

ORDINANCE COMMITTEE

COMMITTTEE MEETING

~ MINUTES ~

Tuesday, December 10, 2019	5:00 PM	Sullivan Chamber
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Call to Order at 5:00PM

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	$\overline{\checkmark}$			
Jan Devereux				
Craig A. Kelley		V		
Alanna Mallon				
Marc C. McGovern				
E. Denise Simmons			\square	5:44 PM
Sumbul Siddiqui				
Timothy J. Toomey			\square	5:07 PM
Quinton Zondervan				

Councillor Dennis Carlone 01:14

Welcome everyone. The call of the meeting is as follows: We are meeting today discuss a proposed revised amendment to the zoning ordinance by creating the Grand Junction pathway overlay district. We do have a quorum today. We are joined by Vice Mayor Devereux, Councillor Zondervan, Councillor Mallon, Councillor Siddiqui and I am the co-chair of the ordinance committee. I'm Councillor Dennis Carlone. There, this hearing is being privately copied. And we're also joined by Mayor McGovern. This meeting is being audio and video recorded both by the city and privately. There is an attendee and speaker signup sheet right behind the railing near the entry to the room. If a member of the public does not wish to speak, please indicate by stating no on the speaker signup sheet, otherwise, I will ask you and call out your name. If you have a written comment, please, we ask to leave it in the basket right next to the podium or to email it to us before midnight tonight. Now you will notice in the package there is an attachment. There is one letter from Pamela Van Door. But if you sent an email the emails were not received in time to include in this package. But they will be included in the meeting notes. There are approximately five emails that will be included that were not received in time. The format of the meeting is as follows: the petitioner at the front table, Alexandria, will be giving a presentation. We will then hear from city staff comments. We know there was a recent Planning Board presentation and response with the Planning board Recommendation. Then we'll have a clarifying question period where the fellow councillors can ask questions to understand if something isn't unclear or make sure they fully understand the petition. After that we will have public comment. And following public comment, we will then open it up to the council to discuss, to discuss... it sounds like it's going in and out. Is it? All right, I'll start screaming. Going out again?

Councillor Dennis Carlone 05:18

Councillor Simmons join us. She is recovering from an operation and it's unclear whether or not she will join us. Do I need to read this now? So, in case she does join us, I will read what the mayor normally reads. The city manager has authorized the use of remote participation at meetings of the city's public bodies and transmitted to the city council on May 13, 2012. The

Open Meeting Law regulations revised by the Attorney General on October 6, 2017. 940 CMR 29.10 to be used as guidelines for the city's use of remote participation. The chair announces that Councillor Simmons will not be attending the meeting and will be participating remotely in the meeting. The chair requests that the absent Councillor Simmons to state for the record, when she comes on the phone, if she comes on, that the proceedings are clearly audible to her. We will ask Councillor Simmons to confirm the meeting is audible. The chair announces that Councillor Simmons is clearly audible to both the City Council and the public. And I'll confirm that. The chair of the meeting, that's me, announces that all votes taken at the meeting must be by roll call vote. So, we're not 100% sure she'll call in. If she feels she can, she will. But this way, I don't have to read that statement. So today, Alexandria Real Estate equities is back again. And they have made presentations in the past. And I understand that a lot of the presentation that we've been given, has been presented before. So, with that in mind, I'll turn it over to the team at the petitions desk. Sorry, I will get back to you. I apologize. But before that, Mayor McGovern.

Mayor Marc McGovern 07:35

Thank you, and I'm sorry to interrupt the proceedings. I need to leave to go to a School Committee meeting, to chair that meeting. So, I just wanted to say that, you know, so I won't be here for any vote on actions to be taken. So, I just wanted to say in general, my, my hope is that we see a positive outcome to this project and that the project moves forward. However, given that this doesn't expire until February or March, and we are very close to a resolution on the Eversource issue. But I don't feel that I could vote to support this until the Eversource issue is resolved. So, given that we are close to that, and that we are not up against the, our backs to the wall in terms of a timeline. I just wanted to make that if, you know, I would support it being kept in committee to allow that Eversource issue to be resolved, which I'm hoping will happen within the next couple weeks. And then, you know, I, I do think that the project is a worthwhile project and, and I'm open to it moving forward. But I think until that, until we get a resolution to the Eversource project we can't. So that's just my two cents. I need to take my leave, but I didn't want to walk out in the middle of the presentation.

Councillor Dennis Carlone 08:54

Thank you...

Mayor Marc McGovern 08:54

Thank you.

Councillor Dennis Carlone 08:54

For telling us that and you look rather sharp tonight and we hope you have a good meeting.

Councillor Timothy Toomey 09:00

Mr. Chair.

Councillor Dennis Carlone 09:00

Yes. Councillor.

Councillor Timothy Toomey 09:02

I don't have a school committee meeting, but I scheduled a personal commitment event for this evening before this meeting was scheduled. So, I also have to leave a little bit early, but I'll echo the comments of the mayor and hopefully that we can continue to work on this zoning issue, but I apologize, I do have to leave.

Councillor Dennis Carlone 09:24

Thank you, Councillor Toomey. We understand.

Councillor Dennis Carlone 09:38

The..Anthony Wilson is reminding me that there is also an email from Councillor Kelley with his recommendations that should be on your desk. He has personal family reasons why he couldn't be here tonight. So, with all that, we welcome you back. And I will turn it over to you and have you introduce your full team even though we know you very well by now. Welcome.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 10:13

Thank you very much Councillor Carlone and thank you to all the Councillors, Vice Mayor, all the neighbors and all the city staff that we've worked on with this for quite a while at this point in time. This is our third refiling. Myself, I'm Michelle Lower, Vice President of Real Estate Development and Community Relations at Alexandria Real Estate Equities. I'm joined by Joe McGuire, Senior Vice President of Real Estate Development at Alexandria Real Estate Equities and counsel James Rafferty of Adams and Rafferty, is our team we have here. So, as Councillor Carlone mentioned, this is the same presentation we gave November 19th at the Planning Board. It is also essentially the same presentation we gave back on September 10. Here in this chamber at the Ordinance Committee, the only changes that have been made are to highlight the commitments that are within this refiled petition in the commitment letter. So, in, I am happy to run through the presentation very quickly. I am happy to abbreviate it. I am happy to have a discussion. So, I realize I can leave it up to, leave it up to councillors and the co-chair, as far as that goes. I'm happy to run through it.

