have a patio that is 2 parking spaces, a total of 4 needs to be taken to accommodate it. This places local restaurants at serious odds with their small business neighbors and there is significant concern that patios could be denied by adjacent business owners and residents. There are public hearings with the license commission and this can be not only costly, most restaurant owners would never walk into the license commission without an attorney present, and stamped plans need to be presented, and potentially changed, but the denials would be financially catastrophic for places like Puritan and Co, as well as others who either currently have a 2 space patio, or those who might want one next patio season.

This amendment is trying to solve for a very specific issue, it's a VERY small change. It is ONLY for street activation uses, for current and future outdoor dining and pop ups which has broad support not only among this council but among residents as well. It is not for anything else. I want to be clear on what this amendment does NOT do:

- It doesn't change all bike lanes to buffer protected bike lanes, nor does it create long stretches of buffer protected lanes
- It does not change or delay any timelines, or stop or delay installations

This amendment is trying to provide *situational decision making*, by placing it in the hands of TP&T for specific locations and dimensions without being out of compliance of the ordinance.

As we build out these lanes, on our aggressive timeline, we need to be able to make small tweaks, to relieve a little pressure and make sure we are providing opportunities to use our streets for people, not cars by making Cambridge friendly to outdoor dining while still protecting our cyclists. As someone who is out on their bike every day, I know these things can be compatible, we just need to provide that situational decision making to TP&T to ensure both uses can be successful together. I look forward to the conversation today, and yield back at this time."

Perez, Lori

From: Patrick Magee <pmag123@gmail.com>
Sent: Wednesday, December 6, 2023 11:09 AM
To: City Council
Cc: City Clerk
Subject: Comments for Ordinance Hearing 12/6/23

To the Co-Chairs and members of the Ordinance Committee,

I am writing today in support of the amendments to the CSO. My understanding is that in no way will these changes require staff at TP&T to do anything. While the original amendments require the city to build out a network of separated cycling facilities within a specific timeline, with specific design guidelines, these amendments would simply allow city staff the ability to use a design option that had previously been available to them. This design tool has seemingly been successfully used on Huron Ave and on western Cambridge Street.

The current requirements within the CSO would require a total of 4 parking spaces to be used to install a patio for outdoor dining. The footprint of the patio can only take up two parking spaces. This reality creates some complications in real world situations. Here are some quick questions that come to mind.

If there are multiple store fronts on a block that has 5 or 6 spaces out, what department decides if a patio can get installed if abutting an business objects? Will the License Commission need to weigh “public need” as they contemplate their decision? Will they allow testimony of neighboring residents and business owners to impact their decision?

As a former restaurant owner, who installed a patio to help survive the challenges of Covid, I am well aware of the potential benefits from additional outdoor dining facilities. That said, given the relationships that I have established with my neighbors during my 17 years in business, I don’t think that I would be comfortable asking the city to install a patio without these amendments passing. The abutting convenience store and Montessori school rely on the loading zone for quick pick ups and drop offs, and the nail salon relies on regular short-term parking for some of its customer base.

I think that we can all agree that an additional benefit of street side patios is that they act as a traffic calming device. Unfortunately, without the tiny amount of flexibility that these amendments would allow, I wouldn’t be comfortable asking the city for permission because of the negative impacts on my neighbors.

If it isn’t the will of the body to pass this matter back to the Council with a favorable recommendation, it is my hope that it can stay in committee so that a fuller more robust conversation can be had with all of the stakeholders.

--
 Patrick Magee

Minutes Acceptance: Minutes of Dec 6, 2023 12:00 PM (Committee Reports)

Perez, Lori

From: Jason Alves <baecamb@gmail.com>
Sent: Wednesday, December 6, 2023 11:01 AM
To: City Council
Cc: City Clerk
Subject: Comments for Ordinance Hearing
Attachments: bike lane Winter Amendment scenario.pdf; bike lane patio Amendment scenarios.pdf

Dear Members of the Ordinance Committee,

As someone who has worked closely with businesses on patio installations for 4 seasons now, and as someone who has worked hard to understand the CSO and its implementation. I'm asking that you support the proposed amendment language that would allow, in limited circumstances, the installation of buffer protected lane.

