



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager *Richard C. Rossi, Deputy City Manager*

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August 1, 2011

To the Honorable, the City Council:

In response to Awaiting Report Item Numbers 10-173, 10-176, 10-180, 10-181 and 10-183, I report the following:

Council Requests

Several recent Council Orders have raised questions about the process or mechanism for the City to receive revenues negotiated during requests to change zoning for density increases. Several departments including Law, Assessing, DPW and CDD worked with the Manager's Office to draft a comprehensive response to the following Council Orders regarding a formula and a mechanism for obtaining community benefits:

CO #12, dated 11/1/10, Report on affordable housing as part of mitigation in zoning mitigation discussions

CO #3, dated 11/22/10, Report on the feasibility of creating a "bonding program" for the purpose of ensuring that a process exists to enable the completion of work on projects where a developer fails to comply with an agreed-upon community mitigation agreement.

CO #3, dated 11/22/10 and 12/14/10, Report on feasibility of developing a formula/mechanism for receiving revenues negotiated during zoning changes and the possibility that such revenues generated by a formula for distribution to community-based non-profits.

CO #13, dated 11/22/10 and 12/14/10, Report on the current formula that the City uses to calculate linkage payments for large scale projects.

CO #1 dated, 12/13/10 and 1/19/11, Report on state of the law relating to community benefits as mitigation in zoning amendments

This memorandum reports on recent mitigation activities and proposes a new process that, on balance, allows the city to capture meaningful community benefits without overburdening developers.

Background

Recent requests have resulted in a range of what developers have provided as mitigation. For example, the Council negotiated mitigation with Boston Properties for the expansion of the Broad Institute site last summer. Neighbors and City Councilors negotiated with Alexandria during the Binney Street project.

In addition to immediate neighborhood impacts, there are citywide needs and benefits that could be considered in the development of appropriate mitigation. Some possible considerations include infrastructure projects for roadways, schools and other municipal buildings; energy reduction and sustainability programs; augmentation of human services, affordable housing and library programs; tree planting, parks, open space and beautification programs.

Legal Considerations

The Law Department was asked about the legal basis for negotiated mitigation for zoning requests. Usually mitigation negotiations occur when developers seek special permit approval for a site specific project. Negotiated community benefits during rezoning requests occur less frequently. The case of *Durand v. IDC Bellingham, LLC*, 440 Mass. 45 (2003) is instructive. Based on this case, the Law Department advised that the City could proceed with developing a process for mitigation regarding the receipt of revenues arising from the zoning amendment process so long as procedural requirements were met and so long as there was no quid pro quo. (See attached memo dated April 14, 2011 from the Law Department)

Existing Site Mitigation

In addition to zoning mitigation, developers are often responsible for site specific mitigation during the special permit process. **These site specific mitigation measures should be maintained and are not included in the mitigation process recommended below.**

1. Site mitigation

When a developer seeks a Planning Board special permit, there are often site-specific impacts that need to be mitigated such as new water lines, storm water mitigation, sewer separation, street and sidewalk repairs, traffic signals and traffic calming, tree planting and open space. CDD staff coordinate with Traffic Parking and Transportation, Public Works and Water Departments to be sure that the site-specific mitigation is appropriate. These measures can add to the cost of a project, but reflect the additional impact that the new development has on city services and infrastructure.

2. Incentive Zoning

In addition to site mitigation, developers of certain types on non-residential developments are required to make an Incentive Zoning contribution to offset the impact of their development on the housing market.

Prior to enacting the Incentive Zoning Ordinance in 1988, the City conducted a nexus study to demonstrate the impact of commercial development in Cambridge on the city's housing market. The study quantified the increase in housing demand generated by new commercial development and the impact on housing prices associated with the increased demand, to establish the nexus between increased housing prices and new commercial development.

The Incentive Zoning contribution rate, originally set at \$2/square foot, can be updated annually by the Cambridge Affordable Housing Trust based on changes in the CPI index, and can be fully reassessed by the City Council every three years based on "a consideration of current economic trends" such as changes in housing prices, commercial rents, and vacancy rates. Since 1988, the Incentive rate has been increased several times, most recently to \$4.38/square foot in 2008 by the Cambridge Affordable Housing Trust.

An updated nexus study was conducted in 2002 to assess economic trends and changes in the impact of commercial development on the housing market. The study recommended increasing the Incentive Zoning rate to \$7.83/square foot. However, the rate was not increased at that time. Given recent trends in development, it would be reasonable to repeat the nexus study to determine whether the Incentive Zoning contribution rate should be adjusted.

Zoning Mitigation Analysis and Funding Process

Given the desire to mitigate rezoning requests for increased density with impacts both in the vicinity of the rezoning area and citywide, this report suggests a mechanism and a process for balancing the rezoning requests with the impacts on affected neighborhoods, the city as a whole and the needs of developers and companies to grow the Cambridge economy.

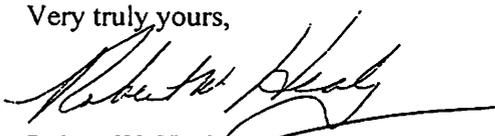
Based on an analysis of recent negotiated community benefits resulting from rezoning requests, a mitigation fee of up to \$10 per square foot for each square foot of increased floor area above what zoning allows is recommended. The per-square-foot amount may be adjusted at the time of the tri-ennial assessed valuation certification process by the Massachusetts Department of Revenue. This mitigation fee amount could be reduced for square footage devoted to publicly accessible open space and buildings and construction of affordable housing after analysis by City staff. Mitigation payments would be deposited into a city community benefit fund. Funds shall be distributed in the following manner:

- Fifty percent shall be used as neighborhood mitigation for impacts on the neighborhoods surrounding the rezoning area, exclusive of site-specific mitigation.
- Fifty percent shall be used for mitigation for impacts on the City's infrastructure and programs, exclusive of site-specific mitigation.

