



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

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Thursday, June 10, 2021

5:30 PM

Sullivan Chamber

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**The Ordinance Committee will conduct a public hearing on the Cambridge Missing Middle Housing Zoning Petition (Ordinance #2021-2).**

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jivan Sobrinho-Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	



**CAMBRIDGE CITY COUNCIL ORDINANCE COMMITTEE**  
COUNCILLOR DENNIS J. CARLONE, CHAIR

COMMITTEE MEETING  
TRANSCRIPT OF PROCEEDINGS

JUNE 10, 2021  
5:30 PM, SULLIVAN CHAMBER

**CITY CLERK ANTHONY WILSON:** Councillor Carlone, the time of the meeting has arrived and you have a quorum.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, Mr. Clerk. Hello. Hello, everyone. I call this meeting of the Ordinance Committee to order. The call of the meeting is to continue discussion on the Cambridge Missing Middle Housing Petition.

The Governor's Executive Order issued on March 12th, 2020, has authorized the use of remote participation at meetings of the city's public bodies, in response to the threat posed to the public by the COVID-19 virus, and issued guidelines for the city's use of remote participation.

In order to watch the meeting, please tune in to Channel 22, or visit the Open Meeting portal on the city's website. We will now take a roll call of members present, Mr. Clerk.

**City Clerk Anthony Wilson called the roll:**

Vice Mayor Alanna M. Mallon - Present  
Councillor Marc C. McGovern - Present  
Councillor Patricia M. Nolan - Present  
Councillor E. Denis Simmons - Present  
Councillor Jivan Sobrinho-Wheeler - Present  
Councillor Toomey Jr. Timothy J - Absent  
Councillor Quinton Y. Zondervan - Present  
Mayor Sumbul Siddiqui - Absent  
Councillor Dennis J. Carlone - Present

**Present-7, Absent-2. Quorum established.**

**COUNCILLOR DENNIS J. CARLONE:** Thank you again, Mr. Clerk. With that, all of today's votes will be by roll call. So we are today in our second hearing on the Missing Middle Housing Zoning Petition. Um, and I'd like to say a little bit about this.

The co-chairs, uh, Councillor McGovern and I discussed this, um, and due to the schedule, there really isn't enough time for this petition to move forward. And Councillor McGovern and I spoke, um, we discussed, uh, the planning board's recommendations, which will come up tonight.

And, um, we recommend--and I've spoken to the petitioner as has Councillor McGovern, that to move this discussion forward, um, since no action will be taken on this petition in this term, we have suggested that the best way to do this is to establish principles. What does the Council want? What does the petitioner want? What does the public want in such an effort?

Now, those of you who, uh, with me, heard the Planning

Board, the Planning Board pretty much concluded that this should be a public process, um, handled by the city, uh, with the public effort.

Uh, but the principles we can establish, and we've discussed them, uh, already, and I don't expect that we're gonna come to a conclusion tonight, but we can meet at another time in one form or another on this. And we talked about, um, that yes, it makes sense to some degree.

The city and the petitioner discussed a maximum of six units on any site. Um, I think it makes sense that, that range of possible units from three or four to six, somewhat be based on the size of the lot, and not--uh, basically you can do six on any light lot, even tight--tight lots. Um, the question of parking--all those questions we can discuss.

Um, and the petitioner, interestingly, was thinking along somewhat similar lines, um, so that the effort doesn't die today, it sort of gets transformed, um, into goal setting without the complexity of the existing zoning, and put into our zoning staff's hands. Um, so the petition--and we can talk about that as whether if that's a good process or not, or to vote it up or down.

Um, but it seems to me that there is merit in the idea, and I think we all fundamentally agreed that there should be a lot--more freedom, uh, in the number of units on different housing sites. So, um, that was an introductory talk.

I--I apologize if I took too long. Um, we still will have a presentation by the petitioner and a response by the city. Uh, the petitioner's presentation in part is principle base of what they were trying to achieve. Um, and hopefully, this can sort of structure this. So once again, there really isn't time for this petition to go forth in this time period.

