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THE PETITION EDITION

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0) Foreword

Now that the waters have receded in my basement, it's time for another Journal edition. I'm still backlogged (and just a little waterlogged), but I'm catching up. Except for the July 27 special meeting, the Council will break for summer after this week.

For those that are interested in Cambridge City Council affairs, I now post compact guides to what's on the agenda for each City Council meeting, distilled from the City's home page and available at the CCJ web site in PDF (Adobe Acrobat) format for viewing or printing. The full packet of materials for City Council meetings is available Friday afternoon in the City Clerk's and City Manager's offices for the meeting of the following Monday night. I post the guides on Friday night. They are organized according to the order of business of the Council meeting and are a good way to keep track of the meeting. For those that watch Channel One on Monday nights, think of this as the TV Guide for "Monday Night Live."

I'm looking for interesting feature articles for the next few Journal editions. If you think you might be the person to write about something interesting, drop me a line. - Robert Winters

1) Preview of June 22 City Council meeting (with commentary)

Big items for possible discussion or a vote at this meeting are:

Manager's Agenda #27 - This is the final report on the site selection study for the new Main Library. This report from Sasaki Associates recommends that the City Manager choose between two sites, the current Main Library site or a site at the corner of Mass. Ave. and Pleasant St. in Central Sq. and suggests considering several other Central Sq. sites only if neither of these two sites is possible. No vote other than to accept the report is before the Council, but discussion of sites and process is probable, especially questions of if and when other Central Square sites might be considered.

Manager's Agenda #28 and Unfinished Business #8 - The Planning Board has issued its favorable recommendation with amendments of the Gregory Petition to change the zoning in an area in the vicinity of Broadway and Market St. in Area 4. Everything is in place for the Council to vote on the petition at either the June 22 or the July 27 meeting. There has been a considerable amount of public comment and communications on this issue over the last several months and this week will be no exception.

The rumors are flying about a move by opponents of the Gregory petition to whisk the petition to a vote and to have a councillor "move reconsideration hoping the same will not prevail" so that the matter

can be finalized and building permits can be obtained by Bulfinch prior to consideration of the IPOP development moratorium which would put the project at risk and jeopardize its financing.

I find myself becoming more troubled every day by this whole Gregory-Bulfinch business. There seems to be a mindset among some neighborhood residents that they should "take what they can get" regardless of planning considerations. The name "Area 4" even reflects this mindset, a government invention that describes nothing about the neighborhood. More disturbing is the idea that a small group of unelected residents should be negotiating a benefits package in exchange for accepting a development proposal that many other residents consider intolerable. I have tried to imagine this scenario taking place in other parts of Cambridge and I cannot. Elsewhere in Cambridge, the Council has passed downzoning petitions and development moratoriums and has approved conservation districts that make it easier for residents to stop unpopular developments. I wonder how warmly a "benefits package" from WR Grace would be received in North Cambridge or from Harvard in Mid-Cambridge.

I take a cautious view of most downzoning efforts and am always on the lookout for the "I've got mine so to hell with everyone else" form of NIMBYism, but I can't help but be supportive of the Planning Board recommendations in that they represent compromise and would allow for additional density and building heights as high as 100 ft. if the development is sensitive to the desires of neighbors as embodied in the Gregory petition and in the Carroll petition before it. There's nothing NIMBY about it.

Manager's Agenda #29 - This is a Home Rule Petition to the State Legislature that would allow the City to convey land on the Fresh Pond Reservation for the purpose of renovation and expansion of the Neville Manor nursing home facility as a nursing home and assisted living facility in which 80% of residents would be low and moderate income. There is considerable controversy surrounding this proposal but the votes appear to be there to approve the petition. The Water Board, Conservation Commission, and some residents are concerned about such issues as preservation of open space, possible impacts on the watershed, establishing a precedent that could lead to other buildings on the reservation, and jeopardizing Cambridge's ability to negotiate effectively with developers who want to build in the watersheds of our reservoirs located in Waltham, Weston, Lincoln, and Lexington. There are orders from Councillors Davis and Born addressing some of these concerns.

Unfinished Business #9 - This is the Anderson petition that would downzone an area straddling Mass. Ave. between City Hall and Sullivan Square, restrict the Planning Board's ability to issue special permits, abolish the voluntary provisions of the Inclusionary Zoning ordinance passed in March to encourage the development of affordable housing units, reduce the allowable densities in all residential zones in Cambridge by 23%, and reduce by 33% the allowable density for residential developments containing affordable housing in the Central Square Overlay District. I think it likely that this matter will be delayed until the July 27 meeting, but who knows.

If the last few meetings are any indication, we may be treated to yet another discussion about church bells, wind chimes, and outdoor festivals as each of the councillors jockey for position as the king or queen of tolerance. It was fun the first time, but it's gettin' old.

2) May 11 City Council meeting

The interesting items discussed were a) the Bulfinch proposal and Gregory Petition in Area 4 and b) charter reform. The meaty matter was the passage of the FY99 budget.

Public comment highlights

Skip Schloming criticized the Community Development Department for alleged misrepresentation of facts in the recently released report on the effects of the termination of rent control. The accusations prompted a warning from Mayor Duehay.

Numerous citizens spoke in favor of the Gregory Petition, including Noel Johnson, Chip Greenidge, David Hoicka, and Robert Winters.

Michael Brandon intimated that the City Manager was derelict in the matter of the City's lease to Out-Of-Town News for the Harvard Square Kiosk. [Mr. Brandon has been carrying this load for a long time.] He also suggested that certain city councillors with relatives who work for the City were possibly in violation of state ethics statutes when they participated in discussions and votes on certain budget items. [Fallout from these accusations sparked a heated exchange at the May 18 Council meeting.]

