



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Thursday, September 26, 2019

2:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

Call to Order

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jan Devereux	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Craig A. Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2:40 PM
Sumbul Siddiqui	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2:10 PM
Timothy J. Toomey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

The Ordinance Committee will hold a public hearing to discuss the petition by the City Council to amend the Zoning Ordinance of the City of Cambridge by creating new sections in Section 19.20 - Project Review Special Permit.

Minutes Acceptance: Minutes of Sep 26, 2019 2:00 PM (Committee Reports)



CAMBRIDGE CITY COUNCIL ORDINANCE COMMITTEE

COUNCILLOR DENNIS J. CARLONE, CHAIR

COMMITTEE MEETING

TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 26, 2019

2:00 PM, SULLIVAN CHAMBER

COUNCILLOR DENNIS J. CARLONE: Hello, everyone. We're going to start in one moment. Welcome. We have a quorum consisting of Vice Mayor Devereux, Councillor Zondervan, and myself, Councillor Carlone, the co-Chair of the Ordinance Committee. We're expecting to be joined by, um, at least one other councillor in a few minutes.

The call of the hearing is as follows, and this is at the front table as you come into the door if you haven't gotten a copy. The Ordinance Committee will hold a public hearing to discuss the petition by the City Council to amend Zoning Ordinance of this--to amend the zoning ordinance of the City of Cambridge by creating new sections in Section 19.20 - Project Review Special Permit. And then on the following page is the approach and the suggested language that has been submitted.

We've also been joined by Councillor Mallon on my left. This hearing is being audio and video recorded. There is an attendee and speaker signup sheet just by the gentleman standing up by the desk. Now, if you wish to speak or you wish to be in communication about this issue, please sign in. I will ask--we will go from the signup sheet as to who presents in the public discussion.

At the end of that, if someone didn't sign up and only recently decided to speak, I will ask if additional people wish to speak.

The format of the hearing is as follows, the petitioners will be heard first to explain why they have submitted this petition. That will be Councillor Zondervan, and time is up already. That will be Councillor Zondervan and myself, I wrote a little section on urban design.

Um, there will then be a public comment--no, city staff, excuse me, who you see at the front table, they will introduce themselves. They represent the City Solicitor, uh, the Department of Public Utility--Public Works, and Community Development staff.

After the city staff, there will be the public comment that I mentioned. You will have--you will have three minutes to make your comments. They will be--um, the time will be, uh, studied by the clerk and we will let you know when you need to wrap up with your last sentence.

At the conclusion--after that, the council members will discuss, and we've also been joined by my co-Chair, Councillor Kelley. Council will discuss the merits and--of the petition, whether or not, um, we should move it

forward, how we should do that, or keep it in committee.

So I want to welcome everyone. This is, as I said earlier, a City Council petition that Councillor Zondervan and I have been talking about. And he will begin with the portion on related to electrical and gas, and I will talk about urban design. Councillor.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. Thanks, everyone, for coming. So, as Councillor Carlone mentioned, there's essentially two components to this petition, one around urban design that he will explain, and one around the utility impacts of a large new project. And that part was motivated by the Eversource substation proposal on Fulkerson Street, which seemed to have taken everyone by surprise.

And so the idea and intent behind this part of the petition is to avoid such surprises in the future. So in terms of the language, I literally took the language around water and stormwater utility impacts, and just changed a few words to, um, say electric service infrastructure narrative and gas service infrastructure narrative, respectively.

And then, in the final sentence, I changed that this

report has been submitted to the Electrical Department and the electric utility Eversource, in the case of electric, and to the Public Works Department and the gas utility in the case of Eversource. So the rest of the language is pretty much the same as what it says for water and the storm, uh, stormwater utility impacts.

And again, the intent is to have the proponent provide a description of the anticipated electric load basically that their project will generate and that that information is communicated to both the city and to the relevant utility company so that we have more information ahead of time as to what we're doing to our utility loads.

COUNCILLOR DENNIS J. CARLONE: Thank you, Councillor. Um, on my part, I've to go to a number of City Planning Board meetings, and I have personally been concerned for some time that the urban design staff does not make a formal presentation of their point of view on any project presented.

A memo was prepared, and unless the public reads the memo, there's very little done. In fact, quite frankly, the Planning Board rarely discusses those findings as well. And I know when I was a consultant to the Planning Board and

Community Development, I always gave a presentation, and it led to very deep discussions.

So all I've done is added in the words that if there is an urban design set of guidelines for a particular area, they shall be used and--and evaluated as to the project's, uh, success attaining those goals, and where not, where there are no guidelines, a quick review of the site by community development to prepare such guidelines of what is necessary, what is important in that area. Um, and that's it.

And quite frankly, that's how any city that treasures urban design deals with the subject. And that's basically fitting in, or where it doesn't fit in, how does the project break down in manner and a way that tries to fit in, and is it successful or not?

And quite honestly, the reason East Cambridge Riverfront, which I worked on, holds together is because we made many demands on making that a goal, um, and trying to make it feel like Cambridge, even though it's at a bigger scale. So those are the two issues, unless you wanted to add. Yes, Councillor Zondervan?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr.

Chair. That--that we did add a section to the end as well, 19.25.3, that talks about utility impact findings and says, "The Planning Board shall grant a special permit only if it finds that the project would not cause undue adverse impacts on the residents and the environment by requiring extensive additional utility infrastructure to be added to the city, including electrical, gas, sewer, stormwater, and any other utility service."

And the intent there is to take account of the impacts of the additional, um, buildings. And I believe the Planning Board has noted some objections to some of the wording, um, including extensive and undue. So we should talk about those, um, once the staff has given their presentation.

COUNCILLOR DENNIS J. CARLONE: Thank you, Councillor. We're also joined by Councillor Siddiqui, um, and I welcome everyone. So I'm not sure where the staff would like to begin. You--you guide us in who should speak first. And it looks like Iram Farooq.

IRAM FAROOQ: Thank you, Mr. Chair. Through you, I just wanted to say that we're principally here to respond to questions, but I can, um, have Jeff Roberts walk you

through the Planning Board's discussion on this topic. And Kathy Watkins from DPW is here because she's has much more technical expertise on the utility side than, than us on the zoning side.

COUNCILLOR DENNIS J. CARLONE: I--I guess I should tell you that the reason Councillor Zondervan and I were not at the Planning Board hearing is that was the night of an election debate. And unfortunately, we're in the campaign season, and that conflict prevented both of us from being there. But please do. Thank you, Mr. Roberts.

JEFFREY ROBERTS: Thank you, Mr. Chair. Um, I'll try to be as succinct as I can. The Planning Board did have a public hearing on this on Tuesday of last week, um, and the city engineer, Kathy Watkins, was present. Um, I might characterize it as a somewhat kind of more sort of freewheeling conversation about this topic. It is something that the Planning Board has dealt with quite a bit.

They've dealt with, um, particular issues regarding projects requiring infrastructure and utility service improvements being made on their site, which are sometimes not known about until after they've gone through the Planning Board review and often causes projects to have to

come back to the Planning Board. So that was one thing that they've, they've been concerned about.

And of course, along with think everyone else in the city, the Planning Board shares concerns about, um, energy consumption in general and, and how that is playing out in terms of the impacts on climate. So ultimately, the Planning Board did make a negative recommendation on this specific proposal, and I would say the, the--probably the main--there will be a report drafted and, and submitted to the full City Council as, as there always is.

I would say just generally that one of the main concerns was that it--the petition would ask the Planning Board through the project review to, um, review material and make findings in an area that the Planning Board does not have real direct jurisdiction over, which is the, um, decisions regarding public utility infrastructure.

The Planning Board felt--members felt that they wouldn't have the expertise to be able to analyze that information about the electrical or gas utility service grid as a whole and that because there are state-regulated utilities, they wouldn't have the ability to place conditions, um, as they would with city infrastructure.

So the, the, the way the project review works when it comes to city water and sewer infrastructure, which is under--more under the city's control is that they would get a report which is also then reviewed by the engineering staff who can provide advice to the Planning Board, and the Planning Board has the ability because it is city-controlled to have conditions and stipulations related to water and sewer service. And, and, Kathy Watkins could, could speak a little bit more about the details of that.