A Community Benefits Committee, appointed by the City Manager, would be responsible for making recommendation to the City Manager which programs, services and projects would be funded with mitigation funds. The Committee would chaired by the Deputy City Manager and include the Commissioner of Public Works, Assistant City Manager for Community Development, Assistant City Manager for Human Services or their designees, and three Cambridge residents. Terms for non-staff committee members would be for 3 years. The Committee would operate in a manner similar to the Community Preservation Act (CPA) Committee, holding a public hearing at least annually to determine which deserving city programs, services and projects might be funded with mitigation funds. By having a Community Benefits Committee make recommendation on the allocation of funds, the process would treat developers equally. It would allow developers to anticipate costs associated with rezoning. Finally, the mechanism and process would be transparent, allowing all parties to understand what is expected and how funds will be collected and distributed.

Attached for your review is a recommended Schedule of Payments.

Very truly yours,



Robert W. Healy
City Manager

RWH/mec
Attachment

Schedule of Payments

The full amount of community benefit mitigation may be paid within 60 days of a zoning amendment that increases density of development over the existing zoning by more than 50,000 SF or may be paid according to the following schedule of payments:

The first community benefit mitigation payment that equals 10% of the total amount shall be made within 60 days of the adoption of a zoning amendment that increases density of development over the existing zoning by more than 50,000 SF.

A second payment that equals 10% of the total amount shall be paid within 60 days of the receipt of an appealed special permit that is not appealed.

The third payment that equals 25% of the total amount shall be paid at the time of receipt of a building permit.

If there is a request for a temporary Certificate of Occupancy a fourth payment that equals 35% of the total amount shall be paid at the time of receipt of such a request.

The final payment that equals 20% of the total amount shall be paid at the time of final Certificate of Occupancy if a payment has been made at the time of a temporary Certificate of Occupancy; otherwise, the payment shall be 55% of the total.

Dedication Criteria Suggestions:

Current System:

A Councillor submits an order, to goes to the Council and is voted on and approved. It then goes to the Executive Assistant to the City Council for placement

Proposed Outline of Future System (only for street sign dedications)

1. An order is brought to the Council
2. The Council votes to refer the order to Government Operations Committee
3. A new subcommittee of the Government Operations Committee is created to deal solely with dedications. The committee shall consist of:
 - a. Chair/co-chairs of the GOC
 - b. City Clerk
 - c. Executive Assistant to the City Council
 - d. Representative of the City appointed by the City Manager
 - e. ???
4. Sub-committee on Dedication only meets 2 times per calendar year:
 - a. End of February for spring dedications to take place in May and June
 - b. End of August for Fall Dedications to take place in September and October
5. At the bi-annual meetings of the Sub-committee on dedication, all applications referred to the subcommittee from the full council shall be reviewed to see if they meet the dedication criteria set forth by the City Council.
 - a. Up to, but not to exceed, 5 dedications can be recommended for approval to the city council from each bi-annual meeting of the dedication sub-committee
 - b. No sponsor of a dedication request may be awarded more than 2 dedication per calendar year
 - c. Orders submitted for dedication may contain a desired vicinity for such dedication however, the ultimate placement of the dedication shall be determined by the Department of Public Works and the Executive Assistant to the City Council after reviewing safety related information related to the desired location (Dig Safe data, ADA requirements, etc.)
6. The subcommittee after reviewing all applications shall make recommendations for approval to the full council that are consistent with the dedication guidelines
7. Full city council votes to approve or reject the recommendation of the Dedication Subcommittee

Questions that need to be addressed:

- How to deal with the rare instant that something other than a street dedication is being requested? How much or how little needs or should be spelled out? **Should this be separate criteria? Should the first report from the GO Committee address only sign dedications?**

- Are the dedication criteria below acceptable? Do more need to be added?

- ❖ **Military Service**

- Killed in Action (KIA) (Gold Star) [this information usually comes from veterans office]or
- Honorably discharged veteran of the armed services of the United States who served during wartime.
- Sign would include the word Veteran, the War(s) he/she served in, and any significant military decoration
- Final discharge status to be checked and confirmed by Veteran Services Dept.

- ❖ **Significant contribution to Cambridge community as determined by Public Memorials Committee (Government Operations Committee).**

- A person who has been active in civic affairs in Cambridge, whose life/contributions have significance to Cambridge history and are documented by city records, historical documents or newspapers.
- Valuable and substantial contribution to the City in an official, civic, or social capacity, which sets them apart from normal civic participation in the affairs of the City. [Examples: Service in public office, either in an elected or appointed capacity]
- Service as a leader of an active organization of the community, which contributes to the social well-being and fabric of their neighborhood or the City as a whole.
- Distinguished careers by present or former residents who have achieved state or national fame.
- Significant contributions that improved the quality of life, the general health or major development of Cambridge, the Commonwealth or the nation.

- ❖ **Performed a heroic or distinguished act completely without regard for personal safety and welfare for the common good.**

- ❖ **Worked in public service in Cambridge**

- Meritorious and distinguished service as an employee of the City. **Should there be a minimum level of years of service?**
- Distinguished public service to Cambridge, the Commonwealth or the nation.

- ❖ **Historical Significance**

- Associated with important historical events, movements or patterns in American history, and significantly linked with Cambridge through birth, residence or participation in local affairs.
- What type of information, if any, should be collected for any approved dedication for future historical purposes- biographical information or what if the story behind this dedication?
- What happens to the orders that are referred to the sub-committee that are not recommended (not dealt with)? Do they roll over to the next bi-annual meeting or do they need to be resubmitted? If they roll over, how long can they stay active?