David Hoicka argued in favor of tossing out from the Plan E charter the item that forbids city councillors from pressuring the City Manager to hire particular individuals. This provision (MGL Ch. 43, Section 107) makes such interference a felony and was enacted in order to prevent or substantially reduce political patronage. Robert Winters characterized this provision as a "firewall" designed to prevent councillors from unduly influencing the Manager and the city departments in terms of political patronage, quoting scandals in Cambridge city government immediately prior to the 1941 adoption of the Plan E charter.

On the Bulfinch package vs. the Gregory zoning petition

Ken Reeves opened the discussion by asking CDD if there was a reason why the City was not a competitive bidder for the property at 210 Broadway.

[There is something peculiar in all this - the notion that the City of Cambridge should be putting bids on every property it possibly can. Is this a goal of producing a certain number or percentage of "affordable" units or is this a philosophy of social ownership over the free market? Perhaps this is not yet the time to ask such a question, but the day will come when this question will have to be asked.]

Susan Schlesinger explained the economic choices that were involved and how the property was sold and became unavailable. Coun. Reeves went on to question why the prospect of Camp, Dresser, and McKee as a principal tenant should be so important in deciding what should be done insofar as rezoning the area affected by the Gregory petition. He quoted various statistics concerning the low percentage of CDM employees that live in Cambridge.

Kathy Born pointed out some flaws in the Bulfinch proposal, likening the proposal with writing a check for the right to build a bad building. She also argued that the proposed benefits would be flimsy.

The mayoral election just keeps going and going and going....

In response to a communication from the Law Department about the steps that could be taken to change the city charter to alter the method by which a mayor is elected, Coun. Reeves expressed his feeling that any such change should be led by the citizens rather than the Council. He suggested that the system employed by Worcester should be considered. [Unlike Cambridge, Worcester does not use a preferential ballot. This makes comparison with Cambridge difficult at best.]

Deputy Solicitor Don Drisdell explained that such a change could be accomplished in several ways. The first option is that a charter commission could be established. This would entail a process of perhaps 2 to 4 years. The second option is that the City Council could

pass a home rule petition asking the State Legislature to pass a Special Act to amend the charter. This is what Worcester did. The legislature could choose to require local approval in a referendum but they are not obliged to do so. The third option is that, with a Council Order approved by a 2/3 vote, the question could be put on the ballot for a general referendum.

Upon questioning by Coun. Born, Mr. Drisdell further explained that this third option could be initiated by a single councillor, by the City Manager, or by a petition by 100 registered voters. A hearing would be required within four months of submission of the petition and a 2/3 vote of the Council would be required to put a question on the ballot. Any such question would have to pass muster with the Attorney General. The Charter Commission process is completely unfettered. Once established, it would have complete freedom in proposing changes to the city charter.

Regarding the use of the second option, Mr. Drisdell explained that the word "mayor" under state law refers to a strong mayor or CEO. In our case this generally means the city manager. Changing the method of electing a mayor for Cambridge can be accomplished via this second option since the mayor is neither popularly elected nor acts as the CEO. Passing a home rule petition for a Special Act would require only a simple majority vote of the Council. Though there is no requirement that the question be placed on the local ballot, this has been the standard practice of the State Legislature.

Councillor Davis expressed concerns about the consequences of some of the changes that have been recently suggested by Councillor Triantafillou and others, especially on the prospects for challengers in the election for City Council. She pointed out that by using our ranked ballots to also elect the mayor, this would cause changes in the way people vote in the Council election, giving a boost to mayoral candidates at the expense of challengers. [A very special thank-you to Councillor Davis for addressing this issue, one that this writer first emphasized several months earlier.]

After Councillor Reeves gave a carbon copy of his "the press is always picking on me" speech first heard at the budget hearing on April 15, he ripped into the CCA and Mayor Duehay for "going back on their word and not facing it."

Councillor Triantafillou defended Coun. Reeves and chimed in with her own intimations of improprieties by the Mayor's Office, stating that "Mr. Reeves and I have been consigned to the same basket."

Coun. Reeves then tore into the Cambridge Chronicle for how they treated him while he was Mayor and singled out reporter Amy Miller for a piece she wrote on the people employed in the Mayor's Office when he was mayor.

Councillor Galluccio gave a curious speech about "restoring democracy," in which he argued that he would like to "finish the job of voting in local elections" by voting for the city council, the school committee, and then the mayor. He asserted that the way we now elect the mayor is dysfunctional.

[I think that many would agree with Coun. Galluccio's last assertion, though this is probably more a matter of a bad practice than a bad charter. Regarding the matter of restoring democracy by allowing the voters to "finish the job of voting," one could further argue that we should elect the city manager, all the department heads, the police commissioner, the dog officer, etc. in order to really restore democracy. We could all take a lesson from reform movements in the past that called for popular election of policy-makers and appointment of all officials responsible for executing those policies. Regarding the idea of popular election of the mayor in our system, it seems rather inconsequential since the chief duties of the mayor are to preside over the city council without veto power and to appoint council committees, none of which have direct authority over their respective city

departments. The issue of whether the mayor should be a voting member of the school committee is a substantial one since this does involve additional authority, and good arguments can easily be made on both sides of that issue. -RW]

Coun. Davis suggested that an unintended consequence of this process could be an eventual change from a city manager form of government to a strong mayor form and that we have to make sure that we are not overhauling the whole government.

Coun. Born reminded us that the reason we adopted this charter was due to corruption and the fact that too much power was given to one person. "If this system has worked for 50 years, maybe we are just experiencing a momentary dip," she said.