So that was, um, that was the Planning Board's overarching concern. The Planning Board did feel that there was an appropriate place in project review to look at the, um, the actual energy demands of a building, um, looking specifically at the site itself, what the anticipated energy, electrical, and gas demands would be for the projects that's being proposed.

And they felt that that was important both in being able to further in advance get a clearer picture of what kinds of interventions would need to be made on the site that could affect the design of the project, but also as a way to collect information that might be useful in a cumulative way over time in order to address, I think, what

some of the petition intends to, to address, which is, um, being able to anticipate how demands might--for electrical and gas service might be increasing over time given the, the development that's permitted and still on the horizon.

So I think that's a--that's a brief summary, and I'm happy to answer any questions or to turn it over to my colleagues to add more.

KATHY WATKINS: Sure. Through you, Mr. Chair. I would just make a couple of additional comments. We have, I think, all identified through, you know, the last couple of months that we need increased coordination and upfront discussion with Eversource. And so, you know, one of the things we've been talking with them about is how to make sure we're making--improving that over time.

And so, because one of these things in terms of these cumulative benefits is that, and this was some of the discussion at the Planning Board, was that, you know, it's not on a building-by-building basis. And so, in terms of evaluating the, you know, the--this larger sort of East Cambridge issue is not on a building-by-building issue, and so, you know, is zoning in the individual building the right place to have these conversations?

So I think we all think they're extremely important, and the city and Eversource need to improve that discussion. And so we've had discussions about do we set up annual meetings with them, where we're making sure we're showing all of our projected growth, reviewing their projections and having these discussions on a more regular basis, and not sort of when something, you know, imminent is happening.

But I think it's more of a system perspective and a broader scale than on an individual building perspective. And so, when we look at that last section, you know, we wrote a letter to the Planning Board, really expressing some concerns about the Section 19.25.3 in terms of the impacts that could have on our ability to really, you know, basic, you know, all large projects, and, you know, a number of as of right projects have utility infrastructure that they need to upgrade. And that's sort of part of what they do, and it's also a significant benefit to the city.

So, you know, we went through a couple examples thinking about when we look at the Alexandria project on Binney Street, they reconstructed all of Binney Street, put in cycle tracks, did sewer separation, did significant

environmental benefits. Um, and so we look at, you know, how do you sort of weigh the environmental, you know, the impacts to the community of construction versus the long-term environmental benefits of, you know, continued sewer separation, upgrading 100-year-old water mains, and those kinds of infrastructure improvements.

And so, um, that was a section that sort of caused pause for us in terms of how it would impact both, um, the city utilities, and then also the fact that, you know, a lot of the discussions with Eversource is really more of a broader discussion and not on an individual building perspective. We did agree the sort of the first two paragraphs, in terms of having a similar narrative to what we do currently for water and sewer could have benefit in making sure that the proponents are coordinating and having those here electrical demand and gas demand conversations earlier in the process can be quite beneficial.

But so those sort of first two paragraphs that more mimic what we do currently for sewer and stormwater and water where we're looking at it early, it's not with full engineering designs, but we're understanding what their overall demands are and what that could mean for this

system. And so we were sort of, um, doing these in through sort of different buckets in terms of, you know, the first eight, nine paragraph versus that last paragraph.

COUNCILLOR DENNIS J. CARLONE: Councillor Zondervan?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair, and through you, thank you for that, um, summary. And I certainly do understand the concerns that, that you're relaying from the Planning Board, Planning Board as well as from yourself. Um, and, and I fully agree that, that of course, these utility issues are system-wide, they're not building by building.

Having said that, when, when we look at the Eversource presentation, I was really struck by their demand growth projection graph, because they have two projections. They have one econometric projection that's sort of business as usual, you know, this is what the numbers tell us, and then they have, I forget the word they use, step load or something like that, where they're showing, you know, half a megawatt at a time and each one of those half a megawatt load increase is a big building.

So, of course, it is system-wide, but it also is largely driven in terms of the demand growth by these

individual large building projects. And we are entering a stage in, in our climate change discussion where we simply cannot continue to add that level of demand growth. So the intent of this paragraph is really to say we can't be doing that.

And if a building comes forward, like, for example, the Galleria, where they are relating to us that they'll be able to build that building or, or renovate it, and add additional floor space without increasing their historic, historical utility consumption. So that kind of a project, we could potentially say, well, that doesn't change how things are in terms of our utility infrastructure, so we could allow that.

But if we get another building that says, well, we need another half a megawatt of load in, and we know from Eversource that that capacity is simply not available, then I think that doesn't need to be factored into our decision as to whether we can permit that building to be built right now or not.

And of course, there are ways to reduce our load, and so it's possible for us to systematically and system-wide reduce the load so that we can then come back and say,

okay, well, we've made some rooms, and now we can add this building. But, but what we can't do is just continue to add new buildings and expect Eversource to simply keep up in terms of providing that capacity, because when they do try to keep up, that has very negative adverse impacts on our city, not just in terms of the proposed location and the case of Fulkerson Street, but also the extensive trenching that has to be done to connect that new substation to other infrastructure so that it would be onerous no matter where they put it.

In terms of the environmental benefits of new construction, again, I certainly recognize, for example, the Binney Street example, which is not very far from where I live, but it does strike me as odd that we are not doing that ourselves as a city that, that we essentially line up these things that we would like to have done, and then we wait for a large development in order to do them.

If we know that we need to do sewer separation, and we agree that we need to have cycle tracks, and we know that we need to maintain our, our water mains, then we should just be doing that. We shouldn't be waiting for large development projects to finance those activities. And in

particular, we can present that as a net benefit without also presenting the adverse impacts of allowing those developments. And unfortunately, right now, that's what we're doing.

So I do stand by this, this paragraph. Um, I recognize that, that some of my adjectives might need to be adjusted but, but the intent is to say, we can't be adding large buildings if we have not accounted for the infrastructure impacts of those developments individually.

COUNCILLOR DENNIS J. CARLONE: And the other comments? Vice Mayor?

VICE MAYOR JAN DEVEREUX: Just through you a question regarding the Alexandria development on Binney Street, which sort of predated my involvement. Um, I think I had heard, and it may not be true that there was a delay between the time that the building was completed and they were able to get their certificate of occupancy because there was a wait for Eversource to be able to bring them online. Is that--Urban Miss?

KATHY WATKINS: Through you, Mr. Chair. I don't know. Yeah, I don't. I'm sorry, I don't have--

VICE MAYOR JAN DEVEREUX: Because it, it was I think,

you know, not obviously to their advantage to have a building that was ready to occupy but that was held up by, um, the fact that the utility wasn't ready to bring them online and that I don't know what led to that, or how long it was. But I know I heard that, I don't think I just made it up. Are you aware of that? Maybe, maybe somebody from Eversource can confirm that, I don't know.

COUNCILLOR DENNIS J. CARLONE: I am meeting with Alexandria and the neighbors, um, that are negotiating final conditions if it moves forward on Monday evening, and I can tell you after that. I've heard the same thing, but I've never asked them.

VICE MAYOR JAN DEVEREUX: Yeah, because that does speak to the, the need for better coordination and anticipation of what that demand will be and how it will be slotted into whatever else is going on. I mean, I certainly take your point that, you know, energy, whether it's electricity or gas, is a system that we do not directly control, but it--like traffic, it does have a cumulative impact.

And, you know, it's a little bit the same as we're merrily going along, permitting buildings within Cambridge

and can't control what's happening in adjacent towns, and they're permitting development, you know, in Austin, the Harvard Development Watertown, and those aren't factored into any of our Planning Board discussions, but they ultimately will have an impact on the regional traffic system. And just, you know, I don't know whether that relates to being able to requirement it, but certainly relates to the overall planning that, that we're doing in terms of making sure that, that our growth is sustainable in the context of all of the other growth around us.

COUNCILLOR DENNIS J. CARLONE: Councillor Kelley, please?

COUNCILLOR CRAIG A. KELLEY: Thank you. The way I read the proposed amendment and the way I think I understand how the special permit process works, there's nothing quantitative in here. It's a narrative requirement. And there's no instruction to the Planning Board to say, well, if it exceeds X percent of Y, you have to say no. So I don't see the downside.