Councillor Dennis Carlone 11:29

I understand the presentation at the Planning Board was rather Swift.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 11:34 Correct. It was it was rather swift.

Councillor Dennis Carlone 11:39

I heard it broke the 15-minute record.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 11:42 I think it might have Yes, I consider that a badge of honor.

Councillor Dennis Carlone 11:46 So yes, councillors, your preference?

Councillor Alanna Mallon 11:51

Mr. Chair.

Councillor Dennis Carlone 11:52

Yes, Councillor Mallon.

Councillor Alanna Mallon 11:55

As much as I would love to skip the presentation that I've seen many, many times. I am cognizant and aware that we have two new members who, one of them is at a school committee meeting tonight, and another member who is not here, who might want to review this tape and the presentation, unless they want to go back to the Planning Board [sic]. That might be a good

idea just to briefly run through the presentation, to have it on record in case those two members, the new members want to review that.

Councillor Dennis Carlone 12:25

That's a very good suggestion councillor. So, if you don't mind, sorry, if this is echoing, I think the mayor must have pushed the button. Okay, thank you. Please.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 12:39

I'm certainly happy to and I will, I'll run through quickly but can certainly stop at any time or answer any other questions. If you have them, please interrupt and stop me. So, this is our third refiled petition for the Grand Junction overlay district. Here we go. Highlighted first in this slide is just the changes that we've had through significant discussions with the neighborhood, councillors and other city staff. From the changes that we've made from our first initial petition, which, if you remember correctly, was more of two buildings at both at 120 feet. We have come down now to a building along the street side at 90 feet, a building on the northern side of the site of 60 feet and we have also limited the mechanical penthouse heights on the Binney Street side to 25 feet in height, in addition to the 90 feet. This is what I mentioned earlier the changes that have that have occurred since this third filing, we have accelerated a number of the commitments including the conveyance of the Grand Junction path to 90 days after the granting of special permit which was originally in the commitment letter for after our certificate of occupancy. So, this is a significant acceleration of the conveyance of land to the city, as well as bifurcating the payment of the, for the design and construction of the Grand Junction pathway. Similar to what we did in a previous zoning petition nine or 10 years ago, we have accelerated the payment of design funds of a million dollars to be paid at the same time as the Grand Junction pathway conveyance, which is 90 minutes, nine, excuse me 90 days after the special permit and approval. As you can see, other commitments are similar to what we've had in previous versions of the petition.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 14:43

Very quickly, the highlight of our petition and our community benefit is really, put it, is really conveying 1,800 linear feet, making the connection of the Grand Junction pathway between the Binney Street connection and the Cambridge Street connection. It is 1,800 linear feet along there. Through a previous zoning petition, a section of land was conveyed but please note that we will be widening that to the city preferred 14 feet width, in that, all along the 1,800 linear feet connecting Binney Street to Cambridge street here. You can see here, it really is a key section of, that will be an off street, multimodal, non-vehicular connection of the Grand Junction pathway. You can see it includes this 686 Cambridge Street, a little building on Cambridge street, you can see directly to the left side of the photo is the Loyal Nine cafe. This building we envision would likely come down. It's nothing special, I think is probably optimistic to say about it. So, we envision it being some sort of entry pocket park here along Cambridge Street. Similar to Linear Park up on Mass Ave. You can see outlining here that our site, it's about four and a half acres, it's divided into the front section IA-1 and the back section to the right-hand side of the blue line, which the C-1 district. This is our zoning map that's included in the petition just in how it fits through the, within the neighborhood.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 16:32

Quick outline of just the overall general community benefits that we have here. We envision there will be anywhere from three to 400 Union construction jobs on this site, for the period that it will be constructed. More than 1000 permanent jobs added and more than six and a half million dollars of, through the incentive zoning fee, based on the up-zone square footage that we're asking for in this petition. I think as everyone knows here, we, we really do appreciate all

the efforts that the neighbors in particular, as well as a number of councillors, have really put into this effort. It has been quite a community effort, quite a joint effort. I think we've, we've truly come into it and tried to be good neighbors and good listeners, I think our project is better because of it. We were challenged initially at the beginning of the process to come up with a building that was appropriate for the site by the Planning Board. And I really do think we've done that. I think the massing that we've come up with now is, is appropriate for the site and is an exciting opportunity. And this is what you can see here in the light gray labeled 90 feet and 60 feet is the current massing that we're proposing in this refiled petition. The darker gray shows the commitment of the reduced height and mechanical space. So, you have 25 feet along Binney street, 20 Feet along the northern portion of the building. You can see a shaded in light red is how far we've come down. That was our original petition there. Also showing the traditional height penthouse which was between 35 and 40 feet both on the Binney street side and the northern side.

Michelle Lower, Vice President, Alexandria Real Estate Equities, Inc. 18:20

You can see here this highlights the different zones. This came out of, initially in our first petition, some of the initial feedback we got was that we really felt that we needed a transition zone on the site and in, after further design and looking at further plans. We agree, so I think this has been, this is just a depiction of showing the Binney Street zone with the higher heights at 90 feet, the transition zone at 60 feet and the C-1 zone and shown in the light blue or gray color is a site primarily filled with the C-1 district that will have no development on it. This is our contact, context image, which we really used. We did a lot of testing of different models. I think we're up to north of 35 different masses and heights and all sorts of things on the site. It was a fun process. And I think this is really the image that we used. You can see highlighted on all of the surrounding structures, we have the height of the tallest occupiable floor, which per zoning is the height of the building, as well, as we've also noted the penthouse heights here. So, we feel that this building truly is in context with the buildings to the east and west of it, as well as it's an appropriate addition to the overall Kendall Square neighborhood. Here we have, what you can see how we've taken care of with the massing of the building, to pull it back in areas that we can to really make sure that we're not impacting the views or with shadow of the surrounding neighbors. So, the tallest 90-foot portion of the building is more than 400 feet away from the nearest residence. Whereas the 60-foot portion of the building is nearly 300 feet, exactly 287 feet away. This is the transition zone graphic overlaid over the mass of our building. You can see how it makes sense here and the deeper purple the 90 feet with a 20-foot mechanical pen... Excuse me. 25-foot mechanical penthouse on the Binney street side. 60 feet in the lighter blue, the grayish light blue color on the right with the base zoning no build district. Here quickly we just have the sun studies, we have done countless number of studies of these, these have evolved from suggestions from councillors and neighbors. So, you can see the new shadow that would be casted by our new mass is in blue whereas all of the other existing shadows from other buildings are in the gray. So, you can see this is in the winter solstice from nine to two o'clock I believe. We actually do not touch the nearest house and I believe I don't know if I got in under my 15 minutes but that is what we have our presentation.