The language defines buffer protected lane, using the City's previously published definition. It also gives the traffic commissioner the authority to decide if the buffer lane is a satisfactory design for certain circumstances around patio and outdoor dining.

It does not replace all protected lanes with buffer lanes.

The decision making is with the Traffic Commissioner. This is not a whole sale change.

What it does is provide some possible flexibility to solve for challenging installation areas.

Its also limited by street dimensions. This will be rarely used.

Patio dining has been a successful addition to our city streets. Its was supported by over [3000 petitionsigners](#) and a unanimous policy order by the Council.

The city's proposed solution, which I may add was NOT an option during the Hampshire Street design process, may actually make folks second guess installing a patio. The city's version occupies 4 parking spaces. They currently only need 2. After a major reduction in parking owners may not feel comfortable using up that much space. It will pit businesses against each other and against frustrated residents. This is not a good outcome. The city's new solutions may actual become the deterrent for installing patios.

The amendment language imagines a better scenario if street dimensions allow.

Ultimately, the amendment would provide some much needed flexibility. Cambridge Street is next on the list. This is perhaps the first very dense business district that will see a complete installation running its entire length. I suspect there will be many challenges in getting loading right, getting bus stops right, getting distances from fire hydrants right. We may need this type of flexibly to help figure out some of this puzzle. That is all this amendment is asking. Its not requiring anything.

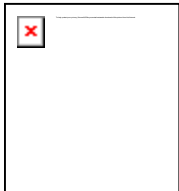
Its putting a tool back in the tool box and we should trust our city engineers to use it appropriately. City staff is clearly committed to making our streets safer there is little to fear. Put your trust in them

Thank you for taking this into consideration.

Im reattaching drawings I sent at the last council meeting showing how the amendment improves on the city's proposal. Im happy to answer any questions about these scenarios.

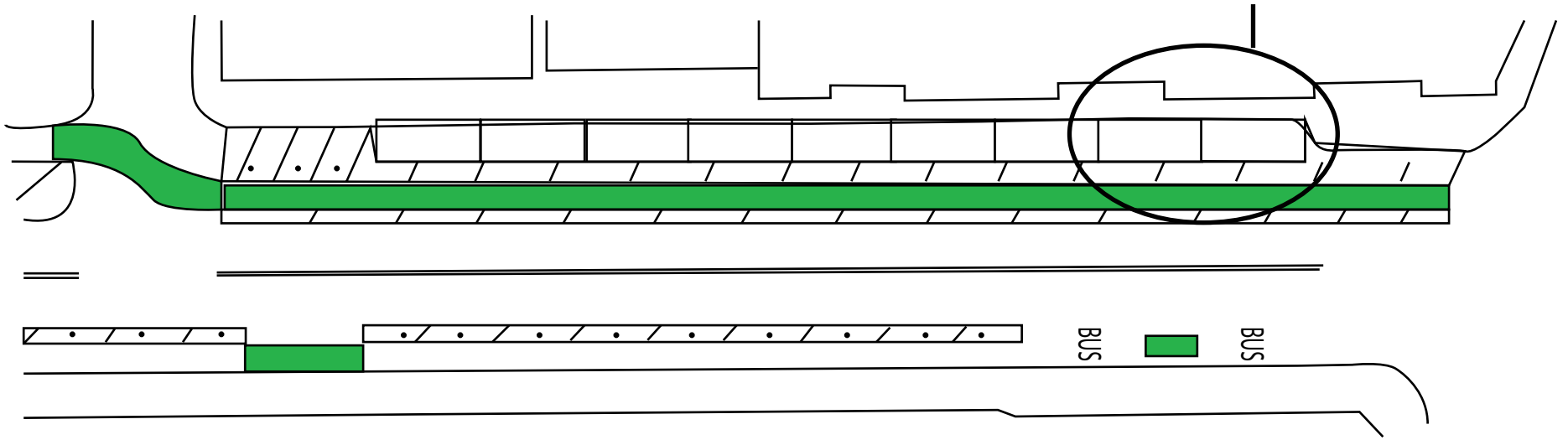
--
Jason Alves
Executive Director
East Cambridge Business Association
Office/Google Voice: (857)-242-6651
www.EastCambridgeBA.com