I--I absolutely agree with, you know, Councillor Zondervan may be at a different place than I am in terms of saying it's full, or we can't handle the load or whatever,

but certainly, I think it's an important thing for someone to be discussing in the permit application. So what would be the problem and have--if you could explain again, and I know you did, but what would be the definitive problem in asking that this be discussed?

KATHY WATKINS: Through you, Mr. Chair. And I'll look to Iram and Jeff to see if they have other, um, pieces. So the, the Section, again, 8 and 9, where it's looking for information and a narrative, I think there was much less concerned, like there is that people see benefit there and it was clear that would facilitate discussion, um, with the applicant and the utility providers.

In terms of the section 19.25.3, the concern is that it does direct the Planning Board shall grant the special permit only if it finds that the project would not cause undue adverse impacts and extensive additional utility infrastructure.

So I think one, you know, I had concerns from a Public Works' perspective about, you know, if it requires extensive additional utility infrastructure, that that's automatically seen as a bad thing, or negative and sort of a reason not to approve the, um, project. So that was

concerning from our perspective. The discussion at the Planning Board was also those are really undefined and unclear narratives, and so, how they make that judgment and what they use to sort of say it meets or does not meet this criteria was challenging for them to sort of see how they would implement.

COUNCILLOR CRAIG A. KELLEY: Thank you. And I, I understand that, and I appreciate that, but I think that sort of the idea of the special permit process, in general, it is--it's fuzzy. And we use fuzzy language and all this stuff, so I don't--I don't know why this should be a deal breaker. So they can find it, and I can disagree with the Planning Board, and I've disagreed with them in the past, but I can't tell them that they're wrong because we're not putting numbers in here.

And my understanding is that's enough of a focus to make us think but certainly enough wiggle room to keep it from being directly actionable. And I think that probably is a happy medium for right now. But Miss Solicitor, it looked like you were, you know--

CITY SOLICITOR NANCY GLOWA: Through you, Mr. Chair, I was simply going to say that, um, I agree that the, the

fact that it's more of a quantitative, excuse me, qualitative and quantitative standard could create--it does create the potential for ambiguity both in what the standard is and how it's applied, and therefore, you know, any special permit can be challenged, and we all know that, but the more specific you can be in enunciating standards that must be met, the better for purposes of transparency and accountability for how the standards are being applied.

So I agree with you, Councillor Kelley, that there are--through you, Mr. Chair, that there are sort of fuzzy standards in lots of ways, but any, any of them have the potential for that creating, um, some confusion or problems in that respect.

COUNCILLOR CRAIG A. KELLEY: Mr. Chair?

COUNCILLOR DENNIS J. CARLONE: Please continue.

COUNCILLOR CRAIG A. KELLEY: If, if we're getting to the point where people are needing significant special permits, they all have some fuzziness. That's, that's why they're special permit. So adding more fuzziness, to me, doesn't really add more legal Jeopardy or more challenging things to go through. And if it forces us to talk about something, even if we don't do anything about it, at least

talking about it, I think is a step in the right direction, because I think where we are right now is we are in the uncomfortable position of needing to do something.

We don't really know what that something is, but needing to do something, um, but the pressures of life going on until we sort of avoid talking about it, and this would force us to at least talk about it. And I think that in and of itself would be a great step forward.

CITY SOLICITOR NANCY GLOWA: Through you, Mr. Chair. I certainly understand that I guess with the, in particular, the 19.25.3 section, it might be difficult for any proponent to show that there will be no adverse impacts whatsoever since we already have a scenario where there are issues that are out there. So the question is whether you're creating a standard that can be met. So I'll leave it at that. That's just my two cents. Thank you.

COUNCILLOR CRAIG A. KELLEY: Mr. Chair?

COUNCILLOR DENNIS J. CARLONE: Yes, Councillor.

COUNCILLOR CRAIG A. KELLEY: I think the crucial word that you didn't mention, though, is undue adverse and that, to me, is what makes us suitably fuzzy to use a legal term. So maybe you don't see undue as being as strong a word as I

do, but I think that's a huge amount of wiggle room. And I think it takes us to a place where at least we can move forward on it.

COUNCILLOR DENNIS J. CARLONE: Please.

IRAM FAROOQ: Through you, Mr. Chair, just a couple of thoughts. I'm not going to--leaving the legal piece to the solicitor, I'm not going to talk about that, but I just wanted to, uh, to note a few things. But one the, the narrative requirements, I think, get to the point that Councillor Kelley is speaking about--about building better understanding.

And actually, I would say that the Planning Board, um, almost welcomes that and has already when the CambridgeSide zoning petitioners came before them, they in fact asked the petitioners that very question. So this is already--in terms of that--the importance of that information, that's already starting to have an impact with the Planning Board.

There are just a couple of other thoughts to keep in mind broadening the, the discussion a little bit, that if you think about what is the basis of Cambridge's economy, it really is, in terms of the knowledge economy, um, the labs are the centerpiece of that. And they are, um,

significant energy users.

So it's worth keeping in mind not to say which is the policy direction that the Council ultimately chooses to go in, but it is worth keeping in mind that this could, in fact, have implications towards the very basis of our, um, our economic prosperity in some ways of the city, which in fact, funds all of the things that we do, including infrastructure upgrades and such.

And then my final thing that I wanted to mention is that in terms of infrastructure when we ask these questions of our Department of Public Works or our Water Department about city infrastructure, we can have some assurance that we're going to be able to get good and comprehensive information from internal city sources, hear that understanding of what is the capacity of the infrastructure, what will be the incremental impact of a particular project.

We would now be relying on a third party that may have zero interest in, in being responsive in a timely fashion. We all know how long it takes to, um, to get a utility company to the table and, and to provide all of the information that might be needed. This--we have no idea

what kind of burden this creates on them and whether they are, um, willing to take that on and be able to be responsive within reasonable timelines. So those are just, um, just the points that I wanted to put on the table for all of your consideration.

COUNCILLOR DENNIS J. CARLONE: Councillor Kelley, do you have something else to add?

COUNCILLOR CRAIG A. KELLEY: Yes, thanks. So in 19.21, um, the, the requirement is that--I'll read the whole thing. This is not a requirement, this is an intent. The intent of this Section 9.10.20, "to ensure that new construction or changes of use in existing buildings, one, are consistent with the urban design objectives of the city, and two, do not impose substantial adverse impacts on the city traffic."

So this is a sort of fuzzy standard that we've been using before, and I guess if it would make people happier, we could change "substantial to "undue." And then we'd have some linguistic consistency, which would be fine. One sec. But the other thing is, I think, from the Council's perspective, we feel that sort of impotence, vis-a-vis the utilities that everyone else does, and the only tool we

have, the absolute only tool that we have to do anything with is zoning.

So we can either care and not do something, um, we cannot care or not do something, or we can care and do something like this. And that's not, I don't think, anything we wanted to do, but unless someone comes up with better options, I don't know what else we can do.

IRAM FAROOQ: Through you, Mr. Chair. Just in, in terms of the traffic statement, I would just say that that is backed up by a whole series at traffic and parking. So there's a lot of regulation that, that goes--that supports this zoning statement that gives people guidance on what does that significant impact--substantial impact mean.

And I would just the last point, in trying to impact the utilities or influence them, the zoning tool actually is a very indirect way because it doesn't actually influence the utilities, but instead impacts property owners and, and developers. So I'm not sure that it will necessarily have the intended, uh, impact of getting the utilities to the table, but I, um, I will leave it at that.

COUNCILLOR CRAIG A. KELLEY: Mr. Chair?

COUNCILLOR DENNIS J. CARLONE: Yes, please.

COUNCILLOR CRAIG A. KELLEY: So I agree with you about the sort of diffused impact, but in my imagination, at least, if the economic engine of Massachusetts, which largely is Kendall Square, starts getting backed up because utilities are not doing what they need to do to be responsive partners with the people who want to build, you know, that's not on me.

It's not on anyone in this room. The governor can step in, a bunch of other people can step in, but this is an awful lot of something in a very small space, and this is our only tool. And if other people then have to change the way they do business to include getting the utilities to do what they should be doing just simply as good civic partners, then that's on them.