Councillor Dennis Carlone 21:18

14 minutes 32 seconds. No, I have no idea. I'm just saying. Any clarifying questions councillors? Councillor Zondervan.

Councillor Quinton Zondervan 21:33

Thank you, Mr. Chair. I would look to go over the commitment letter. So, for the conveyance of the land, I am concerned about any delays in, in the construction of the Grand Junction path. And so, I would prefer to see a different commitment here that transfers the land as soon as the

city is ready to receive it. So that if that were to happen before the special permit, then it would be transferred and if it were to happen after then it would be transferred at that point. But the way it is right now, it's, it's not really connected to when the city's ready to move forward. And similarly, on the, on the payment. Certainly, appreciate the design payment up front. The construction payment again, I think, I would like to see some way, maybe it's through an escrow or some way to say that the money's there as soon as the city's ready to begin construction. And if that happens sooner than the money is transferred sooner, and if it happens later, then it's done at that time. And also, I appreciate the community process. I was told, however, that there were no meetings with the East Cambridge Planning Team, or at least no recent meetings. Is that true?

James Rafferty, Esq., Adams and Rafferty 23:30

This... James Rafferty. This petition, which is a refiled petition with no text changes. We have not yet met again on this petition, but we have kept them advised of our status. Our principal [sic], our principal meetings have occurred with the working group from Linden Park.

Councillor Quinton Zondervan 23:49

Thank you, and through you, Mr. Chairman. I certainly appreciate that. I think they would appreciate a, an updated presentation maybe earlier, earlier in the...

James Rafferty, Esq., Adams and Rafferty 23:59

Yeah and it's an ongoing relationship and Alexandria goes there a lot. So happy to do so.

Councillor Quinton Zondervan 24:06

Thank you.

Councillor Dennis Carlone 24:07

Based on Councillor Zondervan's comment on when money and land is transferred. Could you explain why you said 90 days after special permit?

James Rafferty, Esq., Adams and Rafferty 24:26

Well, the 90-day buffer was created because of the structure of our acquisition contracts. Land that we will be purchasing from the church, for instance, if the special permit were not granted, we're not going to be buying that land. So, we put in a 90-day window to allow us to complete the due diligence in conveyancing work associated with acquiring the church parcel, principally. We're also informed in our timeline proposals with the experience we had in both conveying the Roger Street Park, as well as the foundry building. Both of which took an extended period of time on the receiving end, as opposed to the selling end. So, we tried to be realistic and create that. So, some of this land, particularly the land, in particularly significant portion of the land includes land that we don't own, but we have a contractual opportunity to purchase. We wouldn't close on that land until we knew we had the special permit.

Councillor Dennis Carlone 25:45

Did you want to respond Councillor?

Councillor Quinton Zondervan 25:48

Thanks. Yeah, I mean, I think you know, again, that timing will probably work out okay. But, But I am concerned that if there are delays on your end for a special permit, let's say for, you know, reasons outside of the city's control, then that could delay the moving forward with the Grand Junction and, you know, that's really not acceptable to us. So, I think, you know, if there's some way to restructure that agreement so that we know that the Grand Junction will move forward.

Regardless, I mean, it's almost like holding the city hostage, you know, if we approve the zoning, then there's no real risk to your, to your project, at that point. That would warrant, you know, not moving forward with the Grand Junction and if, if... The Grand Junction essentially in this particular situation is kind of the, you know, the big gift to the city that, that's compensating for this huge development. And so, for us not to have a guarantee that, that will move forward as quickly as it possibly could. Is, is not, it's not good enough for me. I want to, I want to be able to say to our constituents that if we approve the zoning, the Grand Junction will move forward as quickly as it possibly can. And if, if the delay is on the city side, then you know, that's on us. But I don't want to have the risk that the delay is on your side, and then, you know, we have to wait years for the completion of that project.

James Rafferty, Esq., Adams and Rafferty 27:44

Well, I think there's a couple of ways in which that can be addressed. We can certainly contemplate adding best efforts type language to pursue a special permit application. The other language you have, frankly councillor, I think that will be more dispositive of the timing is the phrase, the very critical and important phrase, about when the city is ready to accept this. This land is going to need to be remediated environmentally. We cannot, the city will not take the land with remediation, as I'm sure you can appreciate, we can't even begin to remediate the land until we own it. So, the likelihood is that the remediation needs to take place. We've already done some preliminary understanding based on soil conditions in the general area of the scope of that kind of remediation. So, our experience at Rogers Street in with the foundry building was that we had to deliver land in a quality that was acceptable to the city, and that includes significant remediation as well as environmental insurance. We would anticipate all of those steps would probably take the amount of time that would be within that 45-day window.

Councillor Quinton Zondervan 28:57

Thanks, I certainly appreciate that that takes time. You know, that's not, I'm not concerned about that. What I'm concerned about is, you know, that if there's some other delay in, on your part to getting a special permit, and then only after you've received your special permit, then you start the remediation and, you know, then there's possibilities here for a very long delay and we, we are being asked to vote on the zoning now and in exchange for the Grand Junction. So, I think we deserve to know that it's going to happen as fast as it possibly can. And you know, accepting that that includes time to remediate land and so forth, but, but if all of that is dependent on special permit... I mean, if I if I read this correctly, you will transfer 90 days after special permit. So, so that wouldn't work if, if you have to remediate it unless you can remediate in less than 90 days. Right? So, so then that doesn't even comport with, with this language because you would have to initiate the remediation before you could get your special permit, if you were to transfer the land 90 days after you got your special permit.