We are approaching summer, and, uh, both co-chairs, uh, Councillor McGovern and I, are trying to figure out a way to continue the discussion in a proactive way. Um, and we could talk--talk about that in greater detail later.

Um, I will let the council discuss that briefly now, if they have a question, or we can move directly to the original petitioner's presentation. If any council wants to raise her hand, like Councillor Nolan, please, uh, please, um, offer us your initial thought.

**COUNCILLOR PATRICIA M. NOLAN:** Yes. Uh, if you could--we will be talking about the petition today, but what you and Co-chair McGovern are suggesting, is that we move towards establishing some principles for having a zoning

review and a change, citywide, based on certain principles that we would be discussing tonight. Is that--

**COUNCILLOR DENNIS J. CARLONE:** It, it could be citywide. You mean 40% of the--of the city? Uh, it could be less, but that's what we're gonna discuss now, and I assume at another meeting, to get a list together that could go into an order that can be sent to the Planning Board and Community Development.

What is it that we like as a group of nine? What is it that we don't? Um, I can tell you personally, having written zoning, at least my attempt at it, knowing zoning very well and trying to write it, are two different things. And, um, the city simplified it dramatically. Councillor Nolan.

**COUNCILLOR PATRICIA M. NOLAN:** Yes. Thank you, uh, Chair Councillor Carlone. That sounds okay. I mean, what I don't understand is why would--we would be doing it in the context of this petition, since the council itself on December 14th of 2020, unanim--unanimously passed an order that had been sponsored to specifically start exactly this discussion.

So, uh, I--I'm happy to have that discussion. I just don't know if it has to be mixed up with a specific petition, which may then--if, if what we're trying to do is step back and be thoughtful about approaching an--uh, a zoning, which I'm totally in favor of, it seems like that is a very prudent, uh, approach, I don't understand why we would tie it to a specific petition that is going to expire, it sounds like?

**COUNCILLOR DENNIS J. CARLONE:** We're not tying it to a specific position. The petitioner has the right. It's their hearing. It has--they have the right to tell us their principles, and that is part of the presentation, as I said in my introduction, so I agree. We're not tied to the petition.

**COUNCILLOR PATRICIA M. NOLAN:** Right.

**COUNCILLOR DENNIS J. CARLONE:** But, but there is knowledge in the petitioner's wishes to move forward on this. And, um, it only seems fair to me that the actors should be able to suggest what goes on the list that the council comes up with. Uh, just like the Donovan Petition had a number of recommendations. I'm gonna--go on.

**COUNCILLOR PATRICIA M. NOLAN:** That--that makes sense. This petitioner, and then we include other petitioners as well, and we actually continue the conversation that was started in the joint committee of the Housing Committee and NLTP, which would be happy to have it be full. I think that

captured, pretty much, all the members of this whole committee, in order specifically to get at what--what it is that we wanted. That makes sense. Thank you.

**COUNCILLOR DENNIS J. CARLONE:** Yeah. The Housing Committee is a committee of half the council, the Ordinance Committee is the committee of all the council, and they all have a voting, uh, position by--

**COUNCILLOR PATRICIA M. NOLAN:** That had been a joint meeting of two different committees, just so you know, so that it covered a greater number than just five.

**COUNCILLOR DENNIS J. CARLONE:** Yeah. But it should be everyone. Uh, but we can talk about that, I'm open. Uh, Vice Mayor, you have the floor.

**VICE MAYOR ALANNA M. MALLON:** Oh! Thank you, um, Mr. Chair. I had some similar questions along the lines of Councillor Nolan. I just wanna make sure I understand what you've outlined.

Your hope and Chair McGovern's hope is that, through this meeting and hearing some of the amendments to the petition, and us having a conversation, we will come--this council will come up with a list and send it to CDD for them to come up with the next version of the petition, is that what you're--

**COUNCILLOR DENNIS J. CARLONE:** Not amendments principles. There will be affordable housing at one third, or 20%, or middle in--middle income affordable housing. Four to six units are fine, based, as I gave examples, based on the size of the lot. Bigger lots, six, smaller lots, maybe only two.