Councillor Toomey rounded out the discussion by saying that he would welcome a strong mayor over a city manager and that he only came to this conclusion after this year's mayoral election. "Nothing could be more shameful or more corrupt than what happened when that election took place," he said. Apparently Councillor Toomey has a rather abbreviated view of the history of mankind.

Adoption of the FY99 budget

The Council passed the budget of \$261,262,105 with only Councillor Toomey voting in the negative. They unanimously passed the Water Fund budget of \$8,862,595 and the Public Investment Fund budget of \$16,997,745.

In response to suggestions by Michael Brandon during the public comment that some councillors were in violation of state ethics laws in voting on the budget, Councillors Russell and Sullivan asked the City Solicitor to give an opinion on the matter. Deputy Solicitor Don Drisdell assured them that there were no violations and that there were no prohibitions on them voting on the bottom line either in committee or in tonight's vote. Coun. Sullivan referred to "Mr. Brandon's ability to fly with wild accusations" and expressed his hope that Mr. Brandon would come back and apologize.

Coun. Triantafillou questioned the Manager at length on the allegations raised by Mr. Brandon regarding the City's lease with Out-Of-Town News. She then went after the Manager on various end-of-year blanket transfers of funds. City Manager Healy detailed each of them for her. Coun. Triantafillou declared that the point was not that these are all legitimate, but rather that she was opposed to blanket transfers on principle.

Other significant matters at his meeting were a) approval of a loan order of \$5,765,000 to fund the final phase of the network infrastructure project, acquisition of a new financial system, and replacement of the roof at the high school; and b) a loan order of \$1,620,975 to fund a portion of the Infiltration/Inflow Program which will identify, quantify, and analyze storm water discharge to the sewer system with the goal of reducing charges to the City by the MWRA.

3) May 18 City Council meeting

The single largest capital project in the history of Cambridge was approved at this meeting. The Council approved a loan order for \$76,700,000 to finance the construction of the new water treatment plant and landscaping costs as well as the purchase of water from the MWRA during the construction period. The switch to MWRA water is scheduled to occur in the last days of July or first days of August.

Another significant item was the filing of a zoning petition by the Cambridge Residents for Growth Management (CRGM) that would place a moratorium on all new developments over 40,000 sq. ft. except by special permit. Perhaps the most unusual aspect of this petition is that it calls for the City Council to be the granting authority for such a Special Permit, something that has never before been done in

Cambridge. The name being used to identify this petition is the IPOP, which stands for Interim Planning Overlay Proposal.

Public comment

Numerous residents spoke in opposition to granting a jitney license to Minuteman Tours that would permit two trolleys per hour to operate on certain Cambridge streets and on Memorial Drive. Those speaking in opposition included Roger Frymire, Stash Horowitz, John Moot, Pebble Gifford, and Robert LaTremouille. Councillor Triantafillou exercised her charter right to delay discussion until the June 1 City Council meeting.

A contingent from CRGM spoke in favor of the IPOP. Those speaking for the petition were Karen Carmean, Craig Kelley, Charles Hinds, Dexter Eames, John Chamberlain, John Pitkin, and Joel Bard.

There were many people who spoke in favor of the Gregory petition and many others, especially labor unionists, who spoke in opposition to the petition and in favor of the package proposed by the developer of 205 and 210 Broadway (the Bulfinch proposal). Those who were clearly for the Gregory petition were Nancy Seymour, Peter Berry, Nora Dooley (who took great exception to union members being prompted to speak in favor of the Bulfinch proposal), Richard Goldberg, Noel Johnson, Nancy Hall, Elissa Carlsson, Glenn MacDonald, Bob Walter, Miriam Hawkes, Bob Metcalf, and Karen Gillespie. Speaking for the Bulfinch proposal were Mark Sutherland, Robert Addison, Michael Assella, Douglas Whitlow, Jackie Carroll, Sylvia Saavadra-Keber, Wayne Warren, and Eddie Wright.

Robert LaTremouille and Marilyn Wellons spoke in favor of the Anderson petition that would downzone Mass. Ave. between City Hall and Sullivan Square, restrict the authority of the Planning Board to issue Special Permits, and downzone all residential zones in Cambridge to about 77% of the density currently permitted.

Numerous persons associated with the Eviction Free Zone, notably Bill Marcotte and Nancy Hall, addressed the issue of the difficulties faced by Section 8 tenants trying to secure housing in Cambridge.

Douglas Whitlow spoke about racially charged events associated with the recent resignation of Agassiz School principal Peggy Averitte and allegations of harassment of black children near the school.

Robert Winters (yes, that's me) expressed concern about the fundamental challenges to our form of local government that are inherent in the IPOP, the Anderson Petition, and a proposal by David Hoicka that calls for popular election or City Council approval of members of all boards and commissions. I expressed concern about the IPOP giving Special Permit authority to the City Council and turning every development proposal into a political football and questioned whether this proposal was legally consistent with the Plan E Charter. [Joel Bard later explained that it was legal according to MGL Ch. 40A, but I believe this question is far from settled since any proposal must also be consistent with other applicable sections of the Massachusetts General Laws, in particular those provisions in MGL Ch. 43 that define the Plan E charter.] I was very critical of that part of the Anderson petition that would restrict the Planning Board's ability to shape the design of projects through the granting of Special Permits and suggested that if the intent was to eliminate the ability of the Planning Board to shape development proposals, then we might as well eliminate the Planning Board and replace it with a computer program. I loudly proclaimed my support for professional management in city government rather than the politicization that would be inherent in any system in which a simple majority of the City Council would have complete control over all appointments.