James Rafferty, Esq., Adams and Rafferty 30:25

Right. I think the commitment letter that does also contain the language about, we be prepared to convey subject to acceptance by the city. I have to say that Alexandria has been at this for two years now. We have a prior history with the city on the conveyance and delivery of land and funds. And at some point, in this process, I think that track record as well as these commitments would be binding. So, I believe we could probably look at some language that perhaps had an outside date or perhaps at a best efforts. But when this occurs, I think the council needs to be aware that you're a little bit now in the development game. And there are some uncertainties associated with that. I would only say that this move here would represent, however long it takes, this would be the most significant advancement of this plan in 20 years. So, the fact that we're at this point, I think, is deserving of some recognition.

Councillor Quinton Zondervan 31:37

Thank you. And I do acknowledge that, and I thank you for that, for that effort. And I'm in no way doubting your commitment nor, or ability to deliver. And I'm just concerned about potential delays. So, I appreciate you looking at some ways that we can mitigate that risk. Thank you.

Councillor Dennis Carlone 32:00

Thank you, Councillor. I have Councillor Mallon first, and then the vice mayor. Councillor you're up.

Councillor Alanna Mallon 32:07

Thank you, Mr. Chair. Through you. And thank you to Ms. Lower for indulging us and presenting that one more time to this committee. I appreciate it. I just want to stay on the commitment letter for a minute. And item number three, where we talk about Alexandria having a commitment for the period of three years after the adoption of this zoning to purchase the piece of land that's currently owned by Eversource for close to \$13 million. If all goes well, as the mayor alluded to earlier, we are hopefully very close to some sort of resolution on that and that Eversource would in the best-case scenario, sell the land to Alexandria. Within three years, this is all the best-case scenario, but there are other options there. There are other like, you know, different scenarios that might come up. Eversource might sit on the land for four years, land bank it. There might be another buyer that could come forward. And then this 13 million that I thought all along, maybe lots of us thought all along with part of the community benefits package goes away. So, I'm wondering if there's a way to talk about and think about this 13 million. If that best-case scenario doesn't come to fruition, if there is a way to, for us to write into the zoning or talk about perhaps an alternate, in case at the end of three years this land is not able to be conveyed to Alexandria for another purpose. Whether that's goes into the Affordable Housing Trust or into the community benefits fund to be rented out for another, in another round of funding. If there's a way that we can think about that, that \$13 million, what happens to that at the expiration date, if Eversource is just not willing or able to come to the table to sell that land.

Joseph McGuire, Senior Vice President, Alexandria Real Estate Equities 34:12 My name is Joseph McGuire, from Alexander real estate equities. And to answer a constable Mallon, we are prepared to have that be a community benefit. And we'd have to talk about what the structure would be for that. It could go to any number of city type benefit funds. So, we're open to have that discussion.

Councillor Alanna Mallon 34:40

Thank you. I'm glad to hear that. I think you know, as a city, we have identified affordable housing as one of our number one priorities and there's also community needs through the community benefits fund that we've identified through the community needs assessment. So I think if we could think about for the next meeting, how to reword that so that it's a little bit more clear what happens at the end of those three years should Eversource not have the best case scenario, where they decided to find another location and that that parcel doesn't get sold to you for this, up to this amount. So, if that's something that we could do for the next meeting, that would be, that would be great.

Joseph McGuire, Senior Vice President, Alexandria Real Estate Equities 35:20 We'd like, we'd like to discuss it more with one or more councillors.

Councillor Alanna Mallon 35:24

Great. Thank you.

Councillor Dennis Carlone 35:26

Thank you, Councillor Vice Mayor.

Vice Mayor Jan Devereux 35:29

Thank you. Thanks for going back over the material and refreshing our memories. I'm having a hard time understanding Councillor Zondervan point, because if I heard you correctly, you don't own the path land. So, you can't convey something to the city that you don't own. And you wouldn't purchase all of the land. Yeah, go ahead.

James Rafferty, Esq., Adams and Rafferty 35:50

There are three components to the land. There's the portion out on Cambridge Street that we do own.

Vice Mayor Jan Devereux 35:55

Yeah.

James Rafferty, Esq., Adams and Rafferty 35:55

There's the portion along at standing at Binney Street that we do on. And there's a portion in the middle owned by the church, which we have under contract to purchase.

Vice Mayor Jan Devereux 36:03

But you're saying. I think I heard you say that you wouldn't execute that purchase until you had a special permit [sic]. So, I mean, I guess I don't understand how you can convey something that you don't own. So, it seems, I guess I'm, I'm not that worried about a delay in your seeking a special permit unless something cataclysmic happens and I don't know, but I was just trying to clarify that. So, um, and on the Eversource. Yeah, go ahead.

James Rafferty, Esq., Adams and Rafferty 36:38

I'm not following your question.

Vice Mayor Jan Devereux 36:40

Well, I guess I guess my question was really more to Councillor Zondervan. Because it, I thought I heard him saying that he wanted you all to convey it to the city before the special permit or if the special permit for some reason was delayed, to still convey it. And I didn't see how that would be possible if it was if your acquisition of that the final piece, you wouldn't be doing that. Unless... So, I'm really, I think I'm really asking him and not you. But you know.

Councillor Dennis Carlone 37:10

Councillor Zondervan. Why don't you respond?

Councillor Quinton Zondervan 37:13

Thank you, Mr. Chair. Through you. Yes, I agree that that's the problem. And so, what I'm asking is for a different arrangement, so that the possibility exists to convey the land nonetheless, I mean, things happen, you know, there could be a recession, there could be a hiccup in, in their financing or their process for moving forward. And that could cause a lengthy delay, if they, if they've created this dependency. Also, even if they weren't willing or able to do that. The way this is currently structured, if, if it's going to take significant amount of time to remediate the land after purchasing it, before handing it off to the city, then this 90 days after special permit, it wouldn't be enough time to do all that. So, you know I'm, I'm just highlighting that dependency and asking for some creative thinking about how we could do it otherwise. I

mean, the other components they already own so there's no inherent reason why they couldn't buy the other the missing piece now if they wanted to.

Vice Mayor Jan Devereux 38:27

Okay, all right, I guess...