COUNCILLOR DENNIS J. CARLONE: So, Councillor Alanna with snacks, could I just ask one quick question? Your question is related to what was just discussed, because others want to pick up on what was discussed and I'm happy to defer to you. I'm just--

COUNCILLOR ALANNA M. MALLON: I'm enjoying being called Councillor Alanna. That's like--

COUNCILLOR DENNIS J. CARLONE: Did I say that?

COUNCILLOR ALANNA M. MALLON: Yes, that's my new name.

COUNCILLOR DENNIS J. CARLONE: Councillor Mellon.

COUNCILLOR ALANNA M. MALLON: Yes, it is on this vein, but I know that the Vice Mayor had, had, had her hand up, and it seemed like she wanted to respond to something. So I will wait and, and allow that. Thank you.

VICE MAYOR JAN DEVEREUX: Thank you, Councillor Alanna. Um, I, I just wanted to say that the analogy to traffic, I think, is relevant because we have often traffic studies that show us that intersections are rated F or that new, you know, new development will essentially get us to below F, even though there's no grade below F, and it doesn't stop the project, but what it does do is it, it, you know, requires additional mitigation or conditions.

That's my understanding of how it works. So why couldn't the same be said of this? It wouldn't necessarily stop the engine of biotech and labs, but it would maybe give us the city the ability to impose a set of different mitigations. And maybe we can't impose mitigations on a third party, but we could come up with some package of well, if you're--you know, if you're taking us to a new step in the load or whatever, there must be some measure

the way that we grade traffic and this A through F scale when many of them are now an F minus or a G or something.

So I just--yeah, that's my--that's my suggestion is we come up with something like that, because I think it's--I think it's obviously something that, as Craig says, we do care about, and we can--and we should do try to do something, even if it isn't the most--you know, it doesn't actually change things, at least it gives us more information and some measure of, of control tenuous as it is.

IRAM FAROOQ: Yeah. Through you, Mr. Chair. And I think that's an interesting way to look at it, the big difference is that, one, the city owns most of the streets, and two, you can make discrete changes, uh, that don't have to impact the whole system necessarily; it's a lot easier to make those kinds of changes.

But there's--it's possible--we, we probably should just do a little more thinking on what might be the kinds of mitigation, maybe they have to do with, um, renewables or somehow, if not on site, somehow supporting renewables that I--we need to give it a little bit more thought, but that may be a, a way to consider what mitigation might be.

COUNCILLOR DENNIS J. CARLONE: So we're joined by Councillor Simmons as well on my right. And, and now the honorable Councillor Mallon is going to present her thoughts.

COUNCILLOR ALANNA M. MALLON: Thank you, Mr. Chair, through you. Um, so just following along with conversation, and, you know, I think so many of us have been having conversations in this room, outside of this room about the bomb that Eversource dropped on us recently about their load, and what they need to do about it, and how that is going to be impacting our residents specifically and is Cambridge.

So this is a really important conversation, but I want to make sure that I understand what you guys are saying is maybe a conflict in the proposed zoning language. So it seems like the narrative piece is that, as you mentioned, get this conversation started, and has already started a conversation, given that, you know, I just met with the petitioners of the CambridgeSide Galleria upzoning, and they already have a whole narrative and their presentation around load and how it will not affect, um, additional load pieces.

So I think this is a wonderful addition to our zoning code to really start that conversation and understand that, um, and to, to really address what has been going on. But it seems like the, the concern that both the staff has, and some of the Planning Board, I don't know how freewheeling the conversation was at the Planning Board, but that, that this last piece, the 19.25.3, which has some language in it might be a little, as Councillor Kelley said, fuzzy.

The language is fuzzy and it might not be able to be fully determined by the Planning Board one way or the other. Right? So if we're thinking about--and you have a note in here that says that, um, you know, zoning regulates land use, but not energy; that's regulated by the state's building code.

So is it--is it appropriate here based on kind of your concerns, the Planning Board's concerns, and also knowing what we know about zoning, which is either it's--it should be a yes or no and not--I feel like undue adverse impacts could be open to a lot of interpretation. So that's, that's one thing I was wondering about, if you could just extrapolate on how concerned you are about this, this last piece of it because I think I'm fine, everyone's fine with

the narrative piece.

I think it's actually really important, and I'm glad we're talking about it and bringing it up now. I guess I just am feeling a lot of your concerns, DPW's concerns, the solicitor's concerns around this last piece of it. And then just lastly, in terms of traffic, it does seem like they are two different things because, as you mentioned, the utilities are a third-party traffic, we do try to control for it and zoning with our PTDM. Right?

We can't do that same thing with the utilities unless we just say we're not, not going to build this building because of the load. So I guess I've been having a lot of thoughts about the specific example that was brought up around traffic. So sorry, I'm not being very clear on my questions, but one, I wanted to ask about whether or not-- how people feel about this last section and whether or not we shouldn't be moving forward with it. I think everyone agrees around the narrative.

I also wanted to have somebody just explain to me a little bit on page three of your memo, that there's significant overlap between the existing language and the proposed new language, which creates the potential for

conflicting interpretations; if somebody could just expand on that a little bit of what those conflicting interpretations are, and what that--how that might play out in a special permit process.

JEFFREY ROBERTS: Through you, Mr. Chair. I'll try to answer the questions in order. So the first, I think you're trying to maybe even more summarized the, the Planning Board's concern about this, maybe paraphrasing one of the Planning Board members in saying that it, it asks the Planning Board to make findings that they don't think they would be in a position to make. So that, I think, is the overarching concern with the--um, with the, the requirement to, to make findings related to this.

I think with regard to the narrative section, some Board members did have concerns about the way it was, was written. And I think their concern had more to do with not knowing that they would be, um, equipped to interpret the, the results of such a report. But again, that it does lead to a conversation, and there's the potential to, to, to make that information make sense if it's put in the right type of context.

On the last question, in terms of conflict, I think

the--this might be one example, but probably the, the most potentially concerning piece is that it makes--the Planning Board make the finding that it would not cause undue adverse impact by requiring additional city infrastructure. I'm not reading the exact language.

And as, as Kathy Watkins noted, it is fairly routine for development projects to be asked to invest in, in city infrastructure as part of the mitigation for the impacts of that project. So the, the language would seem to indicate that if a development proposal came to the Planning Board, and it was found that they needed to undertake some significant infrastructure improvement in order to enable that project, even if that, that were an improvement, that would generally be seen as being favorable to the city, that language might cause the Planning Board to have to say that it couldn't--it couldn't be approved, because, um, because that would--even if the changes in improvement, it would be a investment that would change the city's infrastructure, and that would, would have some type of, of impact.

So I think that's the--that's the potential conflict. We do already have language in the zoning and the urban

design objectives, um, related to sewer and stormwater service and other city infrastructure that, um, that requires the Planning Board to make--to make certain findings. And those findings are, um, somewhat similar to what was discussed with the traffic and transportation impacts, which is that there wouldn't--there wouldn't be undue adverse impact, and the rationale for it would be that any impacts that are caused by the development would be mitigated by improvements.

COUNCILLOR ALANNA M. MALLON: Okay, thank you. So it sounds like the Planning Board members don't feel like they're qualified or comfortable to make some of these decisions. And I just want to ask one quick question about something Miss Farooq said earlier was she was suggesting that another alternative to this utility impacts findings might be more regular meeting with the utilities to talk about not just individual buildings--oh, sorry, Miss Watkins, you know, that individual buildings might not be the right place to do this, but there should be a better-- and I--before this all happened, I didn't realize that this wasn't happening, right? That, you know, we weren't--the city wasn't meeting on a regular basis with our utility

companies to determine upcoming projects and what that might need on our, our electric grid or our gas load.

So those, those meetings don't happen right now, but that is something that we could actually do in the future, even though I feel like I was hearing there was some reluctance around the utility companies being hard to bring to the table. So if that was something we were, you know, to determine in this room that we would like that to happen quarterly or annual, is that even a possibility knowing how hard it is to get them to come to the table?

KATHY WATKINS: Sure. Through you, Mr. Chair. I would say we meet regularly with the utilities; it oftentimes falls on a more short time timeframe. So we're meeting with them about, you know, projects that are in our five-year plan, right? So we're meeting with them about specific construction projects, we're meeting with them about their specific infrastructure upgrades, we're meeting with them about kind of coordination.