City Council Application for Street Dedications

Sponsoring Councillor: New Resubmission

Petitioner's Name:

Address:

State:

Zip:

Phone:

Email:

Dedication Requested for:

Deceased?

Requested Dedication Location*:

Please provided a brief biography of the person (s) that this dedication is for and the reason for dedication:

*this is solely for the purpose of identifying a desired geographic location for the dedication. The ultimate placement of dedication sign may be different

Please select the specific criterion that applies to this dedication:

Military service:

- Killed in Action (KIA) (Gold Star) or
- Honorably discharged veteran of the armed services of the United States who served during wartime.

Significant contribution to the community:

- Was active in civic affairs in Cambridge, their life/contributions have significance to Cambridge history and are documented by city records, historical documents or newspapers
- Made valuable and substantial contribution to the City in an official, civic, or social capacity, which sets them apart from normal civic participation in the affairs of the City
- Served as a leader of an active organization of the community, which contributed to the social well-being and fabric of their neighborhood or the City as a whole.
- A distinguished career (by present or former residents) having achieved state or national fame.
- Made significant contributions that improved the quality of life, the general health or major development of Cambridge, the Commonwealth or the nation.

Performed a heroic or distinguished act completely without regard for personal safety and welfare for the common good:

- Specify: _____

Public service:

- Performed meritorious and distinguished service as an employee of the City. Should there be a minimum level of years of service?
- Performed distinguished public service to Cambridge, the Commonwealth or the nation.

Historical Significance:

- Has been associated with important historical events, movements or patterns in American history, and significantly linked with Cambridge through birth, residence or participation in local affairs.

For Government Operations Use:

Order Number: _____	Date referred to GOPs: _____	Application complete: Y <input type="checkbox"/> N <input type="checkbox"/>
Hearing Date: February _____	August _____	
Report to council for approval:	Date: _____	
Hold application to next GOPs	Date: _____	
Not recommended for approval	Date: _____	

Councillor Toomey stated that the co-chairs and committee members will forward to Mr. Rossi questions that they believe need answers in order to move forward.

Mayor Maher questioned that if it does come down to a grant process, he would not want those to come before the City Council. He would not like to be lobbied by individual organizations.

At 7:15 Councillor Toomey closed the topic of mitigation and moved to discussion the topic of criteria for street dedications.

Councillor Seidel then began the discussion of the process and criteria for street dedications. He called the attention of those present to two documents submitted by the Mayor, based on earlier work by the city administrative staff and Government Operations and Rules Committee, one entitled “Dedication Criteria Suggestion” (**Attachment B-I**) and the other called “City Council Application for Street Dedications” (**Attachment B-II**). He opened up the meeting to thoughts and comments from committee members.

Mayor Maher spoke regarding the criteria for dedications. He stated that the criteria make sense. He believes that the moratorium should be ended but with restrictions to ensure that the dedication of street corners is not overused. He feels that by limiting the number of dedications, the Council will return the street corner dedication to what it should be – an important recognition of one who has given to the City in some way.

Councillor Seidel then confirmed that the number of dedications set forth in the criteria is a total of five each six months, or ten per year.

Vice Mayor Davis questioned the number of dedications suggested in the criteria. In response to her question, Mrs. Albano said that in the past few years the number has been about 50 per year. Vice Mayor Davis said that her concerns are that the “in the line of duty” and “KIA” that are automatically processed could use up the entire quota of dedications for the year. Mayor Maher said that those dedications fall into a different category administered by the Veterans’ Services Department.

Mrs. Albano said that from her experience, she believes it would be best to provide explicitly that each City Council is entitled to one dedication per year. Not all councillors would use one a year, but she believes they should know that that is available to them unless they take an affirmative step to declare that they will not be proposing a dedication in a particular year.

Councillor Toomey questioned how many street corners are still available. Ms. Albano stated that all areas of Cambridge are well represented by signs.

Councillor Cheung stated that there should be some sort of vetting to ensure that the sign is being dedicated to a worthy person. He stated his disagreement with the suggestion that the family should pay the cost of the dedication. He also feels that there should be some way to retire the corners. There should be some sort of registry so people can see what corner has been dedicated and to whom. He would like to see some sort of electronic scan system that would allow people to find out additional information about the person on the sign by using their cell phone or laptop.

Mr. Rossi stated that a process could be established in which persons make written recommendations to a committee that would apply the criteria determined by the City Council to select those applicants who best meet the criteria. This would be a process that would judge the merit of the person. He also said that there could be a separate process for dedications in honor of resident such as firefighters and police officers who were killed in the line of duty.

Deputy City Clerk Lopez questioned the process by which one would research such dedications in the future. It was suggested that the recommendations of the special committee be put into some form of committee report for the permanent records of the City Council.

Mayor Maher stated that he does believe a limit on the number is a good thing and it is okay to be able to say to someone that there is a limit.

Councillor Toomey stated that it is time to resolve this issue.

Councillor Seidel opened the meeting to public comment.

Charles Marquardt, 10 Rogers Street, offered the only public testimony on this subject at the hearing. He suggested that there should be a veteran's representative on the committee and that the Executive Director of the Historical Commission should also be involved. Emails from Nica Bell, Eve Sullivan, Megan Brook and Fred Meyer are attached.

Vice Mayor Davis said that she is troubled about the historical criteria. She has been hoping that, for the upcoming commemoration of the War of 1812, money that would otherwise go to street corner dedication signs could be used to produce historical street signs, which would explain the connection of the names of the several streets in Cambridgeport that owe their names to a connection with that war. There is no budget in the Historical Commission for street dedications. It was agreed that this matter of explanatory signs for already-named streets, while clearly worthy of an additional discussion, did not belong in the discussion of ceremonial dedication of street corners to particular individuals by City Council vote.

