

## CITY MANAGER'S AGENDA

1. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the transfer of \$1,034,387 in the General Fund between School Department statutory accounts as follows: \$1,034,387 from the Salary and Wages account to the School Other Ordinary Maintenance account \$1,011,006 and to the School Travel and Training Account \$23,381 which are used for school improvement and professional development plans for all schools; school and department operating transfers to expedite purchases; expenses for special education student transportation, which are greater than anticipated; and to cover the cost of air quality testing and mold remediation at 4 schools.
2. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of the U.S Department of Housing and Urban Development (HUD) Cooperative Agreement grants received in the amount of \$28,334 to the Grant Fund Human Rights Commission Salary and Wages account (\$19,534) and to the Travel & Training Account (\$8,800), which will be used for case processing of dual-filed housing discrimination complaints, administrative costs and staff training.
3. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$175,000 from Free Cash to the Public Investment Fund Public Works Department Extraordinary Expenditures account to fund a Climate Change Resilience Analysis which will focus on zoning recommendations.
4. A communication transmitted from Louis A. DePasquale, City Manager, relative to a request for approval to seek authorization from the Massachusetts Office of the Inspector General (the "IG") for the City to use the Construction Manager at Risk ("CMaR") procurement and construction method (the CMaR Method") in connection with the Multi-Department Relocation Plan.

Agenda Item Number 4 Jan 28, 2019

ORDERED: That the City Council go on record authorizing the City Manager to seek approval from the Office of the Inspector General to use the "Construction Manager-at-Risk" procurement and construction method in connection with the Multi-Department Relocation Plan.

## UNFINISHED BUSINESS

1. A communication transmitted from Louis A. DePasquale, City Manager, relative to proposed amendments to the following ordinance: and proposed amendments to Chapter 14.04 of the Cambridge Municipal Code (the "Fair Housing Ordinance"). Fair Housing (passed to a 2nd Reading) [AWAITING HOME RULE LEGISLATION-BEFORE PROPOSAL CAN BE ORDAINED]
2. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 18-108, regarding a report on offering early voting in City

Council and School Committee Elections. [PENDING RESPONSE FROM LEGISLATURE]

3. Legal Opinion on Portland's Relocation Assistance Ordinance

## APPLICATIONS AND PETITIONS

1. An application was received from MIT Visual Arts Center requesting permission for fifteen temporary banners on Ames Street, Memorial Drive to Maine Street, announcing the Center's upcoming exhibitions Kapwani Kiwanga and Kathleen Ryan.
2. An application was received from Bank of America, requesting permission for an illuminating projecting sign at the premises numbered 92 Ames Street, approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutter.
3. An application was received from Citizens Bank, requesting permission for a 1 illuminated projecting sign and 7 awnings at the premises numbered 822 Somerville Avenue, approval has been received from Inspectional Services, Department of Public Works, Community Development Department and no abutter response.
4. A Zoning Petition Has been received from Melissa Grippo and Christian Grippo, et al, requesting the City Council to vote to amend Section 5.30.11 of the Zoning Ordinance by adding the following sentence at the end of that section: "Notwithstanding the foregoing, in the Industry B District, a hotel use (Section 4.31.2), shall be governed by the second number (4.0) for purposes of determining the Maximum Ratio of Floor Area to Lot Area."

## COMMUNICATIONS

1. A communication was received from Peter Valentine, regarding the history of the birth of Cambridge.
2. A communication was received from Robert J. La Tremouille, regarding further tree destruction on Grand Junction's former NECCO Spur, on MIT property.
3. A communication was received from Hasson Rashid, regarding violation of Constitutional First Amendment Rights ("Freedom of Religion").
4. A communication was received from Robert J. La Tremouille, regarding further tree destruction on Grand Junction's former NECCO Spur, on MIT property (SUPPLEMENTAL).
5. A communication was received from Mcnamara Buck, 18 Gold Star Road, regarding the Tree Ordinance.
6. A communication was received from John Pitkin, 18 Fayette Street, regarding letter on Appeal for Zoning Review of Inman Square Project.