Um, those kinds of basic principle--principles are what we're trying to do. Parking will be based on the street availability. If there isn't a lot on a street, then it can be on the site. Uh, you know that--those kinds of principles, planning principles.

**VICE MAYOR ALANNA M. MALLON:** Thank you, Mr. Chair. So we're talking about principles today, but not in the context, necessarily, of this petition. And then we will be taking the--the work forward out of the petitioner's hands and into the council and the city staff hands, is that what you are suggesting?

**COUNCILLOR DENNIS J. CARLONE:** Right now the petition is out of the petitioner's hands. It's already in the council hands. Yes, I'm saying we move forward as a city in the effort, like every other--most zonings that are not developer-oriented, including all the actors. Mark and I--uh, excuse me.

Councillor McGovern and I meet with every petitioner

many times. Uh, we just met with a few this week, and the petitioner--to their credit, the petitioners came up with some good ideas and some rationales.

And just like the Donovan Petition did that--never really got a hearing for the same problem, we ran out of time. Um, so we're going to be open, and I would recommend that we vote not today, I doubt we'll get to a list, a final list, um, but we're gonna move on this, um, before summer begins, if we can.

**VICE MAYOR ALANNA M. MALLON:** So thank you for that explanation, Mr. Chair. I just--generally, when there is a petition that is brought forward and it expires, the same petitioners will bring forward a different version of that petition before us again, so that there would be a new hearing at the Ordinance Committee, a new hearing at the Planning Board. But I guess what I'm hearing is that, we are going to be choosing a different route for this concept and principles that the petition is trying to get to. Is that--

**COUNCILLOR DENNIS J. CARLONE:** I'm--I'm suggesting that.

**VICE MAYOR ALANNA M. MALLON:** Okay.

**COUNCILLOR DENNIS J. CARLONE:** That we're all--we're all interested in this. I--I think all nine of us are, in some form. So the question is, can--how close can we get to that form and direct the professionals to put it together so it's less complex?

One of the issues, or was, that a number of the Planning Board members said, "We don't know what the unforeseen results of this is because it's so complex, and, um, the goal would be to avoid that." It--you know, maybe it's not every--all those five residential districts, maybe it's four. I--I--I don't know yet, what it is. And it'll be--it'll come back and forth. I'm sure the city staff has ideas. We will wanna hear that too.

**VICE MAYOR ALANNA M. MALLON:** Okay, thank you. I just wanna make sure I understood what, um--

**COUNCILLOR DENNIS J. CARLONE:** By all means.

**VICE MAYOR ALANNA M. MALLON:** Thank you, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. By all means.

**COUNCILLOR PATRICIA M. NOLAN:** Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** Co-Chair.

**COUNCILLOR PATRICIA M. NOLAN:** Thanks. Yeah, I think--you know, I--I think it's going to--there's so much in this that it's gonna be complicated to come up with all of those--those things today.

But, uh, I think what--what we were--what we were-- what we were thinking was, um, you know, given that this will expire, um, regardless of, for it not to expire, it would have to be on the agenda for Monday, which it's already late for.

There'd have to be a special meeting, there'd have to--you know, so basically this is--this is gonna expire today, um, but that, the, Councillor Carlone and I would sit down with the petitioners, with CDD, with, you know, folks that--that have a different--you know, maybe folks that--that aren't, uh, as supportive of this, and see if we can, you know, come up with some core principles that we do agree upon and--and have it refiled in some capacity.

You know, whether that gets refiled by CDD, or whether that gets refiled by the petitioners or some joint group, you know, is kind of left to be seen at this point. But at, at this point in the--and for the purpose of this meeting, I think it would be helpful if people could just talk about, you know, what--what in this petition do they like, sort of, you know, overall, what is it that they have some concerns about? And that would help give us some guidance as we move forward, uh, in--in talking about, sort of what the next steps, uh, will be. Um, so that's kind of my--that's, that's, that's what I'm thinking.

**COUNCILLOR DENNIS J. CARLONE:** I--I agree with everything, except, my hope is that it comes from the council to CDD and the plan--and the Planning Board. 'Cause that's what the--that's what the Planning Board said, "Well, what does the council want?"