David Maher commented that history of street names and the history of the persons to whom street corners are dedicated is becoming extremely important. He stated that it would be great to start to do research-finding for street corners. Councillor Seidel stated that should be the next step.

Mayor Maher stated that his office will come up with revisions to the proposal to reflect the discussion at today's meeting and will bring said revised criteria back to the committee for approval.

It was agreed that there would be further discussion of the appropriate number of dedications that should be voted in any one year at next meeting. The follow-up meeting will be a decision-making meeting so this issue can move forward.

Councillor Toomey and Councillor Seidel thanked all those present for their participation. The meeting was adjourned at 7:07 P.M.

For the Committee

Councillor Timothy J. Toomey Jr., Co-Chair
Government Operations and Rules Committee

Councillor Sam Seidel, Co-Chair
Government Operations and Rules Committee

C1

Drury, Margaret

From: Craig Kelley [craigkelley62@Verizon.net]
Sent: Sunday, August 28, 2011 11:49 PM
To: Drury, Margaret
Cc: Reeves, Ken; 'Samuel Seidel'; Toomey, Tim
Subject: Craig's Comments for Gov Ops meeting on benefits

Hi Margaret:

Could you please put this in the meeting minutes? Thanks.

Craig

Sam & Tim:

When we're talking about mitigation benefits for zoning proposals, I think it's important that we not limit ourselves to simply thinking about dollars per square foot. While that is an important concept (and should be as related to increase in value as it is to increase in square feet allowed), there are some things to consider besides money. The first is location-specific things. Sometimes this would be landscaping, public access to amenities like green space or the river, or creation of a community garden. For some areas, the location-specific thing would be modified by the sort of activity the proponent engages in and everything is modified by the scope of the benefit conferred to the property owner by the rezoning. In the case of MIT, for example, a large scale fabrication space, run for and used by the entrepreneur community, would seem like a logical mitigation given MIT's location, the University's focus and the size of the "ask" involved. In the case of zoning to allow a hotel in Harvard Square, suitable mitigation might include publicly accessible bathrooms. The value of these site specific mitigations could be subtracted from any mitigation funds, modified by an assessment of how much value they create for the proponent despite the fact they're a 'mitigation.'

I do like the idea of putting the decision on how to spend any mitigation funds in the hands of a committee, though I would like it to be a committee nominated by the Manager and approved by the Council. A five or seven member board could allow sufficient variation, assuming appropriate thought was put into nominations and confirmations, in membership to make sure the funds reflect wider city issues rather than the more focused concerns of individual Councillors.

Thanks a lot.

Craig

Tim and Sam:

I can't make Monday's meeting so I thought I'd share my ideas with you via email.

1. The City should pay no money towards any dedications except for veterans killed in a combat theatre or associated with such a theatre or City employees killed in the line of duty
2. No signs should be erected without approval of all abutters
3. Folks who don't meet the criteria of #1 could have memorial plaques put in a central location, such as a plaque on a wall, at some centralized location. There could be several of these places throughout Cambridge, such as a rock or wall in Sleeper Park in North Cambridge on which people could pay to have a plaque that said something like "Joe Jones lived near here, at 55 Rice Street, from 1930-2011 and was respected as a neighborhood advocate." or something equally bland but somewhat informative. The folks wanting the plaque would have to pay for it, plus a little extra to compensate for the cost of the wall or rock on which it is mounted.

I have no interest in providing City funds or sidewalk/street space to memorialize people simply because they have lived in the City for however long they have lived here.

Thanks.

Craig



D1

CAMBRIDGE CITY COUNCIL

Kenneth E. Reeves
City Councillor

Mayor
1992-1995
2006-2007

August 29, 2011

Dear Council Colleague:

I regret that I am unable to attend tonight's Government Operations and Rules Committee meeting. I was previously scheduled to be in Rhode Island today.

Questions of Community Benefits and how that they are to be negotiated are very important questions. The City Council should ponder these questions carefully and with an eye toward linking community benefits with a systematic, predicable, "public good" equation.

I offer the following thoughts:

- 1) The City Council should consider whether establishing a human services trust, using the affordable housing trust model, would be advisable;
- 2) The notion that community benefits derive from requests for commercial variances can be calculated on a per square foot basis, is well worth exploring.
- 3) Several non profit settlement house type agencies (Cambridge Community Center, Community Arts Center, East End House, Margaret Fuller House), serve the city's poorest residents. These non profits face a very unstable funding environment due to shifting funding priorities of the United Way of Greater Boston and other foundation grant makers. Since they serve our most vulnerable citizens, securing funding sources for their survival and expansion is a "public good" worth the City Council's support. It must also be noted that North Cambridge, Mt. Auburn and Alewife do not have similar social service agencies. How is this human services gap best addressed?
- 4) The citywide scholarship fund is an example of a citywide program that a public benefits program should support. A public benefits trust, if established, could have elected and appointed trustees.

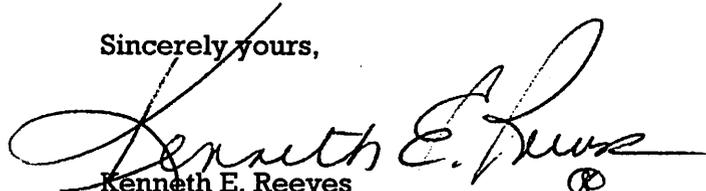
D2

- 5) Community benefits should be distributed in a context driven by policy, objectivity and integrity.

I ask my colleagues to review these ideas with each other. I strongly believe that the City Council should shape the City of Cambridge's community benefits policy.

Thank you for your consideration in this matter.