## RESOLUTIONS

1. Resolution Wishing Jimmy Smith a Swift Recovery. Councillor Simmons

2. Resolution on the death of Joann Renita Dottin. Councillor Simmons
3. Resolution on the death of Muriel Turk. Councillor Simmons
4. Resolution on the death of Ronald R. Daniels. Councillor Simmons
5. Congratulations to Ann Fleck-Henderson on the publication of Transition House 1976-2017. Councillor Simmons
6. Congratulations to EHChocolatier on their Grand Opening at 145 Huron Avenue. Vice Mayor Devereux
7. Congratulations to Lisa Drapkin and True Home Partners on their successful launch party to formally announce they have joined the ranks of the Compass company. Councillor Simmons
8. Resolution on the death of Maria Cafua. Councillor Toomey
9. Resolution on the death of Margaret Travassos. Councillor Toomey
10. Resolution on the death of Peter Popovics. Councillor Toomey
11. Resolution on the death of Patrick Clavette Jr. Councillor Toomey
12. Resolution on the death of Leigh Litchfield. Mayor McGovern, Councillor Simmons
13. Congratulations to the Data 4 Black Lives team on their recent 2019 Conference. Councillor Siddiqui

#### **ORDERS**

1. That the City Manager is requested to review the City's communications and emergency response policies and protocols related to flooding resulting from infrastructure failures. Vice Mayor Devereux, Councillor Zondervan, Councillor Kelley
2. City Council support for I-90 Hybrid Plan with request for further review. Mayor McGovern, Vice Mayor Devereux, Councillor Zondervan
3. That the City Manager is requested to make the necessary provisions to televise and record the Ordinance Committee hearing on the cycling safety proposed amendment on Feb 27, 2019. Councillor Kelley
4. That the City Manager is requested to consult with the appropriate departments on the feasibility of eliminating the use of plastic water bottles at City and School events. Vice Mayor Devereux, Mayor McGovern, Councillor Zondervan, Councillor Mallon
5. City Council support of HD2395: An act to further provide a rental arrearage program. Councillor Mallon, Councillor Simmons, Mayor McGovern, Councillor Siddiqui
6. That the City Manager is requested to direct the appropriate City departments to conduct a formal and professional financial assessment of the additional value created for the

owner/petitioner by up-zonings for developments of more than 50,000 square feet. Councillor Carlone, Vice Mayor Devereux, Councillor Zondervan

7. That the tree protection ordinance amendment discussed at the Ordinance Committee hearing held on Wed, Jan 9, 2019 and referenced in Committee Report #3 of Jan 28, 2019 be further amended per additional language. Councillor Zondervan, Vice Mayor Devereux, Councillor Kelley
8. That the City Manager is requested to instruct the City Solicitor, in consultation with the Election Commission, to report back on the legality and constitutionality of the proposed "Cambridge Publicly Financed Municipal Election Program" and the "Cambridge Municipal Election People's Pledge." Councillor Toomey, Councillor Kelley

#### **COMMITTEE REPORTS**

1. A communication was received from Paula Crane, Deputy City Clerk, transmitting a report from Councillor Carlone Co-Chair and Councillor Quinton Zondervan, Co-Chair of the Neighborhood and Long Term Planning, Public Facilities, Arts and Celebration Committee, for a public hearing held on Nov 29, 2018 to discuss Urban Form Recommendations from the Community Development Department.
2. A communication was received from Paula M. Crane, Deputy City Clerk, transmitting a report from Councilor E. Denise Simmons, Co-Chair and Councilor Sumbul Siddiqui Co-Chair of the Housing Committee for a public hearing held on Nov 28, 2018 to discuss the proposed Affordable Housing Overlay District and on the first annual Inclusionary Zoning report.
3. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor Dennis J. Carlone and Councillor Craig A. Kelley, Co-Chairs of the Ordinance Committee, for a public hearing held on Jan 9, 2019 to discuss a proposed amendment to the Municipal Code in Chapter 8.66 entitled "Tree Protection" to amend section 8.66.40 entitled "Applicability" and by adding a new section 8.66.055 entitled "Procedure for other projects."