And, um, and it just makes sense that way, I think. But we're not gonna put blinders on and not--that's why I'm looking forward to hearing the principles tonight, that Allan and Daniel are gonna present from their perspective, and--and then we will open it up to the public. Now, I--I guess, I--I know Councillor Zondervan wants to speak.

A number of people in the public, uh, said, "Why aren't we having, uh, comments tonight; public comments?" And the reason is, I've--I've tried to explain that, we've heard many comments. We know there's, approximately, a 50/50 split. We get that. But we wanna move forward in a co-operative way among the nine of us.

And, you know, we might only agree on half the necessary principles. That's possible. I think it'll be better than that, myself. And--but it's the beginning of the process that's based on what we've learned and how we wanna move forward. Thank you, Co-chair, for your comments. Councillor Zondervan.



**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you, Mr. Chair. I'm still trying to orient myself to this conversation. It is--it is a little bit confusing, because we're talking about the petition, but we're not talking about the petition, so--

**COUNCILLOR DENNIS J. CARLONE:** We're gonna learn what the principles of their petition is as courtesy to the petitioners. It--it'll inspire us, I think, to think about what they say, and then we'll talk about what we believe.

This is not a traditional ordinance hearing, because it's not necessary, but it was scheduled and the petitioner was thinking along these lines, to some extent as well. Uh, I had a very good com as Co-chair McGovern did, uh, he reached out and I reached out, and it was a productive conversation. They just don't wanna be, um, left alone, and it makes sense to me. They're the ones that got this discussion going. But please continue.

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank--thank you, Mr. Chair. I appreciate that, and I do look forward to, um, hearing about their principles. I--I think, you know, just speaking to the--to the petition that is or was before us, I, I think it--it really, um, fails miserably in--in the equity piece, and--and in really--

**COUNCILLOR DENNIS J. CARLONE:** We--a number of us agree.

**COUNCILLOR QUINTON J. ZONDERVAN:** Right. And, and really addressing that part. And so, you know, to the extent that now we're hearing about principles, but why wasn't that principle in--incorporated into the petition from the get-go? And--and now we have, you know, all--all these, um, residents and--and groups who are opposed to it because that wasn't addressed.

And so, I guess, you know, this is a, maybe, a cautionary tale for all of us at this point, is to--you know, we really should always center that principle, right, of--of equity and--and anti-racism, and--and not start with a petition that--that clearly, uh, doesn't do that justice. So, um--

**COUNCILLOR DENNIS J. CARLONE:** Well, again, any--

**COUNCILLOR QUINTON J. ZONDERVAN:** --I look forward to the--to the principles and, and--and I look forward to, you know, setting our own principles, including, um, making sure that we really are doing equity as we move forward.

**COUNCILLOR DENNIS J. CARLONE:** Yes. As you know, any group can petition whatever they want, and we don't control that. We might modify it in--in this group, and that's what I'm talking about, moving forward in a positive way where,

hopefully, the majority of us say, "Here are six principles, eight principles, that we want new zoning based on." And--and that could be a part of it. Um, but we--we're gonna just preliminarily discuss that tonight, so it's not a wasted meeting and it's something to build on. Co-chair.

**COUNCILLOR PATRICIA M. NOLAN:** Oh! Sorry.

**COUNCILLOR DENNIS J. CARLONE:** Did you wanna say something else, Councillor Zondervan?

**COUNCILLOR QUINTON J. ZONDERVAN:** No. Thank you, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Co-chair.

**COUNCILLOR PATRICIA M. NOLAN:** Thank you. You know, I--I, you know, I hope as we go on with this conversation, um, you know, people may have different feelings about whether or not this petition, uh, addresses equity in the way that they think it should be addressed. And I think certainly talking about, um, you know, affordability as a piece of this.

But I--I really would like us, as councillors, to be very careful about the language we use, um, calling--you know, insinuating that these petitioners are racist or what have you, because it--it just doesn't help this conversation at all, and it certainly doesn't help bring this community together.