Without a doubt, the highlight of the public comment period was the fireworks that erupted when Michael Brandon stepped up to the microphone. Responding to Coun. Sullivan's use of the term "wild accusations" at the previous Council meeting, Mr. Brandon detailed

his perspective about the state conflict of interest laws. Councillor Sullivan interrupted Mr. Brandon to challenge his account of a conversation they had earlier in the day. Coun. Sullivan said, “Every week he comes in here and fires accusations at people and it goes unanswered. Last week, two councillors were accused of violating state statutes. These are wild accusations. He gets the mike for 10 minutes and then he goes home. I will respond to them every week from now on.”

Mayor Duehay warned Mr. Brandon that his statements would inevitably lead to an escalation in this kind of response.

Councillor Russell explained that the only reason she consulted with the City Solicitor the previous week was to clear the air for the public so that they wouldn’t believe Mr. Brandon’s wild accusations.

Councillor Reeves pulled no punches in his criticism of Mr. Brandon’s tactics. He said, “I do think we have a kind of climate issue...This is the citizens’ home and there are certain citizens who like to come and accuse everybody of everything. There is a level of common courtesy...If you cast an aspersion, you have a responsibility to provide the proof...You come every week, you shoot the city manager, you shoot a couple of councillors, you shoot the arborist, and nobody dies because the bullet’s not good. You gotta bag one, a big one. You’re at the Election Commission checking this one and that one. Get one! Your credibility as a detective would increase....In a place where common courtesy prevails, decent people do not attack other decent people for no particular reason unless they got something. If you got something, let’s have it! If you don’t, have the common courtesy and decency to politely address your general concerns.”

Referring to the complaints raised by Mr. Brandon about whether councillors could vote for budgets that included salaries of relatives, Reeves said, “Under this system, councillors vote for their OWN salaries, so we should all go to jail! My hope is that whatever it is that is inspiring the sense that one can come down here and say whatever is on their mind to whoever is sitting here and they have to take it...if some rethinking of that point of view could occur. This is not some sort of penny arcade - we’re not here to be shot just for the fun of it. If you got a bullet, let it fly and the person will die. Otherwise it doesn’t make any sense. It’s just slow torture for no good civic purpose and that’s not good government.”

Mayor Duehay summed things up by telling Mr. Brandon that his comments were not improving the decision-making process of the Council and, as a result, the Government Operations committee would have to look into some new regulations governing the Council meeting. “Your wild accusations are leading to outbursts. The Chair can order your removal from the chamber.”

This was good drama, no doubt about it. My hat goes off to Ken Reeves for a masterful dressing down of someone who really had it coming.

Regular business

Councillor Reeves picked apart a report from the Arts Council on fundraising results, criticizing their relatively poor record of raising private money. He also raised questions about the truthfulness of some of the estimates of the value of some of the donations of professional services, most notably a figure of \$15,000 shown for producing a web page. The report was referred back to the City Manager for greater detail.

Traffic, Parking, and Transportation Director Sue Clippinger engaged in a detailed discussion with Councillors Sullivan, Reeves, Davis, Triantafillou, and Toomey about the City’s policies and practices regarding crosswalks and signalization as well as some chronically bad intersections such as Bishop Allen and Prospect. Councillor Toomey took this opportunity to rip into the Manager for

his unresponsiveness, prompting Mr. Healy to explain that most of these decisions lie with the Police Commissioner.

The loan order for \$76,700,000 to finance the construction of the new water treatment plant, landscaping costs, and the purchase of water from the MWRA during the construction period passed with no discussion.

Scorecard: May 11, 18, and June 1 Council Orders

P = policy; **I** = information.; **R** = rules and procedural items; **M** = maintenance (potholes, traffic, etc.); **D** = deaths; **C** = congratulatory orders; **A** = announcements. The tally is:

Councillor	P	I	R	M	D	C	A
Born	4	3	0	3	0	2	0
Davis	8	6	3	8	0	6	1
Duehay	3	0	0	0	1	16	7
Galluccio	6	3	0	1	13	10	1
Reeves	1	1	0	4	3	21	7
Russell	3	2	1	5	5	22	8
Sullivan	0	0	1	3	22	10	3
Toomey	0	2	0	7	16	5	5
Triantafillou	0	2	0	0	1	6	2
Total by category	22	16	3	29	52	79	30

4) Petitions, petitions, and more petitions

It would seem that this is the season for zoning petitions. Though each one is different, all of them propose some sort of downzoning. Some were drafted to stop particular developments or were drafted in response to a project that is going forward. Others seem designed to block commercial or residential development in general and represent the embodiment of an entire philosophy rather than just a plan for what land uses should be allowed in particular areas. What follows is my attempt to summarize most of the active and recent petitions and rezoning processes and to describe some of what has been happening with each of them. For those not in the know, FAR stands for floor-to-area ratio (ratio of floor area to lot area).

The Baker petition

This proposal would have eliminated the special permit waiver of yard requirements in the Harvard Square Overlay District. At issue was the Planning Board’s authority to allow buildings to be built up to the lot line if design considerations led to the conclusion that this would be preferable. A two-thirds majority of the Planning Board is required to issue a special permit that waives yard requirements. The Planning Board recommended that the petition not be approved, suggesting that more refinement of the conditions under which such a special permit could be issued would be preferable but offered no specific suggestions for refinement.

The deadline for action was June 9 but the petition didn’t have the votes to pass and was allowed to lapse without City Council action.