James Rafferty, Esq., Adams and Rafferty 38:28

Well the reality is that the project doesn't go forward if the special permit isn't issued. So, a scenario where an application for a special permit was denied would then not involve the conveyance of the church land which we, which we wouldn't own. So, it's not a unique construct in a community benefit contract situation like this, is upon certain action happening, the conveyance occurs. So, as I said earlier, we'd be happy to explore language that places a best efforts requirement and maybe even an outside date requirement that would, I fully understand the notion of well, we want it to happen sooner rather than later. My client to the right is struggling with the notion that we've done this once before, and the delay wasn't on our side about what happened here. So happy to look at language that, that gets you more comfortable and provides for scenarios other than what is setup here. I think, I think my immediate sense or reaction is that best efforts requirements, I can tell you that architects are at the ready, the market seems in a strong position. We'd like to get the zoning adopted sooner rather than later as you well know from our position. So, the sooner we get the zoning, the sooner we get the special permit. So maybe we've got a shared interest at some point here about moving this petition forward in a way that gets us that much guicker to a special permit and that much quicker to a conveyance.

Councillor Dennis Carlone 40:17

Vice Mayor, I think you still have the floor.

Vice Mayor Jan Devereux 40:20

Yeah, thanks I... Okay. So, I guess we've settled that part or at least we've clarified each other's position there on the Eversource land. Without knowing what's being discussed with the other property owners for an alternative site, is it not possible in that agreement to require or, or whatever Eversource to sell to you as part of that agreement? I had always assumed that once an agreement for an alternative location was struck, there wasn't really a possibility that Eversource would say, oh, we'll just hold onto this land for a rainy day or shop it around or land bank it and try to get more. So is there a way that we can put that promise from Eversource that... You know, because you guys have spent a lot of time and money. And the city is spending a lot of time and money trying to find this alternative location. But it hadn't occurred to me that Eversource wouldn't be motivated to sell the land.

James Rafferty, Esq., Adams and Rafferty 41:30

Mr. Chair, I would say it's a highly unlikely scenario. And my expectation, and...

Vice Mayor Jan Devereux 41:37

That they would hold it you mean. it just, which is unlikely that they would decide...

James Rafferty, Esq., Adams and Rafferty 41:40

Unlikely that Eversource would not sell it. In fact, I would anticipate that whatever documentation arises out of the Eversource conversations that are ongoing now, will in fact create obligations on the part of Alexandria to buy that land. Because from the conversations... We've had limited engagement. The alternative location that Eversource is exploring, their reporting will cost them more than the Fulkerson Street location. And they have cited their need

to recover their real estate costs there, which is well above market costs. So, I think the likelihood that someone will come along and look to spend more money than \$13 million on a parcel that you recall sold for \$6 million in the morning, which was the fair market value, one would say, and then a buyer stepped in a few hours later. So, I mean, we could spend a lot of time on scenarios that are really very unlikely. So, I think the more likely scenario, and we won't see it until we see the documentation on that, but I would say that's the place where you would see memorialized obligations around the disposition of the Eversource Fulkerson Street parcel.

Vice Mayor Jan Devereux 42:56

Good, because that's what I had had thought, but it was only Councillor Mallon introducing the possibility that that might not happen that, it hadn't occurred to me that it wouldn't happen. So, I'm hearing you say that, I know that, you know, right, nothing so sure yet, but you think it is highly unlikely.

James Rafferty, Esq., Adams and Rafferty 43:12

In my world Councillor Mallon is doing what's called good lawyering. Calling for a highly unlikely scenario but providing for it. And given the fact that that is highly unlikely, but, you know, perhaps not impossible. I don't think...

James Rafferty, Esq., Adams and Rafferty 43:33

I thought the suggestion made sense, it's in that highly unlikely scenario, but I think creating additional obligations in the commitment letter is probably not the right vehicle. I think you'll see it in the in the documents around the relocation.

Vice Mayor Jan Devereux 43:48

Okay, good. Thank you. I guess it's just good to hear you say it's highly unlikely and...

James Rafferty, Esq., Adams and Rafferty 43:52

Once again, we'd love to see that document sooner than later, obviously, right. So, but we're not, we're really not the driving seat on that one.

Councillor Dennis Carlone 44:01

Well, well clearly whatever is done, and then I'll welcome Councillor Simmons is going to be negotiated with the city, the legal department, whatever agreement you're offering, so that will be considered and will be worked on and we'll hear about it. At this point, I want to welcome Councillor Simmons. I need to ask Councillor Simmons, can you hear us? Finally? Finally, can you hear us? Councillor Simmons, can you hear us? Are we audible?

Councillor E. Denise Simmons 44:38

Yes, I can.

Councillor Dennis Carlone 44:39

Thank you and we can hear you as well. Thank you very much. So, councillors...

Councillor Timothy Toomey 44:44

Mr. Chair.

Councillor Dennis Carlone 44:45

Yes, Councillor Toomey, please.

Councillor Timothy Toomey 44:47

Thank you, Mr. Chair. Again, I apologize for having to leave. But hopefully that scenario works out that Alexandria purchases the Eversource sites on Fulkerson Street and I'm sure everybody will anticipate and appreciate that that site be converted to open space somehow to convert, to connect with the open space across the street. So, I hope that's on the top of everyone's radar screen.

Councillor Dennis Carlone 45:18

Other council comments, Councillor Siddiqui, do you have any quick questions? I believe the city will indeed be involved in a decision of what happens on that property. Open Space is one that I've heard, I've also heard housing. We're not in that position right now. So, I'm going to ask city staff to come forward and ask the development team to just move back a few feet. And perhaps Mr. Goldberg could also address some of the issues that have been brought up, at least from his perspective. And, and Mr. Roberts, welcome, Ms. Farooq welcome. Perhaps, Jeff, you could start off or Iram with an overview of the Planning Board hearing and any issues that you see before us.

Iram Farooq, Assistant City Manager for Community Development 46:29

Good evening, Mr. Chair, and I think the Planning Board's hearing, as was alluded to earlier was fairly brief on this. And I would say that they have made a positive recommendation. There were nine members at the meeting and eight of them voted in favor, there was one abstention. But they generally felt very supportive and were positively disposed towards this petition. Principally because they felt that so much progress had been made in, in each of the iterations since the initial filing. And they particularly felt that Alexandria had been very responsive to the comments that had been raised by them, as well as by the community. They particularly felt that the reductions in height, and especially of the commitments to having lower mechanical equipment was a positive action in this latest iteration. And they also, I would say, felt pretty, very positive about the community conversations that Alexandria had been, has been engaging in over the course of the various, the evolution of the, evolution of the petition. So, so they, I would say those were the key issues. They did not again go into all of the issues related to the Grand Junction and so forth at this hearing. But clearly those are priorities for the city. And also, you know, the Grand Junction is a priority for the city from a planning perspective for a long time. And the board also has recognized that in in earlier discussions related to this petition.