So I would say we meet with them, you know, monthly, weekly on those kinds of projects and coordination. So I don't want to imply that we don't meet with them and have that coordination. What I think is missing is having a sort

of take a few steps back and have a broader conversation on a regular basis about the city's--the planning that we're doing, as well as the longer term and projections that Eversource is doing.

And so we have had conversations with Eversource, you know, when they're doing their annual projections, that that would be a good time to sort of say, let's have an annual meeting and bring in Community Development Planning staff, as well as folks working on, you know, Zoning, Development, Energy, Public Works, and have a broader discussion with Eversource, and not just the sort of more honed in meetings.

And so Eversource has definitely expressed a willingness to do that, and actually suggested the timeframe of in the spring when they're coming out with their new projections is a really logical time to have that meeting. And so I think that's something we definitely want to follow up with.

COUNCILLOR ALANNA M. MALLON: Okay. And Mr. Chair, through you. I didn't mean to imply that the DPW never talks to Eversource about projects that are going on. I'm sure that there's weekly coordinating that happens on

specific projects. I guess what I was saying was I didn't realize there wasn't that larger, broader conversation about what might happen in 5 years or 10 years if we continue building the way we are. So okay, thank you. Thank you for all that.

COUNCILLOR DENNIS J. CARLONE: So I have a few thoughts and questions. As I hear it, I agree with my colleagues, I see nothing wrong with 8 and 9 if you want to change a word or two. Information is useful, and I don't see how it's different than the Water Department sending in a report that gets evaluated, and that evaluation goes to the Planning Board.

It's just information then knowing what--and even knowing ahead of time if, for instance, if this had been ongoing. And we had known about Eversource before Volpe was approved, I can almost guarantee this group would have said, "That's a big project, we want you to incorporate this in the base of one of your buildings, as complicated as that would be." So we lost that opportunity. So maybe I'm reading the room wrong, but I think everybody feels comfortable with 8 and 9. It seems to me that 12.25.3 can be refined in a way.

For instance, Ms. Farooq mentioned Binney Street and the bicycle way and building the street. And that's great for the city system, but on the other hand, the park was what the neighborhood wanted. Not that they didn't want, but they feel the park is for their troubles, if you will, behind in a street. Um, and I can tell you, Alexandria is going through the same kind of thing. And they're talking to the neighbors in particular about how can we make life better there?

And so, it seems to me that you can have impacts but if there is an appropriate enough neighborhood focus mitigation. For instance, if a project is going to dig up Fulkerson Street forever, or what happened in West Cambridge with all the utility work, it seems to me that it isn't just finishing the project that's sufficient. How do we mitigate the heartache, if you will? And I'm not talking about big bucks, or I'm just saying being sensitive and coming back, um, with ways to help the pain.

And I think this is one of the things Councillor Zondervan was getting at, that, in a way, Eversource is a large example of utility changes due to construction because of the 110-foot building they're talking about. But

there are smaller ones that need to be studied as well, and early on being told, you know, you're going to have to whatever it is, screen this with your--when we did CambridgeSide the first round, the utility is in the building. There are no transformers that are visible now that serve the owner as well, but that was at a cost. I actually think all transformers should be in buildings, easily accessible through a gate, and can walk around it. So I see no problem with that whatsoever.

And the other thing I wanted to mention when you discuss labs, and that they're the backbone of the city, well, we're running out of space, number one, but number two, labs shouldn't be everywhere, which commercial zoning pretty much allows. There are different commercial zones, and there should be a buffer. So I think that's something else that we're going to eventually get to because Cambridge neighborhoods don't think of labs as good neighbors.

And, in fact, I can think of three examples right away where we've been told that. And once on Mass Avenue, that should never--it was conversion should never have happened. So I don't think labs are the solution. I think they're one

of the major solutions in this decade, but there'll be something else coming down the line. And as far as Biopharma goes, I think it's great that they're solving problems, but once the federal government steps in and limits the price on medications, who knows what's going to happen with those lab spaces?

So it seems that every industry has a certain lifeline, and then it's--it changes, and we need to build spaces that make that work. So Councillor Zondervan, I think 8 and 9 are acceptable, maybe with some minor changes, as you said, and maybe you want to talk about that, or perhaps 12.25.3 needs a little more edification.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. And I think you mean 19.25.3. Yeah, I agree, and that's the sense I get from the room as well that, that paragraphs 8 and 9 seem to be acceptable. And I'm certainly open to any specific wording changes that that people want to propose.

I do want to address some of the comments, and, and first of all, I want to appreciate them because I think this has been a really informative discussion so far.

Um, with regards to the--to the labs and, and, to some

extent, also the high-tech industry, I participated in both. I started a biotech company 10 years ago, so I fully understand and appreciate the value that, that those kinds of companies can bring to our economy. I think what you're hearing from some of my colleagues is a concern that I share as well, which is that by trying to concentrate all of that activity in the Cambridge, we are having some undue impacts on our residents.

And, you know, everything in, in life pretty much is a trade-off, so, you know, we can't say, well, it's all great when there are negative impacts. So, so all we're really saying here is we need to account for those impacts. We're not saying we can't have labs; we're just saying we have to have a full, honest, transparent conversation about if we add more labs, it does have these impacts.

And it's not just about labs, and I do want to point out that, that the language is very specific, it says, "undue adverse impacts on the residents and environment by requiring extensive additional utility infrastructure." And I think, again, that, that word "additional" is, is very relevant. And I put it there for a reason because I completely agree that improvements are great, right?

So if I'm living through a sewer separation project in front of my house right now, and I think it's great, it's fabulous that we're able to do that. To me, even though it is very disruptive, that's not an undue adverse impact, it's a net positive, and it's not additional infrastructure. It's improving the existing infrastructure.

What I would consider additional infrastructure is the, the sewer line that's going down Gore Street. And that is a significant impact on the neighborhood. It has led to the death of a--of a very large tree already. So, you know, again, not saying we can't do those projects, but we should know ahead of time that, well, gee, if we build all these buildings on North Point, then we might have to run a sewer line through this neighborhood. That conversation should be happening way ahead of time, not, you know, 5, 6, 7, 10 years later, um, as, as a surprise to most of the neighborhood. And, and again, Eversource is another example where we're seeing that.

I really like the traffic analogy, and particularly, I like the fact that the PTDM has been brought up because that's, in fact, exactly what we need. We need a PTDM approach for our energy utilities. Just as we can say, your

building is going to have traffic impacts, and here are some ways that we find acceptable for you to mitigate them, we need a similar way to say your building's going to have energy utility impacts, and here are some acceptable ways for you to mitigate them. And that would, indeed, help us better evaluate whether there's sufficient mitigation in the project to allow it to go forward.

Regarding the Planning Board's concerns about their expertise to make these findings, I certainly hear that, and I fully appreciate the challenge that, that they are raising with that. And I will say that, you know, I'm sure they had similar concerns when we first started imposing traffic requirements, or, or water requirements, or sewer requirements.

I mean, these are not automatically things that Planning Board members are experts in, but as we evolve our city and our urban design, we simply have to acquire that expertise. And that doesn't necessarily mean that individual Planning Board members have to be the experts. We have plenty of experts in the city who can advise the Planning Board, right? We have one of the best energy consulting companies in the world right here in Cambridge,

right?

So there are opportunities to inform the discussion and, and inform the Planning Board on what the expected impacts are of a project in terms of energy infrastructure, and what potential mitigation options are, and then for the Planning Board to make an informed decision. I mean, we face the same challenges here in the Council. We're not all experts on all of these issues, either, but we rely on the information from experts to inform our decisions. So I think there are ways to, to address those concerns.

Now, all of that having been said, I think it is--it is challenging to move this forward as is and, and impose all of that on the Planning Board right now. So I'm certainly open to discussions about how we might change 19.25.3 to make it acceptable to the Planning Board and ourselves that it will have the intended effect.

But, but again, it is the goal to make sure that we are not adding new buildings without fully accounting for the impacts that is going to have on our infrastructure, and particularly, the fact that it would lead to additional infrastructure, which we simply may not be able to handle.