The Anderson petition

This petition started as a downzoning effort by residents that followed an aborted City proposal to deal with anomalous zoning. It covers the corridor along Mass. Ave. from Sullivan Sq. to Bigelow Street, extending several lots to either side of Mass. Ave. and wrapping behind City Hall to Inman St. Along the way, the petition grew to include the abolition of the Planning Board’s ability to issue special permits allowing greater density or height under specified conditions in exchange for better design or other public benefits.

After the City Council passed the Inclusionary Zoning ordinance in early March that granted density bonuses to large projects in exchange for affordable housing, the proponents added a clause that would downzone all residential zones in Cambridge to about 77% of what is

permitted under the current zoning. (Adding 30% onto the proposed densities would bring the allowable densities up to the current bounds.) Residential development in commercial zones would also be affected. (For example, residential development in a Bus. B zone is governed by the Res. C-3 rules. Any new housing development in the Central Square Overlay District that includes a percentage of affordable housing would have the allowable density cut by 33%.) Rather than clarifying the conditions under which the Planning Board could permit a density bonus for smaller projects under the voluntary provisions of the Inclusionary Zoning ordinance, the Anderson petition would throw out those provisions entirely.

The Ordinance Committee took up this matter at its May 13 meeting. The petition was reported at the June 8 Council meeting and passed to a 2nd reading. I don't know what the Planning Board recommended, if anything. The City Council could vote on the petition at either the June 22 meeting or the July 27 meeting.

Most of the comments expressed at the Planning Board hearing were solidly in opposition to the petition. At some neighborhood meetings such as the Mid-Cambridge Neighborhood Association (MCNA), supporters were able to draw enough partisans to the meetings to produce a vote overwhelmingly in favor of the petition. The Ordinance Committee hearing was split evenly between proponents and opponents with most CRGM (Cambridge Residents for Growth Management) people supporting the petition and most affordable housing activists opposing the petition.

Among the most controversial aspects of this petition is the effect that it could have on the effectiveness of the Inclusionary Zoning ordinance. Without the voluntary provisions, the possibility that a few affordable units might be built at scattered sites in residential zones in the city would be reduced or eliminated even though the conditions for a special permit to build to greater density require any such project to be consistent with the existing built environment. Proponents have been suggesting a scenario in which a net loss of affordable units would occur due to the voluntary provisions, but the analysis from CDD indicates otherwise.

The mandatory provisions of Inclusionary Zoning were crafted to apply only to projects of 10 units or more or 10,000 sq. ft. so that any density bonuses for affordable housing within already developed residential areas would be very unlikely. Nonetheless, proponents of the Anderson petition have portrayed the Inclusionary Zoning ordinance as having upzoned all residential zones in Cambridge by 30%, a contention refuted by CDD and all the economic analysis done prior to passing the ordinance.

The IPOP

This petition was first communicated to the City Council at its May 18 meeting. It will be discussed at the July 15 Ordinance Committee meeting and at the Planning Board at an upcoming meeting. The primary feature of this petition is that it would place a temporary moratorium on all development projects with a floor area in excess of 40,000 sq. ft. except by special permit from the City Council. The City Council has never before had the authority to grant special permits for development proposals and there is some disagreement about whether such authority may legally be vested in the City Council under the charter or, even if legal, whether this would be wise. The moratorium would last until October 1, 1999 while ongoing citywide rezoning matters are being resolved.

The Frankelton (Linear Park) petition

This petition would downzone an area straddling the Linear Park in North Cambridge from Mass. Ave. to Clifton St. from Industrial A-1 to Residence B. This petition came about after the Planning Board granted a Special Permit allowing the construction of a cohousing development (Cornerstone) in this area. This petition would probably

prevent this residential development from taking place. The Ordinance Committee took up his issue on June 16. The Planning Board discussed it the same night without taking a vote.

The basic arguments for the petition center on the belief that it would prevent a "domino effect" of higher density (FAR 1.25, 45 ft. height limit) residential development along Harvey Street. The adjacent Res B zone permits only FAR 0.5 and a 35 ft. height limit and mandates a minimum lot size of 2000 sq. ft. per residential unit. Opponents of the petition argue that the petition is unfair to commercial property owners who have done business in the affected area for generations and that it would make future changes from commercial to residential use very unlikely. They also objected strongly to what they saw as misinformation printed on fliers distributed by the proponents and to people who were being asked to sign the petition. One such flier depicted buildings of 10 stories or more even though the height limit is currently only 45 ft.

Of particular interest is the fact that the present zoning was created in a 1978 downzoning for the purpose of ensuring that very large residential developments like Rindge Towers would not occur there and that moderate scale residential development could occur through a special permit process that provided incentives for change from commercial to residential use.

The WR Grace facilitated process and development moratorium

The controversy surrounding the disposition of that parcel known as the WR Grace site in North Cambridge has been going on for years and has involved lawsuits, zoning petitions, environmental testing, and more. A facilitated process sponsored by the Planning Board to resolve all the issues has been going on since last year and is supposed to conclude by the end of June. A moratorium on development on the site has been in effect since last year and was recently extended to this fall.

Upon completion of the facilitated process, the expectation was that the Planning Board would draft zoning recommendations for this area (and possibly other parts of the Alewife area) and forward them to the City Council for action. Meanwhile, environmental testing for various chemicals in this area have shown relatively low levels of these chemicals, but some asbestos contamination at the site has recently been confirmed. While it can be argued that environmental problems on the site are distinct from questions of zoning, I expect that recent evidence of asbestos contamination will push back any zoning decisions that would otherwise have been forthcoming.