#### **COMMUNICATIONS AND REPORTS FROM OTHER CITY OFFICERS**

1. A communication was received from City Clerk Donna P. Lopez, transmitting a communication from Councillor Mallon, transmitting notes from the meeting of the Mayor's Arts Task Force from Jan 10, 2019.
2. A communication was received from City Clerk Donna P. Lopez, transmitting a memorandum from Councillor Kelley regarding Bed Bugs Overview.

#### **HEARING SCHEDULE**

**Mon, Jan 28**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Jan 29**

3:00pm The Civic Unity Committee shall meet to receive an update from the City on its efforts toward establishing Pay Equity, and to receive an update on the City's efforts around Diversity Training throughout the City's workforce. (Sullivan Chamber)

**Wed, Jan 30**

5:30pm The Ordinance Committee will conduct a public hearing discuss a petition filed by Joseph T. Maguire, Alexandria Real Estate Equities, Inc. to amend the Zoning Ordinance by creating the Grand Junction Pathway Overlay District adjacent to the Grand Junction Railroad right-of-way between Binney and Cambridge Streets. This hearing will be televised. (Sullivan Chamber)

**Mon, Feb 4**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Feb 5**

1:00pm The Ordinance Committee will conduct a public hearing to discuss a petition filed by the City Council to amend the Zoning Ordinance of the City of Cambridge in Article 5.000 as it relates to rainwater and flat roofs. This hearing will be televised. (Sullivan Chamber)

3:00pm The Ordinance Committee will conduct a public hearing to discuss a petition filed by the City Council to amend the Zoning Ordinances in section 4.22 to allow for a Special Permit for the alteration of a single, two-family or accessory structure in existence as of January 2019 to provide one accessory apartment if the appropriate conditions are met. This hearing will be televised. (Sullivan Chamber)

**Mon, Feb 11**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Feb 12**

5:30pm Roundtable/Working Meeting between the City Council and School Committee to conduct a preliminary discussion on the Cambridge Public School Departmental budget for FY20. This meeting will be televised. (Sullivan Chamber)

**Wed, Feb 13**

12:00pm Economic Development & University Relations Committee will conduct a public hearing to receive an update on the progress to date on the retail strategy plan and vacant storefront initiative. (Sullivan Chamber)

**Mon, Feb 25**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Feb 26**

10:00am Human Services and Veterans Committee will conduct a public hearing to discuss the lessons learned from the death of Laura Levis, and to discuss what measures are being enacted to instill a greater level of confidence in local Cambridge Health Alliance centers to prevent another occurrence of this nature. (Sullivan Chamber)

5:30pm Roundtable/ Working Meeting between the City Council and School Committee to discuss plans for the Tobin/VLUS school design and construction process. This meeting will be televised. (Sullivan Chamber)

**Wed, Feb 27**

5:30pm The Ordinance Committee will conduct a public hearing to discuss a proposed amendment to the Municipal Code in Title 12 entitled "Streets, Sidewalks and Public Places" by adding a new

chapter 12.22 entitled "Cycling Safety Ordinance". (Sullivan Chamber)

**Mon, Mar 4**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Mar 5**

6:00pm Housing Committee (Sullivan Chamber)

**Wed, Mar 6**

1:00pm The Transportation and Public Utilities Committee will conduct a public hearing to discuss how Transit Benefits Ordinance are used in other cities to further sustainable transportation goals, and whether Cambridge could benefit from implementing a Transit Benefit Ordinance. (Sullivan Chamber)

**Mon, Mar 11**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Mar 18**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Mar 25**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Apr 1**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Apr 8**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Apr 22**

5:30pm City Council Meeting - Budget Submission (Sullivan Chamber)

**Mon, Apr 29**

5:30pm City Council Meeting (Sullivan Chamber)

**Wed, May 1**

9:00am Finance Committee hearing to discuss proposed FY20 City Budget (Sullivan Chamber)

**Mon, May 6**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, May 7**

9:00am Finance Committee hearing to discuss proposed FY20 City Budget (Sullivan Chamber)

**Wed, May 8**

6:00pm Finance Committee hearing to discuss FY20 School Department Budget (Sullivan Chamber)

**Thurs, May 9**

9:00am Finance Committee hearing to discuss proposed FY20 City Budget (if necessary) (Sullivan Chamber)