KATHY WATKINS: Through you, Mr. Chairman. I guess the

one question I would ask is that, you know, we're looking at the sort of Sections 8 and 9, it talks about, you know, "shall indicate the likely improvements to infrastructure necessary to accommodate the identified impact." So I think one of the things we're looking at is, again, going back to the narrative section, does that sort of accommodate, is that getting at what we're all looking to do, which is identify the impacts earlier and have those discussions earlier.

So it seems like a fair amount of that language is in 8 and 9, which, you know, as you said--earlier mentioned earlier, Councillor Zondervan, was that it matches what we do for the, you know, the city infrastructure, which is that, you know, the applicants are identifying the amount of water and sewer that they're anticipating, um, and identifying, um, you know, what those needs are.

And so, and again, we're focused on electricity, I would also just point out that when we look at sort of water and sewer, you know, that the higher impact for those is actually housing. So, you know, it depends on the type of development as in terms of the impacts that can have, but, you know, we do have when we have a larger housing

development going in, you know, they may need to upgrade the existing water and sewer system because housing has much higher sewer and water usage.

And so those are all those kinds of impacts. But, you know, a lot of that, getting at identifying what the impacts and what the needs would be, is sort of, you know, from our perspective, seeing, you know, is included in that section, the 8 and 9 Section.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you. I appreciate that. I think, again, there's a difference, to me, between improvements and additions. And, and I think even Eversource's model that conversation a little bit in their most recent presentation to us about, you know, how the substation would improve the grid infrastructure. I mean, we all want improvements, of course. The concern here is major additional infrastructure that, that really disrupts our city.

So, you know, if, if a project came forward and said, "Well, you know, we have to run an additional wire through the street," fine. I mean, that's, that's just the city growing and evolving. But, but if a project comes along, and, and we look at the overall development of our--of our

city, and we say, well, gee, if we allow this project and the other five that are down the pike, we need to add another substation, where would it go? I think that has to be factored in our decision as to whether or not we approve that, that project and, and subsequent ones.

KATHY WATKINS: Through you, Mr. Chair. The only other point I would just, just to try to clarify because it is important in terms of, you know, we--Eversource's looking at a 5 or 10-year horizon, and so--and we're pushing them that, you know, we need to be having these conversations sooner. And so it's not when a specific project comes in. So it is looking at, you know, what is the development and the projected load looking at 5 and 10 years down the road.

And so sort of tagging that to a single project at the Planning Board level, I'm just trying to grappling a little bit about how that happens in terms of, you know, this project requires a new substation, and this project requires the additional infrastructure that you're sort of referring to, and I think, you know, we're all responding to in terms of making sure we're having those conversations, but it's not necessarily at a specific project basis. So that's one of the struggles, I think,

that we keep coming back to with this language.

COUNCILLOR DENNIS J. CARLONE: Okay, we have to get to public comments, so please conclude. And I might add, but it would be useful to know that we're 80% there that we need another one, so we can start planning at 50%, or whatever percentage you all think.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. Yeah, I, I do understand and appreciate the challenge that you're raising. And I guess the way I think about it is that, given where we are in terms of climate change, and, and the environment, to some extent, we really need to just cap the amount of capacity that, that we have, and, and say, we can't just keep adding to that, at least not until we have a clear plan for how we do that without continuing to make climate change worse and continuing to destroy the environment.

So in that regime, any new project that is substantial would take us over the cap. And so the, the long-term conversation that, that needs to be had is how do we reduce the amount of energy that we're using overall so that we make room to add new buildings. But until we've done that, we can't really add them. And if we're doing that, then any

particular project would tell us, well, you know, we're, we're going to get this close to, to the cap again, right?

There's a separate conversation that we can have about should that--should there be that cap, or should we raise it, right? Should we allow it even more? But that's for later. Right now, it's, it's kind of a crisis situation where we can continue business as usual, we can just say, you know, we'll add this, this many buildings per year, and it'll increase our load by this much, and then eventually we'll, we'll drop in another substation. We, we can't keep doing that.

So I, I understand that challenge between an individual project versus the overall system, and I guess the way I'm thinking about it is that the overall system is essentially capped. And so any project right now is going to take us over that limit, and we have to address that issue.

COUNCILLOR DENNIS J. CARLONE: I just have a quick announcement, and we're going to be back very quickly to our conversation. So nobody has signed up for public comment, but we always ask, is somebody out there who still wishes to speak even though they haven't signed up? And if

not, we'll close public comment. I see no hands, so I will close public comment, and now we'll continue. Vice Mayor.

VICE MAYOR JAN DEVEREUX: Well, one suggestion, I had to follow up on what Kathy said about having more regular conversations with the utility about big picture stuff. I think those conversations should be in the form that we use for the annual Town Gown presentations, where they're actually in public with the Planning Board, because, um, you know, I think that's an important component is to have a public conversation about it so that people are better informed on that, and so that--so that other stakeholders, so developers who may be considering projects know, you know, what the planning, what, what the load is looking like, and maybe those happen on an annual basis or maybe those happen on an every other year basis, depending on how, you know, frequently that would be.

So I would like to consider, I don't know if that is something that goes into Article 19, or if that's just a planning board policy that are--

IRAM FAROOQ: Through you, Mr. Chair. Some of the things that we've been talking about today, like PTDM came up and the Town Gown. These are not things that are in the

zoning, either one of them, they are separate city ordinances or policies. So I would say that if there is such a requirement, it would be better that it be something that's a separate item that relates not to--because zoning relates to new development, and this is something that we are asking the utilities to come and do a presentation. So it'd be good that it would be some separate document that the Council creates in order to request that of the utilities.

VICE MAYOR JAN DEVEREUX: I don't know how that--how did the Town Gown tradition get started?

IRAM FAROOQ: Oh, there was a--I don't know how many years ago? 1991? Okay, yeah, so there was a--there was a whole Town Gown process that the city had, and ultimately determined that it would be important for the city to have this public information about the planning that the universities were doing, and so then that created the Town Gown requirement.

VICE MAYOR JAN DEVEREUX: I know on your website, you have a, you know, a tab about institutional planning, which is Town Gown, and this is in a sense, infrastructure planning. So it could be an opportunity also for DPW to

share infrastructure planning that they're doing, that's all connected. So, you know, does that need to be something that the Council orders? Or how does that happen? We don't have to do that today.

COUNCILLOR DENNIS J. CARLONE: Actually, the Council has asked for that for a couple of years, but maybe not formally, so I think it would be good to do it formally, Vice Mayor. So I think Madam Solicitor looked like she wanted to make a comment, did you?

CITY SOLICITOR NANCY GLOWA: Sure. Certainly, Mr. Chair, through you, just I was gonna say I think this could be accomplished through a Council order and directed to the city manager to ask to have this put into place.

COUNCILLOR DENNIS J. CARLONE: It's a great idea. Councillors? Councillor Kelley?

COUNCILLOR CRAIG A. KELLEY: Thank you, Mr. Chair. I guess I am a little bit not in the same camp as others. I think the need of this is 19.25.3, and we can wordsmith it a little bit, we can figure out whether the mention of both residents and environment creates some tension that we want to relieve through different wordings, but absent a specific finding of something--and again, it's a fuzzy

finding. Absent something like that, I don't think it gives us what we want.

And I'm not sure that the Town Gown discussion is a great analogy because I don't know that it's really helped us manage the pressures of university expansion and what that brings with it. So I'm obviously supportive of 8, 9, and the tweaks to 19.25.2, but I don't want to get rid of 19.25.3.

VICE MAYOR JAN DEVEREUX: I don't--excuse me, I don't either. It was a suggestion, because there's been discussion about the Planning Board not really being able to, you know, understand always the big picture, and there was also a reference to having more frequent discussions with the utilities, but it would--I was just trying to sunlight those but not to replace 19.25.3. So just to clarify that.

COUNCILLOR CRAIG A. KELLEY: Okay. So my thought is, if we make it this sort of requirement of a finding, then we'll see that the people that make that finding will figure out how to tap the expertise, and have the discussion that we should have been having many years ago and, and need absolutely to start having now.

COUNCILLOR DENNIS J. CARLONE: I agree. Council, are there any other comments?