[Become a Member of the ECBA Today!](#)



Non Patio Scenario (Dec, Jan, Feb, March)

Potential to preserve additional space compared to city proposal



Buffer Provides protection from dooring and ample space for biking.

The 2 buffers and bike lane combine in width greater than west bound travel lane

Aprox 300 linear feet (in a 20 plus mile network)

Huron Ave has a buffer protect lane (just on the door side)

Scenario is not dramatically different from bus stops and unprotected area in front of CRLS or King Open

Restores Parking during winter when there is additional potential for parking loss because of snow banks

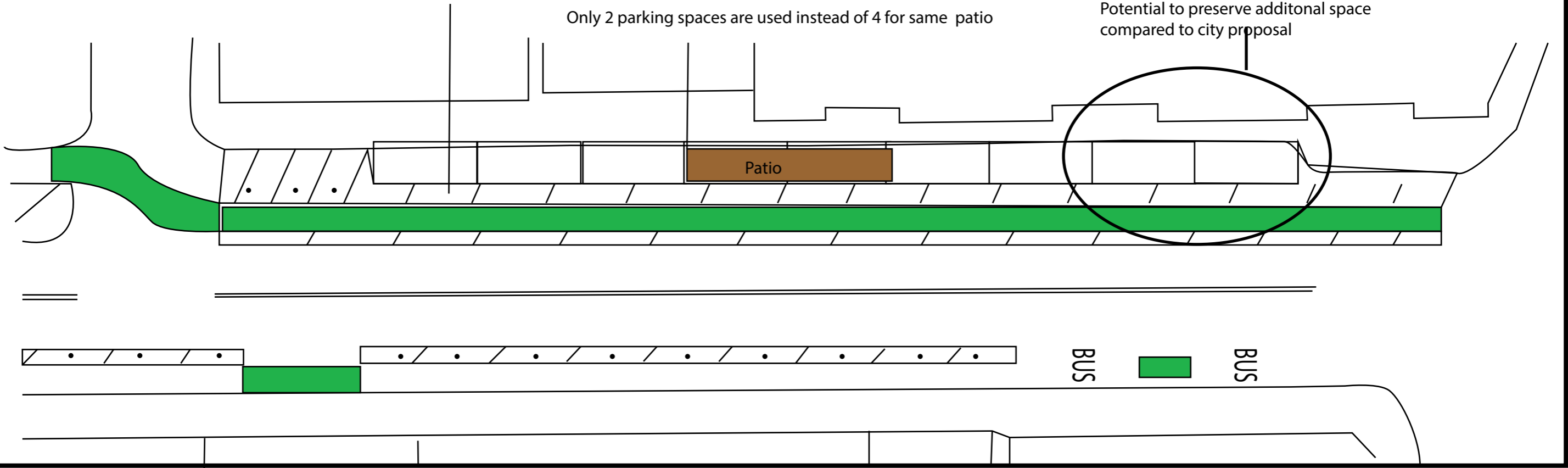
Restores Loading and short term parking for businesses that were impacted by the parking loss during patio season.

Minutes Acceptance: Minutes of Dec 6, 2023 12:00 PM (Committee Reports)

Buffer Provides protection from dooring and ample space for biking.
The 2 buffers and bike lane combine in width greater than west bound travel lane

Only 2 parking spaces are used instead of 4 for same patio

Potential to preserve additional space compared to city proposal



Bollards can be added to limit the amount of unprotected lane
The remaining area is no different than Bus Stops or ADA spaces per the ordinance

Potential to preserve additional space
Loading will be extremely important