Councillor Dennis Carlone 48:27

Just a quick follow up question. When MIT transferred land for Volpe, assuming they have, they haven't yet, they would have to clean up their land, first, before the city would accept it? Just as we heard from Alexandria.

Iram Farooq, Assistant City Manager for Community Development 48:46

Yes, Mr. Chair, the MIT rezoning also has similar provisions to what are being discussed here, and so the land would be transferred at a later time. Certainly, the city has established standards, standards for how the land has to be cleaned up per what the future use would be, before we would accept the transfer of land.

Councillor Dennis Carlone 49:17

And is there any estimate what a cleaning up period would be? I know it depends on what's there. And, yeah.

Iram Farooq, Assistant City Manager for Community Development 49:27

We don't know ahead of time how long that process would take. But usually, developers have been, you know, Alexandria, for instance, has transferred land, it's been, it's not been terribly long. But it's the, the discussion about what level it needs to be cleaned up to, the investigations of what is actually on the site and then what needs to be done to remediate it and to what level. Those are really the pieces that working those out in the past have taken, that's the piece that takes time and then the cleanup can begin soon thereafter. I would say the one distinction between this particular instance, you know the Grand Junction versus other pieces that were alluded to in the presentation like Roger Street park or the foundry is that the city had not done planning for those parcels ahead of time. Whereas in this case, we have done years of planning for Grand Junction and are getting pretty detailed into the design process already. And so, I would say that the city would be better positioned to move faster in this instance than in other in other instances where we had to begin a planning process once we received a parcel of land, so that would not be the case here.

Councillor Dennis Carlone 50:53

Thank you. Mr. Roberts, do you wish to add anything from the Planning Board or otherwise?

Jeffrey Roberts, Director of Zoning and Development 51:00

No, thank you, Mr. Chair.

Councillor Dennis Carlone 51:01

Well done. Mr. Goldberg, as far as the agreement on time period, I assume this is correct that you negotiate that, and you make sure the agreement is up to the city's satisfaction legally and time wise.

Arthur Goldberg, Deputy City Solicitor 51:23

Yes, as a matter of course, we would negotiate that agreement, and we would do that as quickly as we can.

Councillor Dennis Carlone 51:32

So, if I might say, what you've heard sounds reasonable from the applicant, reasonable and typical of projects in this general area where pollution is likely. Ballpark.

Arthur Goldberg, Deputy City Solicitor 51:53

Yes, I think, in general. Sure. And I think we are to commitment by the applicant to try to figure out how to maybe speed up the transfer and maybe change a little bit of that language currently in the commitment letter to speed up the process. So, I think that's certainly possible for them to do and we're happy to look at that.

Councillor Dennis Carlone 52:22

Great. Thank you. Any clarifying questions? Councillors? Okay, I don't see any. So, thank you and we are going to open up public...Oh, Councillor Simmons, did you... Sorry, did you have any questions of the city staff?

Councillor E. Denise Simmons 52:44

Thank you. No thank you.

Councillor Dennis Carlone 52:45

Thank you. Okay, so we will open up public comment. And it looks like Pamela Van Dort might be first person. Welcome Pamela followed by Matthew Connolly.

53:11

Good evening, Pamela Van Dort from 13 Cornelius Way. Thank you for the opportunity to provide comment on this petition in the third iteration. I also want to start by acknowledging all of the efforts. Alexandria has gone to with this petition to work with the neighbors. As they mentioned, we've had numerous meetings and we really appreciate that, and I want the council to know. Our position generally on this petition is the same as it was in the last filing, that this is just too big of a building without the mitigation of moving the Eversource substation from right next door. That just immediately abutting our houses that are 25 feet high in Linden Park, having 160 foot, potentially, high substation right next to a very tall building is just too much for a neighborhood. Hopefully, all this will be resolved with Eversource. But unfortunately, hopes and dreams are not what concrete things are built on. As Jim Rafferty mentioned earlier, we could spend a lot of time talking about the different possibilities of how this specifically could play out. But instead of doing that, I would ask the council instead, wait until we have the facts before us of what's actually happening there. Which we've been told by the mayor and hopefully others that are involved will be happening soon. So that we're not we're making an informed judgment. That you guys can make an informed vote knowing all of the facts that are at play regarding the Eversource solution and what's happening with that parcel of land which immediately abuts the Grand Junction land. That's the subject part of this proposal. As mentioned earlier, there's still time, the petition does not expire until March of 2020. So even with a new council coming in, we anticipate asking that council to prioritize naming an Ordinance Committee chair so that this can be considered at that time. Hopefully by then there will be news that we can discuss with concrete facts, and everybody can make an informed decision. So, we ask that you please vote tonight to keep this in committee. Thank you.

Councillor Dennis Carlone 55:08

Thank you. Matthew Connolly is next followed by Jason Alves. Welcome, Matthew.

55:18

Thank you. Good evening, Matthew Connelly at 13 Cornelius Way. I want to build on what Pamela said and I know that the Cambridge Residents Alliance submitted an email yesterday that they specifically asked that I mention. But to build on those concepts. I guess the problem that I have at least is that the benefit to the developer is immediate once this up-zoning is passed. Once you pass the ordinance, Alexandria gets 163,000 new square feet to their property which adds immediate value to them. The problem to the city and I think to the neighborhood is that the benefits are contingent, the Grand Junction pathway is contingent on a special permit some point down the road that may or may not happen, and may, or may not happen at some other point in time. But more importantly, the bigger issue to us is Eversource. And there are a lot of issues that still need to be resolved. And for us, Eversource is mission critical. If it doesn't move, we cannot live with two large buildings near us. We appreciate everything Alexandria has done to work with us. But it is a building that we think is too big. And it has a major impact on us. That the reason why we're willing to accept it is because of Eversource. And at this moment, it's entirely contingent. It depends on a number of things that haven't resolved themselves. And the timing wasn't one of our making. It was one of, frankly, Alexandria's they knew that Eversource wasn't resolved yet. They could have waited for it to be resolved before refiling their petition, but for a number of reasons they chose now. And with that in mind, I mean, frankly, I would, I hope it stays in committee. I hope Eversource, that we get the best-case scenario. But until that happens, I, I just don't think it can move forward. And if that means, ultimately that the petition doesn't pass this cycle, and I don't think that will be the case, but if that worst case scenario happened, I would frankly rather live with a building under current zoning than risk both a large building from Alexandria and an incredibly large tower from Eversource. Thank you.