**Mon, May 13**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, May 20**

5:30pm City Council Meeting - Budget Adoption (Sullivan Chamber)

**Mon, June 3**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, June 10**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, June 17**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, June 24**

5:30pm City Council Meeting (Sullivan Chamber)

**TEXT OF ORDERS**

O-1 Jan 28, 2019

VICE MAYOR DEVEREUX  
COUNCILLOR ZONDERVAN  
COUNCILLOR KELLEY

WHEREAS: The City is developing a Climate Change Preparedness and Resiliency Plan, which includes emergency response protocols for flooding as a result of more severe weather events, with increased precipitation, sea level rise and storm surge as some of the anticipated effects of climate change; and

WHEREAS: Flooding that results from non-natural causes, such as a water main break or other public infrastructure failure, can cause significant damage to private property that exacts both a financial and emotional toll on the affected residents and business owners; now therefore be it

ORDERED: That the City Manager be and hereby is requested to review the City's communications and emergency response policies and protocols related to flooding resulting from infrastructure failures and to report back to the City Council.

O-2 Jan 28, 2019

MAYOR MCGOVERN  
VICE MAYOR DEVEREUX  
COUNCILLOR ZONDERVAN

WHEREAS: The Secretary of Transportation Stephanie Pollack has chosen the hybrid independent review team scheme for the redesign of the throat section of the I-90/multimodal project, an alternative favored by Cambridge; and

WHEREAS: There are outstanding issues regarding the impacts of this alternative that need to be urgently addressed, particularly regarding: 1) noise and its mitigation; and 2) visual impacts of this design alternative on Cambridge; and

WHEREAS: Issues regarding access and egress to Cambridge in the area of River Street, Western Avenue, and Soldiers Field Road, an area referred to as the box and including a right turn off of Soldiers Field Road to the River Street bridge toward Cambridge, also remain to be fully addressed; now therefore be it

ORDERED: That the City Council go on record thanking Secretary Pollack for her decision, and makes the following requests:

- A. That the Secretary acquire sufficient noise consultation to include in the project the best possible mitigation of noise impacts on Cambridge, including Magazine Beach and nearby residential areas, the Charles River, and the Paul Dudley White pathway so that noise levels are reduced from their current excessive levels; and
- B. That the Secretary develop for the final environmental impact report a careful design with attention to minimizing visual impact of the New Soldiers Field Road elevated structure and associated roadways as viewed from Cambridge, the Charles River, and the PDW pathway, integrating creative and sustainable landscape design of the resulting river-edge parklands; and
- C. That the Secretary initiate as soon as possible a study and plan for improvement to the so-called box area, which has implications for reasonable travel times and mitigation of congestion on Cambridge neighborhood streets such as Putnam Avenue, River Street, and Western Avenue; and
- D. That the Secretary direct that the I-90 project include measures to improve the pathways on the Cambridge side of the Charles River to accommodate the increased use of those pathways during construction; and

E. That the Secretary direct staff to develop all of the above features of the project with integral collaboration with the City of Cambridge during analysis for and preparation of the final environmental impact report; and be it further

ORDERED: That the City Council reaffirm its earlier resolution urging the retention of a right-hand turn off Soldiers Field Road to River Street toward Cambridge to assure equitable access for Cambridge residents from downtown destinations; and be it further

ORDERED: That the City Council fully supports transit moving forward, including the Grand Junction, Malvern bus connection and model future commuter rail with 15-minute headways, consistent with Rail vision Task Force, to provide a realistic picture of what supportive transit can be; and be if further

ORDERED: That the City Clerk prepare a suitably engrossed copy of this resolution and transmit it with thanks for assistance to date and cooperation in this very important project to the Secretary of Transportation Stephanie Pollack and to the Cambridge legislative delegation on behalf of the entire City Council.

O-3 Jan 28, 2019

COUNCILLOR KELLEY

ORDERED: That the City Manager be and hereby is requested to consult with the appropriate City departments to make the necessary provisions to televise and record the Ordinance Committee hearing on the cycling safety proposed Municipal Code amendment scheduled for 5:30pm on Wed, Feb 27, 2019, with no set ending time.