Sincerely yours,



Kenneth E. Reeves
City Councillor

/s



E1

CAMBRIDGE CITY COUNCIL

E. Denise Simmons
City Councillor

Mayor
2008-2009

The Honorable Sam Seidel
The Honorable Tim Toomey
Co Chairs
Government Operations & Rules Committee
Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA, 02139

August 29, 2011

Dear Co-Chairs,

Thank you once again for holding this important hearing. I was hoping to attend today's Government Operations and Rules Committee meeting examining community benefits as mitigation for zoning amendments, but because of a previously scheduled commitment, I will not be able to attend. I am deeply interested in the topic however and thought I should make my views known to you in the form of a letter.

As I stated in a letter I sent to the Committee last month, Community Benefits Agreements are a relatively new phenomenon; the first ever Community Benefit Agreement was signed back in 1998. Since the signing of the first agreement in 1998, many more have been signed in communities across the United States. Community Benefit Agreements give communities a voice in shaping a project that will impact their quality of life for a long time to come, and allows communities to advocate for benefits that are tailored to their community's specific needs. Community Benefit Agreements are also good for developers who view them as a vehicle to obtain public support for projects that the public might otherwise not support.

On the attached page are some specific suggestions regarding when Community Benefit Agreements should be negotiated, how they should be negotiated, and the benefits that we should seek to derive from them. I hope these suggestions will help to move this conversation forward. I look forward to talking to both of you in the near future about this issue.

Sincerely,

Councillor E. Denise Simmons

1. **When is a Community Benefit Agreement needed:** A Community Benefit Agreement should be entered into when a development project depends on public funds to cover a percentage of the overall cost, relies on public infrastructure development as a *sine qua non*, radically increases the population density of a particular neighborhood, or creates conditions that will impact the quality of life of residents of the neighborhood.

2. **Location of benefits derived from a CBA:** Community benefits should be located in the neighborhood where the contributing development project is located or within a specified radius of the development.

3. **Negotiating Community Benefit Agreements:** The process of negotiating Community Benefit Agreements should be designed to reinforce the following core principles: Inclusiveness, Accountability, and Transparency.
 - A. **Inclusiveness:** The CBA negotiation process provides a mechanism to ensure that community concerns are heard and addressed. Historically, low-income neighborhoods, non-English-speaking areas, and communities of color have been excluded from the development process. Laws concerning public notice and participation are poorly enforced and public meetings are sometimes held at times and places that many cannot attend.
 - All meetings revolving around discussion or negotiation of CBAs should be governed by open meeting laws.
 - A broad based coalition of interest will assure inclusiveness
 - A broad-based coalition will confer legitimacy on the process, on those selected to lead negotiations on behalf of the community

 - B. **Accountability:** A major flaw the negotiation and signing of CBAs is the lack of accountability. Going forward all Community Benefit Agreements negotiated in Cambridge should have built-in safeguards to ensure accountability.

- Those negotiating Community Benefit Agreements on behalf of a community must indeed reside in the community and must have the support of the community
- To foster accountability in CBA negotiations, broad-based community participation in identifying community needs, establishing a negotiating team and negotiation terms is imperative.
- Members of the negotiation team must be approved by the community in a vote.
- To ensure broad-based coalition of stakeholders, local residents, local churches, business, community-based NGOs, and organized labor should be invited to participate along with residents of the community.

C. **Transparency:** Transparency is an important characteristic of successful CBAs because it encourages participation. Lack of transparency may deter participation. Community Benefit Agreements in the City of Cambridge should not be negotiated in secrecy to avoid any semblance of malfeasance.

- The terms of all CBAs negotiated in Cambridge should be made known to the public as soon as they occur.
- Minutes from all CBA negotiations should be posted on line as soon as they occur.
- Members of the negotiating team may not be current or former employees of the company with which the community is in negotiations, or may not accept employment or other offers from the company for at least a year after the negotiations.

4. **City –Community Partnership:** Community groups are no match for the high-powered lawyers, consultants, architects and others representing the interest of the developers during negotiations for a CBA. To this extent, I propose a city-community partnership in negotiating CBA for the following reasons:

- A city-community partnership will ensure that the community groups possess the expertise to identify community needs, evaluate project impacts and devise mitigation strategies.
- Often times, a signatory to a CBA reneges on fulfilling the agreements made in the CBA. A city-community partnership will ensure that the agreement can be enforced.
- A city-community partnership can also ensure that benefits derived from the agreement can be incorporated into or perhaps derived from the city's development, environmental, or other goals.

5. **Types of benefits derived from Community Benefit Agreements:** While the discussion about Community Benefit Agreements in Cambridge seemed to be focused on where in the city such benefits would accrue, the conversation should also include what type of benefits to request. While it is common to request parks and playgrounds, if the development will affect the amount of green space available, or to request traffic mitigation measures for instance if a proposed developments promises to increase the flow of traffic going through a particular neighborhood, communities across the United States are using CBAs as a vehicle to secure more various concessions from developers. While I believe that Community Benefits should seek to address or ameliorate conditions emanating from the project, it should not end there. I am proposing a list of standard concessions:

- i. First source hiring program targeting job opportunities to communities in the immediate vicinity of the proposed development, giving priority to the unemployed or chronically under-employed.
- ii. If the development is a mixed-used development with retail, the community should have an opportunity to decide which businesses move into their neighborhoods
- iii. A commitment from retailers in a mixed-used development project to pay living wages
- iv. Low-income housing units
- v. Job training programs for residents of the neighborhood
- vi. Initiatives that will benefit the environment
- vii. Funding for public art
- viii. Funding for bike paths and for bike-sharing stations
- ix. Requirement that developers hire only local unionized labor for construction

F1



CHARLES RIVER

conservancy

August 29, 2011

FOUR BRATTLE STREET
CAMBRIDGE MASSACHUSETTS
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crc@thecharles.org
www.thecharles.org

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Lisa Stone
Ania Wieckowski

To: Government Operations and Rules Committee,
City of Cambridge

RE: Distribution of Funds Received from EF

Dear Committee Members,

The Charles River Conservancy (CRC) appreciates the opportunity to submit these written comments.