Councillor Dennis Carlone 57:31

Thank you, Jason Alves, followed by Lee Ferris, but I believe she left. Welcome, Jason.

57:38

Hi. Jason Alves, Director of the East Cambridge Business Association, 877 Cambridge Street. Here again to offer our support for the petition by Alexandria. I think this petition's come a long way as they've kind of demonstrated, thanks to the work of the community and the developers. Again, the benefit of the Grand Junction shouldn't be understated. This is the third time that they've refiled the petition. There's an opportunity before you, I hope that the new council and the new mayor is very mindful of the expiration date of this. You can really deliver a long coming benefits to the community if you folks can act quickly. And it would be great if we could get an update on the Eversource. I think it would put a lot of folks' minds at ease on where this stands. I think we keep hearing that there's good news coming, but there's not really a lot of information out there about it. And I'm also a member of the Grand Junction Design Working Group. It's, the path really shouldn't be understated. I think at the last meeting, they explained that they did some studies and they think that the path is going to be more, it's going to be... there's a higher use than there currently is on the, the Minuteman trail that runs through Ellington and Lexington. So, it's a good project for the city. It's been a long time coming, supportive of the petition moving forward. Thank you very much.

Councillor Dennis Carlone 57:53

Thank you. So, no one else has signed up. But I have noticed a few other people are here. If you wish to speak, just raise your hand if not also, you do not want to speak. No one seems to have raised their hands. So, I'm going to close public comment. Thank you very much. So councillors, here we are. Councillor Siddiqui. Oh, please, why don't you read that?

Councillor Sumbul Siddiqui 59:34

I can bring it up for you. Okay.

Councillor Dennis Carlone 59:40

I had it but I misplaced it. So, this Councillor Siddiqui reminded me that Councillor Kelley, who is away for family reasons, asked me to read this short note. Dear ordinance committee members, I'm sorry to miss today's meeting on the Alexandria real estate zoning proposal, but I have unavoidable family obligations. My understanding is that for Alexandria, the third time is either the charm for this proposal or it's not and if it is the latter, there will not be a fourth refiling. If this current zoning proposal does not pass, I understand Alexandria will be planning to simply move forward on a project that meets the existing zoning to allow the next council to more easily vote on this proposal, to include issues around both the Eversource siting and the multimodal pathway. I urge the Ordinance Committee to move the proposed zoning change back to the full council at Tuesday. That is today's meeting. That way regardless of how guickly a mayor is elected, and committees appointed, the council as a body will be more easily able to decide how to move forward or not. Before the petition expires, he wrote February but it's in March. The new council may not feel what Alexandria has proposed is worthy of support. But at least they'd be able to look at it without the added complication of a committee related clock. Signed, Craig. So, we do have other letters of Pamela Van Dort, sent a letter and she pretty much follow the content of that letter. So here we are, what do the committee members wish to say? Councillor Mallon.

Councillor Alanna Mallon 62:02

Thank you, Mr. Chair. I just wanted to mention in terms of Councillor Kelly's letter, he does mention that the expiration date is in February when in fact it's March 9. So, I do think that we have a little bit more time in here than he was maybe thinking of. And in terms of, I know that this is a hard time and a transitional time because we have a new council coming in and there's always a little bit of a lag time. But Councillor Siddigui and I were looking earlier on other transitional times and when the first ordinance committee hearing was held in that January, and in January 2018, we heard the Crohn petition on January 24. So, it can be done. I know a lot hinges on who is the mayor and one that is chosen and decided. We can't know that today. But I do think if we as a body are willing to prioritize this petition and ensure that it gets, it does get heard in the ordinance committee. Well in time for the march 9 expiration date, I think that we all have a commitment here. I know that Councillor Toomey and, and, and that Mayor McGovern both expressed that they wanted to prioritize this petition because it is a good one. It's a good project. I think it has gone through; this is the third refiling. And I think Alexandria has done an amazing job working with the community and the neighborhood to make sure that it's a project that feels right is going to deliver a critical transportation and community need in East Cambridge by providing a piece of the Grand Junction path that we've identified as a city, that is a need and I think if we let this opportunity to go we, it is going to be a mistake.

Councillor Alanna Mallon 63:54

However, the specter out there is Eversource on Fulkerson street, and I think we've all said Here very publicly that the issue of Eversource on Fulkerson street needs to be worked on. And it is currently being worked on in a committee. I know that the mayor said that it was very close. I know we're all very anxious to get to a resolution on this. But I'm being told that it's not going to be happening. We're not going to hear anything until after the first of the year. So, I would have a very hard time moving this out of the Ordinance Committee tonight, not because I don't think it is a great project, not because I don't think that Alexandria really put in the time with the community and with this body. I want to really make sure that I'm expressing that to all of you, thank you for working with the community. And thank you to Pamela and Matt for always coming and telling us exactly, you know the, how things are going. I, but I would, I would have a really hard time moving this out of committee, given that we do have the time, before the expiration and we have some breathing room. So, I guess those are my thoughts. Those are my feelings. And I will yield the floor.

Councillor Dennis Carlone 65:07

Councillors? Vice Mayor.

Vice Mayor Jan Devereux 65:10

Yeah, if I, I agree with all you said about, you know, in general supporting the petition and appreciating the effort that has gone into getting it to this point I, I would note that, the whoever is new mayor, the, the ordinance committee is a committee of the whole so we know that every member of the new council is going to be a member. Appointing a chair could be done, or chairs could be done prior to figuring out all of the other committee formations and I believe the mayor is ex officio. Well, the mayor is on all the committees. But couldn't the mayor simply schedule an ordinance committee meeting regarding, even before a chair was settled? We could get it on the calendar. So, I don't, I really don't think there's any great obstacle in waiting until the new council and Mayor are chosen, probably on January 6. And then there are even with the two holidays, even with Martin Luther King Day and the President's Day holiday there are still you know, six, seven council meetings between the 13th and March ninth. So, I just I just feel like there's time and as soon as the Eversource decision is known, whoever is Mayor can schedule an Ordinance Committee meeting.