And, you know, I know the people who filed this petition, you may agree with them or disagree with them. These are not people that filed this petition to be racist. And, um, it's just, you know, I know it--I know it's--it's--it--it serves purposes to--to use those comments.

But, um, you know, and there are certain--and I have some concerns about some of this stuff too, but it--it really doesn't help. And I hope as we move forward, we're a little more careful about the words that we choose when we're talking about our community members. Thank you.

**COUNCILLOR QUINTON J. ZONDERVAN:** Um, point--point of order, Mr. Chair. I--I did not, in any way, accuse anyone of being racist. I said that the petition as it came before us does not address equity, and is racist in its outcome. That is not speaking to anyone's intent, so I would appreciate, uh, my colleagues not implying otherwise.

**COUNCILLOR DENNIS J. CARLONE:** Um, well--

**COUNCILLOR PATRICIA M. NOLAN:** Through you, Mr. Chair, you're implying some things too, Councillor Zondervan, and you're great at saying things without saying it, so thank you.

**COUNCILLOR DENNIS J. CARLONE:** Councillors, it--it is something that could be viewed both ways. So the key is,

uh, words are sometimes dangerous, um, and we might believe in them, but let's focus on where we're moving forward.

Um, and many of us talked about affordable housing and the whole question of economics, um, in that, will also be analyzed, I believe, by Community Developments consultant. And, um, those are the kinds of things that we can look into.

**COUNCILLOR QUINTON J. ZONDERVAN:** Uh, Mr. Chair, I--I appreciate that, and, and I certainly agree, but I don't appreciate being tone policed about using the word racism, because that is--that's a real thing, and--and if we can't talk about it, then I don't know what we're talking about.

**COUNCILLOR DENNIS J. CARLONE:** Well, the thing is, personally, certain people felt it was--might be that word, but other people didn't. And I really don't want the conversation to focus on that. The--the petitioner is with us, and they have a 15 minute presentation, and they asked Co-chair McGovern and myself, if that would be all right.

And considering all the work they've done, um, and that they mentioned some core principles, uh, I--I think, and it we're still in the time period where their petition theoretically is alive, so I said, "15 minutes fine." I'd love to hear the city talk about the Planning Board hearing and the recommendations.

Um, uh, which was a very powerful meeting, a very thoughtful meeting. Uh, Co-chair, did you wanna add something else? No, your--your hand is up, that's why I--I asked. Okay. Um, so with that, I would like to ask, uh, Allan and Daniel, uh, petitioners to, um, one, or the other, or both, to come forward and--

**VICE MAYOR ALANNA M. MALLON:** Mr. Chair.

**CITY CLERK ANTHONY WILSON:** Councillor Carlone.

**COUNCILLOR DENNIS J. CARLONE:** Yes.

**CITY CLERK ANTHONY WILSON:** Is that to me or the Vice Mayor?

**COUNCILLOR DENNIS J. CARLONE:** I'm sorry. Did the Vice Mayor raise her hand? I apologize.

**VICE MAYOR ALANNA M. MALLON:** It's okay. I was just gonna say, I think that they're panelists and they need to be promoted.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. You're probably right. They're not on the screen.

**CITY CLERK ANTHONY WILSON:** Yes, through you, Councillor Carlone, I just wanted to--um, uh, so I'm gonna promote Allan Sadun, and--and you said the second person was Daniel, do you know the last name?

**COUNCILLOR DENNIS J. CARLONE:** I don't have the last

name written. Uh, Allan will tell us when he comes on.

**CITY CLERK ANTHONY WILSON:** And then--then just an FYI to the presenters. They have not forwarded their presentation to the clerk. So just email the presentation, at some point, to [cityclerk@cambridgema.gov](mailto:cityclerk@cambridgema.gov).

**ALLAN SADUN:** Will do. Thank you. Uh, the other person who needs to be promoted is, uh, Daniel Mascoop, M-A-S-C-O-O-P.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, Allan.