As you know, the CRC is an 11-year-old non-profit organization whose mission is to support the stewardship and renewal of the urban Charles River Parklands. We have over 20,000 supporters and volunteers. The Conservancy focuses on making the parklands more active, attractive, and accessible to all.

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Joan Pickett
Patricia Pratt
Sue Pucker
Candace Roosevelt
Nancy Schön
Bruce Schwogler
Amy Segal
Raul Solano
Christopher Stevens
James Storrow
Mary Tambiah
Paul Walker
Judy Warren
John T. Williams

The CRC's primary goal in this development project of EF is to ensure that the public receives benefits at least commensurate with those private benefits bestowed by public bodies. We hope that this committee will allocate the funds given by EF to the City of Cambridge to benefit the North Point Park area and the Charles River Skatepark, for which the Conservancy has raised \$2.5 million.

One way to make both the skatepark and the North Point Park area a more attractive and safer place is to allocate these funds to provide lighting for and around the skatepark. Since the skatepark will be open to the public at all hours, lighting would be a great advantage.

A good example for the sort of lighting referred to here is the skatepark in Louisville, Kentucky, which is used around the clock. Lighting makes the area safer for everybody. At some skatepark they have lights that are activated by push buttons so as not to waste electricity when the park is not in use. In other parks they have credit card activated lights at certain hours when mostly adults use the park. In addition to lighting, funds should also be used to have round the clock cameras that monitor the activities at the skatepark.

When EF made the presentation to the East Cambridge Planning Team they offered to build tennis courts adjacent to the skatepark. This is another good use for the funds EF is giving the City of Cambridge. Tennis courts further add to the athletic offerings for both the adjacent neighborhoods and to Cambridge citizens in general.

Lastly, the funds provided by EF can help the North Point Park could be used to contribute towards the maintenance fund of the skatepark and its surroundings. The DCR is currently in the process of selecting an operator, who will be paid from a special fund.

We feel strongly that funds received from EF should benefit the North Point Park, which includes the skatepark.



Yours Truly,

Renata von Tscharnner

Renata von Tscharnner
Founder & President
Charles River Conservancy

CC:

- Cambridge Mayor David Maher
- Cambridge Vice Mayor Henrietta Davis
- Cambridge City Councillor Leland Cheung
- Cambridge City Councillor Marjorie Decker
- Cambridge City Councillor Craig Kelley
- Cambridge City Councillor Kenneth Reeves
- Cambridge City Councillor Sam Seidel
- Cambridge City Councillor Denise Simmons
- Cambridge City Councillor Timothy Toomey, Jr.
- Robert Healy, Cambridge City Manager
- Richard Rossi, Cambridge Deputy City Manager
- Brian Murphy, Cambridge Assistant City Manager for Community Development
- William Tuttle, MassDOT
- Edward Lambert, DCR Commissioner
- Jack Murray, DCR
- Samantha Overton, DCR
- Joe Orfant, DCR
- Karl Haglund, New Basin Project manager, DCR
- Jennifer Wright, Director of the Cambridge Conservation Commission
- Roger Booth, Cambridge Community Development
- Cara Seiderman, City of Cambridge
- Barbara Broussard, East Cambridge Planning Team
- Ben Lynch, DEP
- John Pike, Conservation Law Foundation
- Richard McKinnon, McKinnon Company
- Martha Doyle, Education First

Comments to the Cambridge City Council, Government Operations & Rules Committee
August 29, 2011

Good evening. I am Terrence Smith, Director of Government with the Cambridge Chamber of Commerce at 859 Massachusetts Avenue and a resident at 21 Manassas Avenue. Thank you for the opportunity to speak this evening.

Our members have contacted the Chamber regarding the proposed policy for community benefit mitigation payments submitted to the Council at the August 1 meeting by the City Manager and the subject of this hearing. They have asked me to comment on the proposed policy and to ask some questions that are raised by the proposed policy.

I remind the Committee that commercial taxes provide two-thirds, 65%, of the taxes that fund City services. As the City has lost other sources of funding reliance on the property tax has grown. 60% of the City's operations budget we funded by property taxes in 2003. In the current budget property taxes pay 70%. Revenues from new development reduce the impact on losses of other funds to both the taxes paid by and the services provided to Cambridge residents. The City clearly needs additional development to maintain the services that residents have come to expect.

I have been asked by to bring the following questions to this Committee:

Much of the zoning relief requested over the past several years has been in direct response to zoning changes made relatively recently. What assurances can property owners have that the potential for additional revenue will not color future efforts to reduce the development allowed on any parcel in the City?

Does this policy preclude the City from considering general changes in the zoning ordinance to allow increased development, as of right or by special permit, in response to changing circumstances? On-going studies and future studies may recommend changes in zoning to increase allowable development and this mitigation policy should not be an impediment to the large scale changes in the zoning ordinance that may be necessary to meet the City's long term goals.

Is the proposed community benefit payment all that will be asked for and expected from a property owner requesting a change in zoning? The proposal guarantees that 50% of the funds collected through this policy will go to support projects in the affected neighborhood and 50% to support citywide projects. Will this be the limit of support any property owner will be asked for when requesting a change in zoning to allow for additional growth?

This policy suggests that a change in zoning has a dollar value beyond the increased property taxes that will be paid to the City. Does this action create a policy where a property owner will be similarly compensated when a change in zoning limits allowable development?