Councillor Dennis Carlone 66:36

Councillor Zondervan, or Councillor Siddiqui, comments?

Councillor Quinton Zondervan 66:41

Thank you, Mr. Chair. I'm in favor of keeping it in committee.

Councillor Dennis Carlone 66:45

Councillor Siddiqui?

Councillor Sumbul Siddiqui 66:47

I concur with my colleagues.

Councillor Dennis Carlone 66:49

Okay. Well, I think we've all said previously that we need Eversource to be settled, but I do want to say that having worked... Yes Councillor Simmons, please. Excuse me, I forgot your presence. Please comment.

Councillor E. Denise Simmons 67:15

[sic] It's difficult to participate this way because I can't read the room but from hearing my colleagues speak. I certainly appreciate their thoughts. I do disagree. I lean more toward Councillor Kelley's perspective about moving this to the whole committee for a number of reasons. I do understand what people are saying that the petition doesn't expire until March, I believe. I guess my concerns are. If we did everything on a timely fashion, the mayor's picked in a timely way and committees are appointed in a timely way. There are things that you can't control for like, bad weather, people not being able to attend. And so, I believe that the petition is a good one. We've been talking about the Grand Junction pathway. It seems like to me for time immemorial, and I don't necessarily see a problem with moving it to the whole committee. It says a couple of things ever... excuse me, the petitioner has shown good faith. This is their third time before the council. And it's not because they just wanted to drag this out. It's because it seems to me, the petitioner has worked really hard to engage the community and work with the community about what is going to be good for the community at large. And I, it feels to me like we're making Eversource the bridge that they have to make right when it's really Eversource, in my opinion, that we should be negotiating with. That being said, I would really like to see this moved to the to the whole Council. Maybe we move it without a recommendation. It's past the Planning Board. I would respectfully ask to move it without a recommendation to the full council. The new council can weigh in on it. But it takes us out of that place of the unknown. What if a mayor is not chosen? I suspect the mayor will be chosen. But what if the mayor is not chosen? What if meetings are postponed and they don't happen? And then we will have taken one step that we could have moved forward and we did not do it. So, I respectfully ask that we move this to the full city council. Thank you.

Councillor Dennis Carlone 69:49

Thank you. The question is, is that a motion. I haven't spoken yet. So, I would like to speak, even if it was a motion. We have almost three months. Now I grant true there are holidays, the mayor selection and everything else was literally 90 days from today. And we all made a promise. Now, on the other hand, I have said this privately, I don't know if I've said it publicly, this development team, the neighborhood group, have worked better together than any other project that I've been affiliated with over the last 40 years. And, but the major hindrance is not the project, which I think today has been an excellent evolution. It's the problem in the room, which is Eversource. And I concur with my, most of my fellow councillors that we, we could not

move this forward at this time. And that if I'm head of one of the chairs of the Ordinance Committee and I don't, will not determine that. Although, I've been the head, one of the heads for the last three terms. I will make this the first Ordinance hearing and conjunction, planning it with the mayor. That's my commitment. So, I think we all appreciate what's been done. Alexandria, community development, the neighborhood and the Council for that matter. So, the question is, Councillor Simmons was that an actual motion?

Councillor E. Denise Simmons 71:54 Yes, I would like to present that as a motion without sending it without a recommendation. [sic]

Councillor Dennis Carlone 72:11

So, the motion is a by Councillor Simmons is to move this petition forward to the full City Council. I will say for the moment without a recommendation since you offered that, it's less of a less of a bar to get over. So, we will do this, individual votes. City Clerk

Anthony Wilson, City Clerk 72:49 On the motion, Mayor McGovern?

Anthony Wilson, City Clerk 72:53 Absent. Vice Mayor Devereux?

Vice Mayor Jan Devereux 72:55 No.

Anthony Wilson, City Clerk 72:56 No. Councillor Kelley?

Anthony Wilson, City Clerk 72:58 Absent. Councillor Mallon?

Councillor Alanna Mallon 73:00 No.

Anthony Wilson, City Clerk 73:01 No. Councillor Siddiqui?

Councillor Sumbul Siddiqui 73:02 No.

Anthony Wilson, City Clerk 73:03 No. Councillor Simmons?

Councillor E. Denise Simmons 73:06 Yes.

Anthony Wilson, City Clerk 73:07 Yes. Councillor Toomey?

Anthony Wilson, City Clerk 73:08 Absent. Councillor Zondervan? Councillor Quinton Zondervan 73:11

No.

Anthony Wilson, City Clerk 73:12

No. Councillor Carlone?

Councillor Dennis Carlone 73:14

No.

Anthony Wilson, City Clerk 73:15

No. Motion fails. One in favor, five against and three absent.

Councillor Dennis Carlone 73:25

So, the next motion I'll make is to leave the subject the petition in committee. I don't need to make a motion. Well, in that case, are there any other questions, comments? The petitioner's comments that we need to state? No. So thank you all for coming. Hopefully the next meeting will be moving forward. And, and I propose a motion to adjourn. So, we all have to say yes. Thank you.

- 1. A refilling Zoning Petition Has been received from Joseph T. Maguire of Alexandria Real Estate Equities, Inc. transmitting a proposed revised amendment to the zoning ordinance by creating the Grand Junction Pathway Overlay District.
- 2. A communication was received from Pamela Van Dort, 13 Cornelius Way, regarding the Grand Junction Overlay upzoning petition.

RESULT: PLACED ON FILE

3. A communication was received from Sheli Wortis, 106 Berkshire St. 02141, regarding Alexandria Petition

RESULT: PLACED ON FILE

4. A communication was received from Lino Becerra, 6 Cornelius Way, regarding the Grand Juntion Pathway

RESULT: PLACED ON FILE

5. A communication was received from Councillor Craig Kelley regarding the Grand Junction Zoning Ordinance.

RESULT: PLACED ON FILE

6. A communication was received from Jeanne Koopman, 248 River Street, regarding the Alexandria Petition

RESULT: PLACED ON FILE