COUNCILLOR CRAIG A. KELLEY: I, I did mention, Mr. Chair, that--

COUNCILLOR DENNIS J. CARLONE: Sorry.

COUNCILLOR CRAIG A. KELLEY:--the potential conflict between residents and the environment in 19.25.3, and it may be my imagination, but it says, "would not cause undue adverse impacts on the residents and the environment." It is possible that something that is arguably more environmentally benign in many ways may still have bothersome impacts on neighbors, like the fans that are used to cool batteries or whatnot.

And I want to flag that. I don't think it's a showstopper, but if anyone has ideas on how to word that differently, I'd be interested. Otherwise, I'm happy to let it stand.

COUNCILLOR DENNIS J. CARLONE: Just clarification, Counselee, your concern is about adding environment, or--

COUNCILLOR CRAIG A. KELLEY: No, they're in there now-

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COUNCILLOR DENNIS J. CARLONE: Yes, sorry.

COUNCILLOR CRAIG A. KELLEY:--but I can see how there could be instances where what's good for residents is more impactful on the environment or vice versa, what's good for the environment, in general, may have more impacts on the immediate neighbors. That may be more wordsmithing than it's really worth, and I might be reading too much into this, but I thought I'd flag it.

COUNCILLOR DENNIS J. CARLONE: Yes, good response. Councillor Zondervan?

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair, through you. To my colleagues, perhaps if we changed "and" to "or" would then be more appropriate?

COUNCILLOR DENNIS J. CARLONE: Councillor Kelley?

COUNCILLOR CRAIG A. KELLEY: Thank you, Mister. I think that does the--has the same issue. And it may be an absolute non-issue, so I don't need to spend a lot of time talking about it.

VICE MAYOR JAN DEVEREUX: Are we talking about the public interest, essentially? I mean, residents and the environment are both the public interests, and maybe there's another term that encompasses both of those because residents is one of those words like, do you only have

standing if you're a resident? Or, you know, I don't know. But the public interest is a term I think that's used, so this is--

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you. Mr. Chair, perhaps the Solicitor could give us some guidance on appropriate terminology there.

CITY SOLICITOR NANCY GLOWA: Through you, Mr. Chair. I'm not thinking of anything off the top of my head. I think it would be great if we staff could sort of brainstorm a little bit and then come back to the Council with some suggested language that would encompass that public interest concept and seem more palatable, and yet accomplish what you're trying to accomplish.

COUNCILLOR QUINTON Y. ZONDERVAN: Councillor Kelley has an additional thought.

COUNCILLOR CRAIG A. KELLEY: Perhaps we could use the word community and it would say, "Adverse impacts on the community by requiring," and again, this is fuzzy to begin with, and it's meant to be fuzzy, but community is used in other parts of the zoning code.

COUNCILLOR QUINTON Y. ZONDERVAN: It makes sense. It works for me. So we have an amendment?

COUNCILLOR CRAIG A. KELLEY: Yes, I propose an amendment to change the words "residents" in the environment to the word "community".

COUNCILLOR DENNIS J. CARLONE: Discussion? I see none. All those in favor say aye. Aye. Those against, nay. So that is passed unanimously.

Now, I do have a different question. You know, I--I have a fairly strong ego, but there's been no discussion on the urban design sentence. So there was no descent by the Planning Board on that. I'm looking at this in a proactive way.

It basically says, a quick analysis of what the urban designs issues are, and then present that and findings of the urban design staff with your input, obviously, to the Planning Board verbally, not just in a quiet written document.

JEFFREY ROBERTS: Yes, Mr. Chair. I think we, we did just--to jog my own memory that we did discuss that at the Planning Board hearing as well. I don't think the focus was on necessarily whether there was an oral presentation from the staff versus a written report from the staff, and that can be--that can be discussed.

COUNCILLOR DENNIS J. CARLONE: Okay. And I marked orally.

JEFFREY ROBERTS: Yeah.

COUNCILLOR DENNIS J. CARLONE: I will lead that word.

JEFFREY ROBERTS: We can--and we can certainly look at that as an operational issue. I think what the Planning Board discussed was the, the broader issue of what happens when the, um, when a proposal comes forward, and there isn't a specific area plan or set of guidelines to inform it. And the response was that in those cases, the city-wide urban, urban design objectives are always applied to, to every development that comes to the Planning Board to review it.

COUNCILLOR DENNIS J. CARLONE: What I am suggesting, in one afternoon, an urban designer, good urban design staff member could do, which is here's the site, these are the factors, these are the heights, these are the concerns with any proposal. It's very easy.

IRAM FAROOQ: Mr. Chair, we have no problem with this. This is very consistent with what the--what the Board already--I mean, in terms of their purview and the types of things they focus on. So this will--this is not a problem.

I was actually not at that meeting, so I'm not sure what the detail of the discussion. But from the start--from the department side, we don't have a problem with this. We can start a process where we have our urban design staff actually speak to each project. That should not be a problem.

COUNCILLOR DENNIS J. CARLONE: I think, to my colleagues and staff, I think I will outline a little broader what I have in mind, more broadly what I have in mind that even in the memos don't seem to get to. Okay, are there any other comments or questions? Councillor Mallon.

COUNCILLOR ALANNA M. MALLON: Thank you, Mr. Chair, through you. I just have a question for my colleague, Councillor Zondervan, around a phrase that he used around sufficient mitigation when we're talking about these utilities and section 19.25.3. Are you suggesting that--I mean, it feels like we're not talking about significant mitigation here, what we're discussing is whether or not the Planning Board will or will not grant a special permit based on whether or not utilities are going to be adversely impacted.

So I guess I'm just wondering what you meant by

sufficient mitigation because it doesn't seem like there's any language in here that would allow for significant mitigation, it's just yes or no.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair, through you. To my colleague, thanks for the question. I was actually just scribbling a proposed amendment. What, what I'm thinking is to add a sentence that says, "the Planning Board shall weigh any proposed utility improvements against these impacts." And I don't know if that's the right language, but something along those lines to basically say, let's weigh the adverse impacts against any improvements that are being proposed, and then make the decision on that basis.

KATHY WATKINS: Through you, Mr. Chairman. There are two thoughts; one, we were thinking about just sort of chatting about, you know, is it--because it is this yes or no, versus the mitigation issue. So one thought was to sort of change "requiring extensive additional utility infrastructure." One could say, "requiring, you know, unmitigated, extensive additional utility" so that there's language in there that talks about the mitigation versus the impacts.

To your proposal, I would just say, you know, versus the benefits of that infrastructure, because I don't also want to do--I don't want to lose the fact that you know, oftentimes, there's other significant environmental benefits from the infrastructure that we're talking about. So, you know, its base--you know, it's also weighing the benefits of the environmental benefits of that infrastructure as well. So there's two different thoughts there, if that's helpful.

COUNCILLOR DENNIS J. CARLONE: Yes, Councillor.

COUNCILLOR ALANNA M. MALLON: So thank you. So it sounds like we have some potential wordsmithing that is happening here, which I'm appreciative of. I'm wondering if--I feel like my paper is all marked up. Are we--I would not want to be moving this forward today without having something that the staff had put together as a--as a clean version. Is that something that we could agree on?

COUNCILLOR DENNIS J. CARLONE: Uh, I feel comfortable with that. I think that's the right way to do it because we--we read words differently also, and to have a copy that the staff feels comfortable with. And please question if something you don't feel good about something that we have

in there tomorrow, um, in the morning, then let us know the next time.

But our goal, I believe our goal with the people present is largely we like what this is, and we want to respect your comments, but we want to find a way to do both. Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. So, um, what--what I'm writing here is "The Planning Board shall weigh the benefits of any proposed utility infrastructure against their impacts"?

COUNCILLOR DENNIS J. CARLONE: Okay, you--you might want to write that down for the clerk, so we understand where it occurs.

VICE MAYOR JAN DEVEREUX: Would it be any proposed infrastructure, or are we trying to get to the extensive additional utility infrastructure? Because any is pretty--

COUNCILLOR DENNIS J. CARLONE: Broad.

VICE MAYOR JAN DEVEREUX: --pretty broad and--yeah.