The Gregory petition and the Bulfinch proposal

This petition and the alternate Bulfinch proposal are perhaps the most awkward of all the current rezoning activities in that they have pitted good, well-meaning residential neighbors against each other in a very destructive way. Last fall a zoning petition known as the Carroll petition was proposed that would have significantly downzoned an area in the vicinity of Market St. and Broadway which contains the vacant lot known as the LinPro site at 210 Broadway. The Planning Board at that time revised the petition and forwarded its recommendations to the City Council.

Meanwhile, the developers of 205 and 210 Broadway (Bulfinch) entered into negotiations with some residents of the area, offering money to be used for community purposes, some land, and an agreement not to build to the maximum density allowed by the current zoning (FAR 4.0 and 120 ft. height limit). The Carroll petition was allowed to lapse while negotiations continued. The Planning Board recommendations were subsequently resubmitted by residents as the Gregory petition.

This petition is less restrictive than the original Carroll petition and aims to encourage more of a mixed use development and lower density than is currently allowed. It calls for a base zoning of FAR 0.75 and 45 ft. height limit, which can be increased to FAR 1.25 and 70 ft. height

via special permit from the Planning Board only if certain design guidelines and other conditions are met. Meanwhile, other residents have rallied around the benefits package offered by Bulfinch.

The Planning Board voted at its June 16 meeting to recommend that the Gregory petition be approved with several amendments. They recommended allowing up to FAR 1.75 and height 100 ft. under a special permit and added several more criteria under which a special permit could be given, including the provision of housing. Specifically, they would like to see lower heights and densities along the residential edges and would see ground floor retail uses along the Broadway and Hampshire St. edges as highly desirable.

The Ordinance Committee took up the matter at its May 13 meeting and the petition was passed to a 2nd reading at the May 18 Council meeting. The matter must be taken up by the Council at either the June 22 or the July 27 meeting. Due to opposition from affected property owners, 7 of 9 councillors must vote in favor of the petition in order for it to be ordained.

North Mass. Avenue rezoning

This is a confusing story, but the short version as I understand it is that earlier rezonings in this area left out one particular parcel (Marino's) and a challenge by another property owner (Danehy) in the affected area led to a court decision that threatened to invalidate previous zoning changes. A new zoning petition was filed by residents and was allowed to lapse and the City then introduced a new petition to correct what is viewed as anomalous zoning. The only area that would be substantively affected is the Marino property and the property owner has characterized City efforts as illegal spot zoning.

5) The End of PR in NYC?

by Rob Richie, Center for Voting & Democracy

On June 18, the New York state legislature passed a bill that replaced the choice voting method of proportional representation (a.k.a. single transferable vote and preference voting) with a form of limited voting for elections to the New York City community school boards. Nine seats will continue to be elected at-large in each of 32 school districts, but now voters will be able to cast four, equally weighted votes.

With choice voting (the system used in Cambridge), it took 10% of the vote to win a seat. Now it will take the votes of more than 30% of voters to be sure of winning (although the effective threshold often will be lower). The Asian American Legal Defense and Education Fund expressed opposition to the change -- 11 of 15 Asian American candidates were elected to school boards in 1996, while no other Asian American is in elected office in the state -- and there is a real chance that the Department of Justice will not pre-clear limited voting due to its possible impact on electoral opportunities for Asian Americans, blacks and Latinos in many of the 32 school districts.

There's a frustrating history to this debate in NY City -- tied in large part to a horrible history of election administration of these elections. For my take on it, see the Center for Voting and Democracy web site (<http://www.igc.org/cvd>) for testimony delivered to a task force last December. The limited voting proposal is likely to be worse for both minorities and majorities than the choice voting system -- with only four votes, voters won't have an obvious way to try to elect a majority of seats (by supporting 5 candidates), yet a candidate with 30% support still can lose. In typical NY state fashion, the bill was introduced on Tuesday and passed two days later in the last frenetic day of a session.

6) Popularity and a limited voting simulation

The 1997 Cambridge election ballots can be used to derive measures of relative popularity of the various candidates and to simulate what

might have happened had Cambridge used an election system like the one planned for future use to elect the NYC local school boards. Bear in mind that one must put the results in the proper perspective. If voters understood that different election rules were in place, this could lead to different voting strategies and the ranked preferences expressed on the ballots might have been different. With this caveat, one can still derive interesting information from the ballots used to elect the City Council and School Committee.

One measure of popularity is to count the number of ballots that list a candidate above a certain ranking. For example, we could count the number of ballots which rank a candidate either 1st, 2nd, 3rd, or 4th. It could be argued that this method for electing the City Council simulates the proposed limited voting scheme for the NYC school boards. Here's what we get if we count the top 4 choices:

Candidate	Total ballots in Top 4
Galluccio	6953
Duehay	6682
Russell	6607
Sullivan	6551
Born	6482
Triantafillou	6316
Davis	5436
Toomey	5379
Reeves	4454

If we were to count the top 5 choices, the winners would finish in the following order:

Candidate	Total ballots in Top 5
Duehay	7699
Galluccio	7526
Russell	7475
Born	7253
Sullivan	7145
Triantafillou	7021
Davis	6300
Toomey	5961
Reeves	5531

Looking at deeper preferences gives a better picture of the depth of support that some councillors really have. Notable are the large number of ballots that list Councillors Sheila Russell and Kathy Born very high. Councillor Toomey doesn't fare nearly as well when we count deeper preferences.

There was no possibility of a different system producing different winners in the City Council race. The totals for all the challengers were far less than the incumbents and not significant enough to even list here.