H

Lopez, Donna

From: Bell, Nica (EHS) [nica.bell@state.ma.us]
Sent: Monday, August 29, 2011 9:50 AM
To: Lopez, Donna
Subject: I agree: No city funds s/b used for plaques for non-veterans/non-heroes

Below are Craig's points. I agree with him that

....

1. The City should pay no money towards any dedications except for veterans killed in a combat theatre or associated with such a theatre or City employees killed in the line of duty
2. No signs should be erected without approval of all abutters
3. Folks who don't meet the criteria of #1 could have memorial plaques put in a central location, such as a plaque on a wall, at some centralized location. There could be several of these places throughout Cambridge, such as a rock or wall in Sleeper Park in Norch Cambridge on which people could pay to have a plaque that said something like "Joe Jones lived near here, at 55 Rice Street, from 1930-2011 and was respected as a neighborhood advocate." or something equally bland but somewhat informative. The folks wanting the plaque would have to pay for it, plus a little extra to compensate for the cost of the wall or rock on which is is mounted.

I have no interest in providing City funds or sidewalk/street space to memorialize people simply because they have lived in the City for however long they have lived here.

Thanks.

Craig

Thank you,

Nica Bell
988 Memorial Dr., #182
Cambridge, MA 02138

I,
1

Lopez, Donna

From: Eve Sullivan [annals@MIT.EDU]
Sent: Monday, August 29, 2011 11:49 AM
To: Lopez, Donna
Cc: Craig Kelley
Subject: Street Dedication Signs (Fwd: Monday Meeting about...)

Dear Deputy City Clerk Lopez:

I agree with Councillor Kelley on the points he makes regarding Street Dedication Signs. I would like my message to be put into the record of tonight's meeting.

An article in USA Today June 4, 2010, by Mike Chalmers, speaks to the need to maintain safe and distraction-free roads. It focuses on memorials to victims of automobile crashes, but some of the concerns and solutions are relevant to Cambridge.

http://www.usatoday.com/news/nation/2010-06-04-roadside-memorials-alternatives_N.htm

Mentioned in this article is the practice, in Texas, of giving signs - after one year - to the family of the person memorialized. This would be something for Cambridge to consider. Although it may seem mean-spirited to ask this again, I would like to know what procedure the Council offers for requesting removal of a memorial sign installed without notice to abutters (Councillor Kelley urges this, in his point #2 below). The article I wrote on this subject, published in the Chronicle, follows below.

Yours sincerely,

Eve Sullivan
144 Pemberton Street
Cambridge MA 02140

Begin forwarded message:

From: "Craig Kelley" <craigkelley62@verizon.net>

...

1. The City should pay no money towards any dedications except for veterans killed in a combat theatre or associated with such a theatre or City employees killed in the line of duty
2. No signs should be erected without approval of all abutters
3. Folks who don't meet the criteria of #1 could have memorial plaques put in a central location, such as a plaque on a wall, at some centralized location. There could be several of these places throughout Cambridge, such as a rock or wall in Sleeper Park in North Cambridge on which people could pay to have a plaque that said something like "Joe Jones lived near here, at 55 Rice Street, from 1930-2011 and was respected as a neighborhood advocate." or something equally bland but somewhat informative. The folks wanting the plaque would have to pay for it, plus a little extra to compensate for the cost of the wall or rock on which it is mounted.

I have no interest in providing City funds or sidewalk/street space to memorialize people simply because they have lived in the City for however long they have lived here.

Thanks.
Craig

Memorial Signs, Boon or Blight? (published in the Cambridge Chronicle 2010) by Eve Sullivan

We all like to be remembered. We like our names remembered, our birthdays remembered and, in the grand scheme of things, we would like our lives to be remembered. After a certain age - and I am already there - people start reading the death notices with a question in the back of their minds: what will my obituary say, what trace will my passage through this life leave?

One memorial I most certainly do not want is a named corner or square on a Cambridge street. Have you noticed the proliferation of black poles with black signs and silver letters naming a person of family who, presumably, lived or lives nearby? They are everywhere, with more appearing by the month.

To the families of the dear departed it may be some brief comfort to see these, but to drivers and pedestrians

they may be - and to at least one homeowner, me, they are - an unwelcome intrusion on the streetscape.

How are these selected, how much do they cost and who pays? The price tag for one sign is about \$600, with funds coming from the City budget, that is, your tax money and mine. Three years ago, in 2007, the costs for all such signs, manufacture and installation, was over \$21,000. As I understand the process, a councilor receives a request from a citizen, or initiates the process on his or her own and enters an order into the City Council agenda and most such orders are approved pro forma. No one wants to be seen as mean-spirited. After all, people do like to be remembered.

The corner is selected, the sign manufactured and then installed with some suitable fanfare. In at least in one case however - mine - the sign was installed with no notice whatsoever to the homeowner in front of whose property it appears. May I respectfully suggest that some of these signs - as worthy as the citizen or citizens memorialized may well be - serve primarily to strength the loyalty of voters toward those councilors who sponsor the signs.

I want to make clear that I fully support appropriate memorials, including street signs, for servicemen and women who have died defending our rights, including that of speaking out on relatively minor concerns of civic life, as I am now doing. Informative directional signs such as "Linear Park this way" are also a boon. But most of these signs, and certainly the sheer number of them, qualify as blight. There are even 'dueling' signs to different people on opposite corners of the same intersection.

I call on the Council to table all new requests for memorial signs until the city conducts an inventory of existing signs and a thorough review of the request process and the costs. Personally, I would find memorial trees planted on my street a welcome alternative to memorial signs.

5

Lopez, Donna

From: Fred Meyer [cambridgefred@comcast.net]
Sent: Monday, August 29, 2011 4:19 PM
To: Lopez, Donna
Cc: Fred Meyer (office)
Subject: thoughts on street-corner dedications

Having some street corners dedicated to worthy citizens, with appropriate small signage, strikes me as a charming and worthwhile Cambridge custom.