O-4 Jan 28, 2019

VICE MAYOR DEVEREUX  
MAYOR MCGOVERN  
COUNCILLOR ZONDERVAN  
COUNCILLOR MALLON

WHEREAS: Encouraging decreased dependence on single-use plastics, including "convenience water" individual sized plastic bottles, will help the City achieve its Zero Waste goals; and

WHEREAS: City and School events often only offer water in individual-sized plastic bottles as a beverage option; and

WHEREAS: When a nearby water fountain is not available, refilling reusable water bottles is not a possibility for attendees; and

WHEREAS: A water keg could be made available that allows attendees to fill their own reusable bottles, and, if necessary, convenience water for those not carrying reusable bottles could be offered in non-plastic single-use coated paper containers (similar to milk cartons), instead of plastic bottles; now therefore be it

ORDERED: That the City Manager be and hereby is requested to consult with the appropriate departments on the feasibility of eliminating the use of plastic water bottles at City and School events, and instead offering a keg of water and non-plastic convenience water, as necessary; and be it further

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

O-5 Jan 28, 2019

COUNCILLOR MALLON  
COUNCILLOR SIMMONS  
MAYOR MCGOVERN  
COUNCILLOR SIDDIQUI

WHEREAS: There are 299,505 extremely low income (ELI) renter households in Massachusetts that earn 30% or below of the Area Median Income (AMI), or \$28,923 annually; and



WHEREAS: In Cambridge, the AMI is even higher at \$107,897, and to afford a two-bedroom apartment at the market rate of \$2,829/month, a family must make \$101,844 annually; and

WHEREAS: ELI renters making only 30% of the AMI in Cambridge face an average gap of \$2,020/month in paying market rate rent with no assistance, and [according to a 2015 report](#) by the Cambridge Community Foundation, just 4% of Cambridge housing that is two bedrooms or more is affordable to families making \$75,000/year or under; and

WHEREAS: 60% of ELI renters are “severely cost burdened”, meaning that they spend more than 50% of their monthly incomes on rent, and are 50% more likely to face eviction due to nonpayment of rent; and

WHEREAS: For lowest income households, evictions are more likely to directly lead to homelessness; and

WHEREAS: On any given night, 20,068 people in Massachusetts experience homelessness, [and it was recently reported](#) that the number of homeless individuals in the State has risen 14% in the past year; and

WHEREAS: Housing stability is not only a goal of the City Council, but “affordable housing and housing stability” was cited as the top-tier need in the [City of Cambridge Community Needs Assessment in 2017](#), and is also the most effective way of preventing homelessness among ELI families; and

WHEREAS: The Massachusetts Department of Transitional Assistance (DTA) operated a successful rent arrearage program until 2003 that provided low income families with cash assistance to pay back rent, helping 96% of those who received assistance remain in their homes; now therefore be it

RESOLVED: That the City Council go on record in support of HD 2395: An act to further provide a rental arrearage program, sponsored by State Representative Marjorie Decker; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Cambridge legislative delegation on behalf of the entire City Council.

O-6 Jan 28, 2019

COUNCILLOR CARLONE  
VICE MAYOR DEVEREUX  
COUNCILLOR ZONDERVAN

WHEREAS: New up-zoning policies are being discussed and proposed in Cambridge neighborhoods; and

WHEREAS: Up-zoning is a change in underlying zoning that creates significantly higher value for the property owner through changes of use such as: from industrial to commercial, through increased density and by increasing allowable Floor Area Ratio and/or height; and

WHEREAS: The increased value per additional square foot of commercial development in Cambridge is estimated to range from \$100 to \$200+/-per buildable square foot, depending on the site’s location; and

WHEREAS: Regulatory up-zoning of properties produces significant additional development impacts, including but not limited to: local traffic generation, street parking, shading, noise, increased demand for public transportation systems, increased water & sewer demand, increased school enrollment, increased public safety demand, open space needs and other public services and mitigations and altered general quality of life for residents; and

WHEREAS: The City has limited infrastructure capacity and a fiduciary duty to use that capacity to best serve the citizens of Cambridge and preserve and promote a good quality of life; and

WHEREAS: Any additional grant of development rights must be considered a grant of finite public realm assets; now therefore be it

ORDERED: That the City Manager be and hereby is requested to direct the appropriate City departments to conduct a formal and professional financial assessment of the additional value created for the owner/petitioner by up-zonings for developments of more than 50,000 square feet, along with recommendation of proportional contributions from said property owner/petitioner towards development impact mitigation, infrastructure improvements, community public benefits, and/or fulfilling City Council goals/projects.