For the School Committee, we might give each voter either three or four choices in electing a six person School Committee in a manner similar to the proposal for NYC. Here are the results:

Candidate	No. of ballots in Top 3
Turkel	6924
Simmons	6674
Segat	6306
Harris	5814
Maher	5495
Fantini	5395
Grassi	5028
Stead	3085

Candidate	No. of ballots in Top 4
Simmons	8210
Turkel	8103
Segat	7605
Harris	7107
Maher	6357
Fantini	5991
Grassi	5735
Stead	3873

Here, the alternate voting system seems to elect a different School Committee. In the actual election, Fred Fantini was defeated and Joseph Grassi elected. Due to Fantini's being named on so many ballots as a 2nd choice, he would replace Grassi under either of these simulations. Furthermore, the more choices you count, the better Denise Simmons fares in the election, even taking the top slot when four or more choices are counted. Minority representation is unaffected in this illustration but could be under different circumstances.

7) June 1 City Council meeting

Major business conducted at this meeting included: a discussion on broadening participation in City government; approval of a cost-of-living adjustment for retired City employees; reappointment of City Clerk D. Margaret Drury and City Auditor James Lindstrom to additional three year terms; and passage of an amendment to the Municipal Code to enable the Manager to authorize payment by the City for new building sewer or storm drain connections to the city's mains as part of the City's ongoing court-mandated program to eliminate illegal sewer connections.

Public comment

The most dramatic testimony this evening was that related to alleged racism at the Agassiz School. Chemi Kadete alleged that a "small group of selfish, racist, hateful people" were trying to move children of color out of the school. She suggested that if the City was not able to control 12 known people from doing this, then the City should put "White Only" signs in the park across Sacramento St. She linked this matter with complaints of noise at the Area 4 Drug Free Fair. This led to the councillors suspending the rules so that they could all put in their two cents on the issue.

Coun. Reeves spoke at length about what he sees as a movement in Cambridge toward intolerance and intentions to control the actions of others. In reference to various fairs and festivals, he said, "Dance and music is a good human being thing to do."

Coun. Triantafillou made references to the License Commission's actions last year to cut the hours of the Greek Festival in Central Square as well as restrictions on the Zeitgeist Gallery's movie series at Carberry's last summer in which attendees had to be warned against applause during the films.

Coun. Russell pointed out that most neighborhoods in Cambridge tolerate things from festivals to baseball games and that people have to accept some of these traditions when they choose to move into Cambridge.

In reference to outgoing Agassiz School principal Peggy Averitte who has been on the receiving end of some serious harassment, Coun. Galluccio said that the City should not accept her resignation and should solve the problems at the school instead.

Coun. Davis urged her fellow councillors to not summarily dismiss all complaints about noise or equate these complaints with racial or ethnic intolerance.

Mayor Duehay relayed a message from a resident who called City Hall during this discussion and who wanted to convey the message that

she resented the lumping together of the issue of racism with that of excessive noise in city parks.

Coun. Born described her fond memories of the days when she first came to Cambridge when the City sponsored free movies in the Peabody School playground. She remarked that some of the people that she met as a result of those events remain friends to this day.

Coun. Reeves, while saying that he was not equating racism and noise complaints, went on to criticize a council order that addressed the playing of loud radios in cars as being directed at a specific group of people. He said, "there's a noise and race continuum," and seemed to be defending loud radios as a form of free speech.

Douglas Whitlow (who has been identifying himself as Reverend, even though his church says this is not the case) said that the Agassiz School should be closed. He also alleged that the Central Square World's Fair has been locking out Cambridge residents from their vendors.

Numerous people spoke in support of either the Gregory petition or the rival Bulfinch proposal. Notable were the members of various labor unions who were brought to the meeting in order to try to put the union stamp on the Bulfinch package (and, no doubt, to influence pivotal members on the Council who are running for other elected offices and who might fear losing support among labor unions). Particularly noteworthy were the remarks of Nora Dooley who questioned the abuse of the labor label in order to sell the project.

On the topic of charter reform, David Hoicka again called for the revocation of the anti-patronage clauses of the Plan E charter. He spoke in favor of making all board and commission appointments subject to City Council approval or popular election. He then proposed that the City Council candidate "with the most votes" become mayor and that the councillor elected with the least number of votes be made vice-mayor. Robert Winters (who is writing these words) later dismissed Mr. Hoicka's shallow populism, pointing out that with a ranked ballot, the meaning of "most votes" is ambiguous at best and that any scheme in which a mayoral prospect was drastically penalized for only getting a #2 choice on the ballot would be a poor measure of social choice. He dismissed Hoicka's vice-mayoral scheme in its entirety.

On broadening citizen participation

This month's Council discussion of one of its stated goals focused on ways of involving citizens in their local government. The discussion focused on such things as:

- the same people involving themselves in all committees;
- the need to strike a balance in appointments according to geography, race, gender, ethnicity, and philosophy;
- the problem of certain narrow constituencies taking too much control;
- the enormous burden put on certain volunteer boards, notably the BZA, Planning Board, and Historical Commission;
- the rate of turnover on boards and commissions;
- informal methods of citizen participation other than appointed boards and commissions;
- involvement of residents in periodic neighborhood studies; and
- the possibility of greater use of topic-specific surveys and the need for adequate information and fairly worded questions in such surveys.

Councillor Born initiated an entertaining interchange during this discussion when she put the Manager on the spot about when she had applied to be on the BZA or the Planning Board prior to her seeking a Council seat. She told of writing four letters to this end which resulted in one interview and no appointment. Healy said, "We were saving you

for the big leagues!” Coun. Born merrily responded, “You didn’t like me, but you got me anyway!” She continued, “You thought I was too opinionated.”