However, I think it's a reasonable idea today to ask the families so honored, if they can afford it, to contribute to the costs.

I suspect many, if not most families would gladly pay; but exceptions should be made in the case of genuine need, or people killed in the line of duty. The appropriate city department might be allowed some discretion in that matter.

It might be a good idea to put a time limit on such signs (say 50 years). There comes a point when most honors no longer makes sense. An extreme example: Mr. Kendall, of Kendall Square fame, was so honored for being a prominent Prohibitionist. His may have been a cause with little support from most of our citizens today. Sic transit Gloria.

Sorry to have to miss your hearing. Best wishes,

Fred Meyer

83 Hammond Street

From: Craig Kelley [mailto:craigkelley62@Verizon.net]
Sent: Sunday, August 28, 2011 6:11 PM
To: Craig Kelley
Subject: Monday Meeting about Street Dedication Signs

Folks:

The Government Operations Committee is having a meeting this Monday at 5:30 to discuss, among other things, how to handle requests for street corner dedications (those little metal signs you see around town with someone's name on them). Some folks like this reminder of who lived in the area, I personally think they aren't a net plus and I've pasted my comments to the committee below.

If you care about these signs, one way or the other, you may wish to either show up at the meeting or email the Deputy City Clerk at Dlopez@Cambridgema.gov to have your thoughts put into the record of the meeting.

Thanks a lot, and enjoy the rest of the summer.

Craig

Tim and Sam:

I can't make Monday's meeting so I thought I'd share my ideas with you via email.

1. The City should pay no money towards any dedications except for veterans killed in a combat theatre or associated with such a theatre or City employees killed in the line of duty
2. No signs should be erected without approval of all abutters
3. Folks who don't meet the criteria of #1 could have memorial plaques put in a central location, such as a plaque on a wall, at some centralized location. There could be several of these places throughout Cambridge, such as a rock or wall in Sleeper Park in North Cambridge on which people could pay to have a plaque that said

Drury, Margaret

From: Lopez, Donna
Sent: Tuesday, September 06, 2011 7:49 AM
To: Drury, Margaret
Subject: FW: Monday Meeting about Street Dedication Signs

Margaret:

Comments for your report on dedication signs.

Donna

From: Inmanstreet103@aol.com [<mailto:Inmanstreet103@aol.com>]
Sent: Tuesday, August 30, 2011 12:52 PM
To: Kelley, Craig (home); Lopez, Donna
Subject: Re: Monday Meeting about Street Dedication Signs

Dear Councillor Kelley and Deputy City Clerk Lopez,

I was unable to attend the meeting. I would like to see more thoughtfulness towards people from out of town or otherwise new to a neighborhood, in the placement of memorial street signs. They can be misleading to those looking for someplace. As an example I cite my own neighborhood Inman Square which boasts several of these signs which appear to the uninitiated to be normal signage offering information, and yet are not. People stop me asking, *where is Inman Square?* Corners are designated "squares" in a manner most deceiving. They are not squares.

The general trend towards renaming places is reminiscent of Communism and other despotic regimes which try to blot out the previous landscape. We should keep our history by not re-naming streets.

Memorials identified as such are fine. I object only when they are made to look like informative signs.

Thank you. Megan Brook 103 Inman St.

In a message dated 8/28/2011 6:11:17 P.M. Eastern Daylight Time, craigkelley62@Verizon.net writes:

Folks:

The Government Operations Committee is having a meeting this Monday at 5:30 to discuss, among other things, how to handle requests for street corner dedications (those little metal signs you see around town with someone's name on them). Some folks like this reminder of who lived in the area, I personally think they aren't a net plus and I've pasted my comments to the committee below.

If you care about these signs, one way or the other, you may wish to either show up at the meeting or email the Deputy City Clerk at Dlopez@Cambridgema.gov to have your thoughts put into the record of the meeting.

Thanks a lot, and enjoy the rest of the summer.

Craig

L

Drury, Margaret

From: Lopez, Donna
Sent: Tuesday, September 06, 2011 7:49 AM
To: Drury, Margaret
Subject: FW: Monday Meeting about Street Dedication Signs

Margaret

More comments on street dedication signs.

Donna

From: Mary-Ann Donofrio [<mailto:madonofrio714@gmail.com>]
Sent: Tuesday, August 30, 2011 12:43 PM
To: Kelley, Craig (home); Lopez, Donna; madonofrio714@gmail.com
Subject: Re: Monday Meeting about Street Dedication Signs

Hi Craig

Sorry you don't think city money should be spent on something to remember long time residents. Our city money is wasted on a lot of things and this is one that should be continued.

I agree with you about a "Memory Wall or Walk" in the local parks. This way residents will know who made the neighborhood a better place to live and fought for the good of the area or for our country

I had a sign placed in the Gold Star Mothers (Gore Street) Tot log. The names there are those who fought for the park and continued fighting with the City for the park. They should be remembered by the neighborhood. One of those is my father. The other is a neighbor who was his friend. They loved where they lived and wanted the neighborhood to have a place for the children to play and grow. It was a long fight but they got the park. It was a long fight but I finally got their names in the park they fought for.

I am sure that those who ask for these signs would pay a small fee to have the sign put up. Maintenance of the area should be the City's job..

On Sun, Aug 28, 2011 at 6:11 PM, Craig Kelley <craigkelley62@verizon.net> wrote:

Folks:

The Government Operations Committee is having a meeting this Monday at 5:30 to discuss, among other things, how to handle requests for street corner dedications (those little metal signs you see around town with someone's name on them). Some folks like this reminder of who lived in the area, I personally think they aren't a net plus and I've pasted my comments to the committee below.