COUNCILLOR QUINTON Y. ZONDERVAN: Thanks. I think--I think yes because, again, as Councillor Kelley has pointed out, this is all very fuzzy no matter what. So the, the idea is that ultimately the Planning Board is weighing

whether there are undue adverse impacts or not and then whether any proposed mitigations or benefits are worth those undue impacts or not.

COUNCILLOR DENNIS J. CARLONE: So, Councillor Zondervan, when you're done, are you hoping that we vote on that now as an amendment?

COUNCILLOR QUINTON Y. ZONDERVAN: Yes, Mr. Chair, I do, um, agree with my colleague that we should pass that language, then the staff--

COUNCILLOR DENNIS J. CARLONE: And have the staff review it.

COUNCILLOR QUINTON Y. ZONDERVAN: Yeah.

COUNCILLOR DENNIS J. CARLONE: Yes.

COUNCILLOR QUINTON Y. ZONDERVAN: So we would keep it in committee and--

COUNCILLOR DENNIS J. CARLONE: Sure.

COUNCILLOR QUINTON Y. ZONDERVAN: --hear back from them.

COUNCILLOR DENNIS J. CARLONE: Um, so we'll wait until you have that. If--are there any other comments, Vice Mayor?

VICE MAYOR JAN DEVEREUX: Does this petition have a

deadline? It's a zoning petition, right?

COUNCILLOR DENNIS J. CARLONE: Yeah, it's a zoning petition.

VICE MAYOR JAN DEVEREUX: Mr. Clerk, when is this--

CITY CLERK ANTHONY WILSON: So the--the absolute deadline on this is December 25th.

VICE MAYOR JAN DEVEREUX: Oh, good. That's a good day.

COUNCILLOR DENNIS J. CARLONE: So we'll meet on Christmas Eve, uh, to vote this.

VICE MAYOR JAN DEVEREUX: I think we do have a meeting. I think isn't--isn't there a meeting like on December 23rd? Isn't that a Monday?

COUNCILLOR DENNIS J. CARLONE: Yes, you'll be in it.

VICE MAYOR JAN DEVEREUX: Yeah.

COUNCILLOR DENNIS J. CARLONE: I don't know if anybody else will be.

VICE MAYOR JAN DEVEREUX: Well, it might be my last meeting--

COUNCILLOR DENNIS J. CARLONE: I know.

VICE MAYOR JAN DEVEREUX: --so like come on New Year's Eve.

COUNCILLOR DENNIS J. CARLONE: It might be a week

earlier, I suspect.

VICE MAYOR JAN DEVEREUX: Okay.

COUNCILLOR DENNIS J. CARLONE: Any, any last thoughts on this while we're waiting for the final wording? And after that, um, I'm assuming we'll vote to keep this in committee.

KATHY WATKINS: Through you, Mr. Chair. I mean, when-- I know you're working on the language, Councillor Zondervan, but one of the things just to think about is how this language is phrased in terms of, you know, any infrastructure versus the other language that was, you know, extensive additional infrastructure, those are two very different, um, definitions.

So, you know, if we're thinking about, is the Planning Board supposed to be weighing that they need a new water service or a new, you know, electric service connection to the building, that feels a very different scale of what we're trying to accomplish with this.

So, you know, as we're reading this and, you know, the sort of any proposed extensive additional infrastructure feels more, um, commensurate with what we're talking about here. So just as a comment from staff.

COUNCILLOR QUINTON Y. ZONDERVAN: Thanks. Yeah, and again, this is--this will be suggested language from us to you, and we would welcome your feedback on that. Okay, so the proposed amendment is an additional sentence that reads, "The Planning Board shall weigh the benefits of any proposed utility infrastructure against the overall impacts of the project."

COUNCILLOR DENNIS J. CARLONE: And where does that enter?

COUNCILLOR QUINTON Y. ZONDERVAN: That would be at the end of Section 19.25.3.

COUNCILLOR DENNIS J. CARLONE: Okay, the end of the existing paragraph or sentence.

VICE MAYOR JAN DEVEREUX: So to clarify, we still have the first sentence which we've been talking about--about, shall grant the permit only if it finds the project would not cause undue adverse impacts. So, by requiring--excuse me, by requiring extensive.

So, I mean, I do see--I do take your point, Kathy, about, like, are we talking about, you know, a minor thing when we say any infrastructure? So are we trying to connect these two sentences that we're, we're talking about?

COUNCILLOR DENNIS J. CARLONE: I think this is something that the staff will look at. It's pretty clear they, they want the word "extensive" in there, and then defining extensive, it gets to what Councillor Kelley was saying, what, what exactly is that.

But we expect that you're going to come back with something that feels right, and you're going to explain to us if you change anything, why that was, and then we'll discuss that.

So the amendment is before us. Um, do we need to read it again? Yes, Councillor Mallon, she's right. Yes. Yeah, we're just putting it into the system, and City Clerk will read it. Councillor Zondervan, are you reading it, or? Please.

CITY CLERK ANTHONY WILSON: So the proposed amendment is to add another sentence to the end of the proposed Section 19.25.3 to read as follows, "The Planning Board shall weigh the benefits of any proposed utility infrastructure against the overall impacts of the project."

COUNCILLOR DENNIS J. CARLONE: It doesn't really mention mitigation and possible mitigation or potential mitigation.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. I guess in my mind, the--the benefits of any proposed utility infrastructure is the mitigation.

COUNCILLOR DENNIS J. CARLONE: Mm, I don't know. I think a city solicitor or two might say the benefits are the utility in the ground and upgrading services as opposed to mitigation.

COUNCILLOR QUINTON Y. ZONDERVAN: I'm open to hearing from her.

COUNCILLOR DENNIS J. CARLONE: I'm not saying this city solicitor, others I've known. I think that's fine for now, and we're all considerate unless one of our wordsmiths have other thoughts.

Well, for the sake of time, I think I'm going to put a vote on that, knowing that we're going to get feedback and we'll have a discussion at the next very brief meeting, hopefully. So all those in favor of the proposed amendment say aye.

COUNCILLOR QUINTON Y. ZONDERVAN: Aye.

COUNCILLOR DENNIS J. CARLONE: Those against say nay. Okay, that is unanimous. Thank you. The meeting is closed. We'll meet again, and you'll all be notified--if you've

left your email, you will be notified when that meeting is.

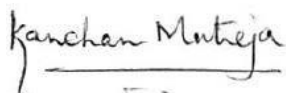
Thank you. The meeting is adjourned.

The Cambridge City Council Ordinance Committee
adjourned at approximately 3:35 p.m.

C E R T I F I C A T E

I, **Kanchan Mutreja**, a transcriber for Datagain, do hereby certify: That said proceedings were listened to and transcribed by me and were prepared using standard electronic transcription equipment under my direction and supervision; and I hereby certify that the foregoing transcript of the proceedings is a full, true, and accurate transcript to the best of my ability.

In witness whereof, I have hereunto subscribed my name this 16th day of December 2022.

A handwritten signature in cursive script that reads "Kanchan Mutreja". The signature is written in black ink and is positioned above a horizontal line.

Signature of Transcriber

- 1. Motion by Councillor Kelley to delete "residents and the environment" in section 19.25.3 and replace it with "community"

RESULT:	MOTION CARRIED ON A VOICE VOTE [6 TO 0]
YEAS:	Carlone, Devereux, Kelley, Mallon, Siddiqui, Zondervan
ABSENT:	McGovern, Simmons, Toomey

- 2. Motion by Councillor Zondervan to amend to add a sentence to the end of 19.25.3 "The Planning Board shall weigh the benefits of any proposed utility infrastructure against the overall impacts of the project."

RESULT:	MOTION CARRIED ON A VOICE VOTE [6 TO 0]
YEAS:	Carlone, Devereux, Kelley, Mallon, Siddiqui, Zondervan
ABSENT:	McGovern, Simmons, Toomey

- 3. That the proposed Special Permit Criteria amendments to Article 19 of the Cambridge Zoning Ordinance (as attached) be referred to the Ordinance Committee and the Planning Board for hearing and report.
- 4. A communication was received from the Community Development Department regarding the Utility Service Zoning Petition

Minutes Acceptance: Minutes of Sep 26, 2019 2:00 PM (Committee Reports)