**ALLAN SADUN:** Oh! And I think I need to be able to share my screen.

**CITY CLERK ANTHONY WILSON:** You should have that ability now.

**ALLAN SADUN:** All right. Thank you, uh, Chairs, uh, City Councillor, thank you for giving us another opportunity to present. Um, I'm Allan Sadun from A Better Cambridge. I'm here with Daniel Mascoop from the Boston Hub of the Sunrise Movement. Um, we wanna leave as much space for--for questions, and answers, and discussion.

We're not gonna present every detail, but we thought it would be important to repeat what the petition goals and overall principles and objectives are, um, including some of the changes that we've been thinking about over the past few months. Daniel's gonna start with the motivation for the petition, and then I'm gonna talk more specifically about zoning.

**DANIEL MASCOOP:** Hi, my name is Daniel Mascoop, I'm a member of the Sunrise Boston Hub. Um, what we do in Cambridge, has implications for the global climate crisis and the regional and national housing crisis.

Um, this has to do with both climate justice and housing justice. And this proposal will not solve either completely, but will move the city zoning from actively undermining our goals toward actively achieving our goals. We want a sustainable and housing abundant future.

The climate crisis--the single most effective thing we can do, locally, is have more people live here to address the climate crisis. As we can see in this map, in this region, uh, Cambridge and areas like Cambridge, are the least, uh, CO2 emissions per household, out of the entire region.

Um, that has to do with driving, and so being close to--um, being close to jobs and transit, so fewer people here drive than other places. And it has to even do with just general, um, emissions, um, from housing stock and things like that. Um, the housing shortage, itself, damages our community.

Every single time that a new house is not--if we don't build housing here, that means that people have--are going to be pushed out. Um, these people are our friends, they're our community members, they're municipal employees. They're, um, integral to our community. Um, and the people who do remain, are rent burdened.

And, uh, rent is a--it's--it's both a financial burden and a mental burden, um, and no single action will end the shortage. But we need more housing, and every law that makes it say that we-- that--that makes it illegal to create new housing, uh, pushes people out of Cambridge.

Um, and when we talk about what type of housing, uh, this is really the type of housing that already exists in Cambridge. It's been built historically. It's been illegal to build for a long time. Um, but it means small multi-family housing.

This housing is much less expensive and much more sustainable than the detached housing, which right now zoning prioritizes. And, uh, this is what we get--this is--zoning is a reflection of what we as the community want to see in--for the future.

And right now, zoning is saying that when new housing is built, we want it to have more parking, be an exorbitantly expensive single family home, and have low quality open space. Current zoning regulations make it impossible to build new apartments for the most part, depending on lot size and all these other factors, um, in, basically, any neighborhood in the city.

And what we see being built, as we see in this slide, is what we're asking for. And we're asking for this, historically, for racist, exclusionary, uh, classist reasons. Um, this was discussed in depth in the Planning Board meetings, and, uh, it's clear that Cambridge led the way in--in being racist and in implementing racist zoning.

Um, and we can see the correlation between bans on new multi-family housing and percentages. Um, the least, uh, inclusive neighborhoods are both least inclusive, housing wise, and least inclusive racially.

And so, um, and that's why we have zoning the way it is. Uh, so why do we need housing like this? Um, it's the most effective thing we can do to reduce carbon emissions.

It will help address the severe housing shortage that we have regionally, and, um, it's these housing that would be built, is significantly less expensive than the housing we're asking to be built right now. And, uh, the zoning regulations that we have are exclusionary in nature, and we're established for racists and classes reasons.

**ALLAN SADUN:** Thanks. So I'm gonna talk about the Missing Middle House Petition in particular. Um, I'll start by giving some explanation of the design--design objectives and where those objectives are coming from, and then I'll talk about what it is that the petition is actually proposing.

So, you know, I'll first wanna say that while we--we see what we're doing is motivated by what's needed for the city, and the way that our current laws are harming the city. We also see our proposal as a respectful evolution of our city planning processes.

We view it as an implementation of Envision Cambridge. Envision Cambridge recognized that our zoning and residential districts is severely out of step with the actual built environment and the city's needs, and recommended adjustments to make our zoning more compatible.

Um, and as you know, you were all there, you passed the policy order last December, unanimously stating the exclusionary nature of single-family owned, two-family only zoning. We see that as just the extremist form of a more general phenomenon, and of exclusionary zoning. And it's that exclusionary zoning.