O-7 Jan 28, 2019

COUNCILLOR ZONDERVAN  
VICE MAYOR DEVEREUX  
COUNCILLOR KELLEY

WHEREAS: There is an urgent need to stop tree canopy loss in Cambridge while the City Council awaits recommendations from the Urban Forest Master Plan Task Force and then deliberates on implementation; and

WHEREAS: Public Comment at the Jan 9, 2019 Ordinance Committee meeting overwhelmingly called for a stronger amendment to the Tree Protection Ordinance that would protect trees beyond merely requiring a permit; and

WHEREAS: Temporarily withholding tree removal permits as proposed herein would not interfere with any subsidized affordable housing projects, nor any large projects requiring a special permit; now therefore be it

ORDERED: That the tree protection ordinance amendment discussed at the Ordinance Committee hearing held on Wed, Jan 9, 2019 and referenced in Committee Report #3 of Jan 28, 2019 be further amended per the attached language.

**Proposed amendment to §8.66.040**

AMEND SECTION:

8.66.040 - Applicability

This Chapter shall apply to all trees located on lots specified in the following section §8.66.050 and 8.66.055. This Chapter shall not apply to any project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and moderate-income households.

ADD SECTION:

8.66.055 - Procedure for Other *Significant Tree Removals*

*a. For any significant tree removal not subject to 8.66.050, except for emergency circumstances, a permit request will first be submitted to the City Arborist. In all cases, the City Arborist shall keep a record of the type and size of tree removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractor(s) involved, and the name and address of the property owner. No such permits will be issued for one year subsequent to ordination, except for dead, diseased, or dangerous trees. Any tree removed in violation of this section shall require a payment into the tree replacement fund as per section 8.66.060.*

KEY

*Italicized: Amended language in CRT #3*

Underlined: New proposed amendment

Chapter 8.66 - TREE PROTECTION

**Sections:**

8.66.010 - Short Title

This Chapter may be cited as the Tree Protection Ordinance of the City of Cambridge.  
(1277, Added, 08/02/2004)

8.66.020 - Statement of Purpose

The City Council hereby finds that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment and aesthetics of the City of Cambridge and its citizens.

The urban forest serves a wide variety of functions, which promote the health, safety and welfare of residents. These functions include:

- (a) conserving energy, by providing shade and evaporative cooling through transpiration;
  - (b) improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
  - (c) reducing wind speed and directing air flow;
  - (d) reducing noise pollution;
  - (e) providing habitat for birds, small mammals, and other wildlife;
  - (f) reducing storm runoff and the potential for soil erosion;
  - (g) increasing real property values; and
  - (h) enhancing visual and aesthetic qualities that attract visitors and businesses.
- (1277, Added, 08/02/2004)

8.66.030 - Definitions

**Building.** A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

**Certified arborist.** An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.

**City Arborist.** The City Arborist appointed by the City Manager, or any other Certified Arborist designated by the Commissioner of Public Works and approved by the City Manager to exercise any of the authority granted to the City Arborist pursuant to this Chapter.

**DBH (Diameter at Breast Height).** The diameter of a tree trunk measured in inches at a height of four (4) feet above the ground.

**Lot.** A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.

**Mitigation Plan.** A document to be included within any Tree Study submitted for a project where any Significant Trees are proposed to be removed from a lot, stating (i) why any Significant Trees are proposed to be removed from a lot, (ii) a description of the Replacement Trees proposed to replace the Significant Trees to be removed or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, (iii) an

estimate from a local nursery for the cost of purchasing, planting, watering and maintaining said Replacement Trees for a period of not less than five years or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, and (iv) certification from a Certified Arborist that the proposed Replacement Trees and cost estimates for purchasing, planting, watering and maintaining said Trees are appropriate and reasonable.