Mr. Healy promised that he had a plan in preparation for revamping some of the boards and commissions and that he would be trying to bring new blood into some of them while at the same time respecting the years of voluntary service given by sitting members.

Coun. Born spoke against the concept of popular election for boards and commissions. She also objected to the idea of requiring Council approval of appointees, arguing that it is important that these boards be apolitical and objective and that if Council approval was required, membership of these boards could eventually reflect only the view of the Council majority. [It is refreshing to hear a city councillor stand up for representation of minority viewpoints.]

In this writer’s view, the nonrepresentativeness of citizen participation is a significant issue. For example, if a development is proposed somewhere in the city, residents who do not object to the development are far less likely to come to a public meeting on the matter than residents who are opposed. Attendance at public meetings is generally a terrible way to gauge public sentiment. In a city of 100,000 people, it is foolishness to think that a “town meeting” in which 50 people show up can have any meaning at all, especially when 40 of those people were brought to the meeting by the other 10. Perhaps a more familiar example for those that tune in to Channel One on Monday evenings is the public comment part of the City Council meetings. If one were to judge Cambridge based on the testimony presented at some of those meetings.....Well, let’s just say that our reputation would be spotty at best.

Regular business

The City Council voted unanimously to elect both City Auditor James Lindstrom and City Clerk D. Margaret Drury to additional three year terms (June 1, 1998 to May 31, 2001). Some have argued, including me, that the City Council would be well advised to make better use of the offices of both the City Clerk and the City Auditor and to ensure adequate funding of each office. The Plan E charter gives the Council the authority to appoint only three (actually four) officials - The Manager, the Auditor, and the Clerk (and Deputy Clerk).

There was discussion of the aborted attempt by CASCAP to renovate a building at Upland and Walnut for use as affordable housing, a project killed by the threat of litigation from a neighbor. This was an informative discussion of the narrow margins with which such housing providers as Just-A-Start and CASCAP must work and how easily their good intentions can be thwarted by the litigious actions of just a few people. Susan Schlesinger of CDD told the Council that there was essentially no chance of reviving the project. Councillor Toomey raised an interesting point when he suggested that the City might want to consider making use of the Fair Housing Act to counter the intimidation of abutters.

Councillors Reeves and Russell expressed their concern that “the growth management folks” need to hear more from others when it comes to the issue of what homeowners should or should not be permitted to do with their property, e.g. paving of portions of their yards for parking or other purposes. Councillor Toomey exercised his charter right to delay discussion of the Planning Board report on extending the Backyard Development Moratorium.

The Council voted to accept the License Commission decision to grant a jitney license to Minuteman Tours to operate a tourist trolley in Cambridge, to briefly park buses at Cardullo’s in Harvard Square and to use Memorial Drive in accordance with an agreement with the MDC. Councillors Triantafillou, Duehay, and Born asked to be recorded as voting NO on granting the license. Further legal challenges are expected.

8) Civic Tidbits

On June 20, the Cooper Sq. Playground at the corner of Hancock St. and Center St. was officially dedicated. If you would like an example of just how great a job your city government can do on a project, visit this playground. You’ll find yourself envying every little kid after you see this, especially when you see the fountains that will have all the children in Mid-Cambridge asking mom and dad to take them to the park. An even grander water feature will be completed at Danehy Park in about one month. Special thanks go to Rob Steck of CDD for the park design and the courage to go for a bold design. Further thanks go to Steve White of DPW, the many neighbors who helped make it happen, Paul Ryder of the Recreation Department, and many other fine folks at CDD.

I had the opportunity to be a panelist at the forum on charter reform at the June 4 Annual Meeting of the Cambridge Civic Association. Philip Dowds, Sandra Graham, and John Gintell did a great job as panelists. I thought I did pretty well also and had fun researching some of the history of municipal reform movements during the 19th century and the early part of this century. Charter reform doesn’t draw much of a crowd, but the discussion was worth it (I think) for those in attendance. A report on the forum will appear in an upcoming issue of the CCA newsletter.

If you haven’t seen what the MDC and Carol Johnson Associates have been up to along the banks of the Charles River upstream of Watertown Square, get on your bicycle and start pedaling upstream. New bicycle and pedestrian paths have been built and landscaped along a number of stretches of the river up almost to the Moody St. Dam in Waltham and will extend in this phase of construction all the way out to Route 128. There are new observation platforms at the Watertown Dam and at many locations along the way. This is very exciting stuff!

Calendar:

Mon, June 22

5:30pm Regular **City Council** meeting (Sullivan Chamber)

Tues, July 7

4:00pm **New Charles River Basin Citizen’s Advisory Committee**

meeting at One Ashburton Pl., 21st Floor, Boston. The New Charles River Basin is that part of the Charles River from the Museum of Science out toward the new dam and the harbor. Topics to be discussed include the Inlet, Old Lock, and Upstream Pedestrian Bridges.

7:30pm **Planning Board** hearing on the proposed extension on the Backyard Infill Moratorium (3rd floor, City Hall Annex)

Wed, July 15

5:00pm The **Ordinance Committee** will conduct a public hearing relative to a proposed amendment to Chapter 2.106 of the Cambridge Municipal Code entitled: Committee on Public Planting. (Sullivan Chamber)

5:30pm The **Ordinance Committee** will conduct a public hearing relative to the Cambridge Residents for Growth Management Interim Planning Overlay Proposal (IPOP). (Sullivan Chamber)

6:30pm The **Ordinance Committee** will conduct a public meeting relative to an extension of Section 3.14 of the Zoning Ordinance. (Sullivan Chamber)

Mon, July 27

5:30pm Special **City Council** meeting (Sullivan Chamber)

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