**Owner.** For purposes of this Chapter, an owner shall be defined as set forth in the Zoning Ordinance, Title 17 of the Cambridge Municipal Code.

**Replacement Trees.** A tree or trees to be planted on a lot to replace any Significant Trees to be removed from the lot, or whose equivalent value is proposed to be paid to the City to be deposited into the Tree Replacement Fund instead of planting Replacement Trees on the lot. The total DBH of Replacement Trees, or equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the lot.

**Significant Trees.** Any tree or trees larger than 8" DBH which is on a lot or which has been removed from the lot within one year prior to the submission of a Tree Study to the City Arborist.

**Tree Protection Plan.** This plan may be either a separate drawing or part of a landscape plan, and shall include the following information:

- a) Drawings of tree protection measures and (i) their location on the lot, including Tree Save Areas, and the location, height and DBH of Significant Trees and an indication of which Significant Trees would remain on the site, or (ii) in the event that any Significant Trees are proposed to be removed, the location of those Significant Trees, and the location, height and DBH of Replacement Trees which are proposed to be planted on the lot if feasible, or (iii) in the event that Replacement Trees are not proposed to be planted on the lot, the total sum, as identified in the Mitigation Plan, to be paid to the City to be deposited into the Tree Replacement Fund, shall be required to be submitted together with the Tree Protection Plan;
- b) A schedule for planting the proposed Replacement Trees and a representation that such trees will be inspected and, if necessary, treated by a Certified Arborist once a year for five years; and
- c) Such other information as is required by the City Arborist pursuant to applicable regulations.

**Tree Save Area.** The area surrounding a tree which must remain undisturbed so as to prevent damage to the tree.

**Tree Study.** The information submitted to the City Arborist, which shall include a Tree Survey, a Tree Protection Plan, and, if applicable, a Mitigation Plan.

**Tree Survey.** A plan showing the location, type, height and DBH of all trees on a lot.  
(1277, Added, 08/02/2004)

8.66.040 - Applicability

This Chapter shall apply to all trees located on lots specified in the following section §8.66.050 and §8.66.055. This Chapter shall not apply to any project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and

moderate-income households.  
(1277, Added, 08/02/2004)

#### 8.66.050 - Procedure for Large Projects

- a. In any project which requires a special permit under §§ 4.26.1 - 4.26.3, §19.20, §11.12.1, §11.12.2, or §11.12.3 of the Zoning Ordinance, the application for the special permit shall include a Tree Study, which shall first have been submitted to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a special permit. The Tree Study shall be reviewed by the City Arborist, who shall certify that he has reviewed it, indicating whether it is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The City Arborist shall refer the Tree Study with his certification and recommendations to the Planning Board, to assist the Planning Board in establishing any conditions that may be required as a result of the findings of the Tree Study in connection with the issuance of a special permit.
- b. Regarding any project which includes a building of 25,000 square feet or more and which is subject to the provisions of § 19.50 of the Zoning Ordinance, the materials submitted to the Inspectional Services Department with the application for a building permit shall include a Tree Study, together with a certification from the City Arborist that the applicant has submitted the Tree Study for review to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a building permit, and that the Tree Study is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The owner of the lot shall be required to commit to comply with all provisions of the Tree Study and the applicable provisions of this Chapter and regulations promulgated hereunder in the application for a building permit.

#### 8.66.055 - Procedure for Other Significant Tree Removals

- a. *For any significant tree removal not subject to 8.66.050*, except for emergency circumstances, a permit request will first be submitted to the City Arborist. In all cases, the City Arborist shall keep a record of the type and size of tree removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractor(s) involved, and the name and address of the property owner. No such permits will be issued for one year subsequent to ordination, except for dead, diseased, or dangerous trees. Any tree removed in violation of this section shall require a payment into the tree replacement fund as per section 8.66.060.  
(1277, Added, 08/02/2004)

#### 8.66.060 - Tree Replacement

If Significant Trees are to be removed from a lot in connection with the development of a project subject to the provisions of this Chapter, upon approval of any project subject to the provisions of §8.66.050(a) of this Chapter by grant of a special permit from the Planning Board, or submission to the Inspectional Services Department of certification from the City Arborist under the provisions of §8.66.050(b) of this Chapter, the owner of the lot shall either plan Replacement Trees on the same lot in accordance with the schedule set forth in the Tree Study, or he shall pay the estimated cost of Replacement Trees and associated costs for the maintenance of said trees pursuant

to the Mitigation Plan, if applicable, to the City to be deposited into the Tree Replacement Fund. In addition, the owner of the lot shall, prior to the issuance of a building permit, post and file a bond with the City Clerk in the amount of the total costs set forth in the Mitigation Plan, but in no event less than five thousand dollars (\$5,000.00), with one or more sureties conditioned to the faithful observance of the conditions and specifications of the Tree Protection Plan and, if applicable, the Mitigation Plan.

(1277, Added, 08/02/2004)

#### 8.66.070 - Tree Replacement Fund

There is hereby established a Tree Replacement Fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the General Laws. Any payments into the Tree Replacement Fund required by §8.66.060 shall be deposited in said Fund, and shall be used solely for the purpose of buying, planting and maintaining trees in the City.

(1277, Added, 08/02/2004)

#### 8.66.080 - Regulations

The Commissioner of Public Works shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

(1277, Added, 08/02/2004)

#### 8.66.090 - Enforcement

- (a) Notice of Violations. Any person who violates any of the provisions of this Chapter shall be notified by the City Arborist of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Stop Work Order
- (1) Upon notice from the City Arborist that work on any lot on which a Significant Tree is located is being performed contrary to any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, such work shall be immediately stopped by the Commissioner of Inspectional Services or his designee. The stop work order shall be in writing, and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.
- (2) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (c) Injunctive Relief. Whenever there exists reasonable cause to believe that a person is violating any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, the City may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (d) Failure to Replace Trees or Make Payment. Each failure to replace a Significant Tree or make a payment into the Tree Replacement Fund or to post and maintain a bond in accordance

with §8.66.060 shall constitute a separate violation of this Chapter for which there shall be a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.

- (e) Alternative Penalty. As an alternative to any fine stated in this §8.66.090, citations may be issued pursuant to G.L. c. 40, §21D, assessing a fine of \$300.00 for each day the violation is committed or permitted to continue. The Commissioner of Public Works or his designee, the City Arborist, employees of the Department of Public Works and Police Officers shall be the authorized enforcement personnel.  
(1277, Added, 08/02/2004)

#### 8.66.100 - Severability

The provisions of this Chapter are severable. If any section, provision or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid.  
(1277, Added, 08/02/2004)

#### 8.66.110 - Effective Date

This ordinance shall take effect only upon ordination of the companion zoning amendment and any other zoning amendments necessary to effectuate the provisions of this Tree Ordinance.  
(1277, Added, 08/02/2004)

O-8 Jan 28, 2019

COUNCILLOR TOOMEY

COUNCILLOR KELLEY

WHEREAS: [On Apr 30, 2018](#) the City Council voted to explore the possibility of creating the “Cambridge Publicly Financed Municipal Election Program” and the “Cambridge Municipal Election People’s Pledge” and it was referred to the Government Operations/Rules and Claims committee; and

WHEREAS: On Nov 14, 2018 during the Government Claims and Operations Committee meeting about the proposals, the following motion was passed:

- That the City Manager be and hereby is requested to instruct the City Solicitor, in consultation with the Election Commission, to report back on the legality and constitutionality of the attached proposal submitted in the [Apr 30, 2018, Policy Order](#); said proposal amended to read such candidates would agree not to accept donations from persons residing outside the Commonwealth of Massachusetts or outside of Cambridge, Massachusetts which was adopted by the City Council on Dec 3, 2018 as Policy Order # 15; and

WHEREAS: To date, the City Council has not received the report back from the City Solicitor and the Election Commission; now therefore be it

ORDERED: That the City Manager be and hereby is requested to instruct the City Solicitor, in consultation with the Election Commission, to provide this report no later than the Feb 4, 2019 City Council meeting.