Anything that keeps new apartments out of Cambridge neighborhoods, is something that this proposal is aimed at targeting. So when it comes to, what are the objectives that we think we can achieve through a rethinking of neighborhood zoning?

The number one objective is to promote multi-family housing and encourage multi-family housing, not just in theory, but in reality. You know, a useful guideline for our--in that we've been thinking about is, on all but the tiniest lots, it should be feasible to build some kind of triple decker.

But we're not just talking of triple deckers, we're also talking about the four plexes, and six plexes, and townhouses. You know, it's the same thing as in Envision; similar structures to what currently exists. You know, for--from our perspective, three units is the floor.

Um, the more units, the better, the more people who can live here. Um, we wanna reverse the current system--the current system, where it's hard to up-convert a building, but really easy to down-convert a building. We think it should be hard to down-convert a building and it should be easy to up-convert a building.

Um, and we certainly don't think that there should be any districts or multifamily housing as explicitly banned. But again, you know, that's just a tip of the iceberg in

terms of where we see the problems with our residential zoning. Um, the second big family of objectives, is that we wanna make sure that when structures are built, there aren't unnecessary barriers that drive up the costs of units in the--in those structures.

So one of those two biggest objectives is to make sure we're not requiring oversized units. Right now, new construction is often 2000 square foot units, 2,500 square foot units. We think that we should be allowing--we need to have a flexibility for a range of unit sizes; one bedrooms, two bedrooms, three bedrooms.

You know, 72% of Cambridge households are only one or two people. But our zoning doesn't allow us to create units that are even remotely within reach for those households. Um, and the other big objective on that front is to make sure we're not requiring off-street parking, which can add hundreds of dollars a month in rent to a new unit on its own, and that's even if the unit gets built at all.

Uh, the third category of major objectives that we've been thinking about, is to promote sustainable development. We don't want individual little box structures that leak heat out of every side. We want attached multi-family housing that's more energy efficient.

You know, we don't want the impervious space and pollution that comes with unnecessary parking. We wanna see that space used for more housing or more open space, wherever feasible. Um, I know that you're interested in getting, uh, you know, a list of our principles.

I don't wanna say that every principle and every design constraint of ours is on this slide. But I think this gives you a sense of what we're aiming to do and what we were aiming to do as we designed the petition.

You know, if we were making a more full list, I might be more explicit about the need to avoid BZA variances or other discretionary permitting processes. I might also talk about the need to make sure that each neighborhood is treated fairly.

But I--I think the ones on this slide, are the--are the key ones. So to quickly review the petition itself. The basic idea is the same idea that Envision Cambridge recommended, "Creating standards to allow for housing like that which already exists all over Cambridge, with a range of options for unit sizes."

And again, to do that, we can't just remove the single-family and two-family only restrictions from zoning. We have to-- we have to fix the dimensional standards. But we're talking about adding triple deckers in townhouses.

Um, I'm not gonna get into the dimensional standards, in light of what I think--I think all of you have been saying.

But I will just say that the dimensional standards--all of these dimensional standards we talk about, are what we think it takes to get the job done. We think that any zoning change that seeks to really end exclusionary zoning, not just in theory but in practice, will end up looking a lot like this.

Um, so I will go in a little bit more detail about this slide, because I know this is a--this is somewhat new information. Um, and I also think it's important to describe the community feedback and zoning objectives that our amendments were responsive to.

Um, we're propose--we were proposing that the density bonus allowed by MMH, should not be unconditional, but should have some dimensional requirements and conditions applied, to make sure that we are really producing sustainable small scale housing.

So we talked about the 6,000 square foot maximum building size. You know, you described that as a six unit cap and a six. We, basically, 6,000 square feet is like a six plex of two bedroom apartments. That came out of discussions with the community development department.

And it's responsive to concerns about protecting the competitive advantage of the over affordable housing overlay, particularly on larger lots where the affordable housing overlay is most effective. Um, the maximum average unit size of 1500 square feet of gross--uh, of gross floor area, I know, uh, that was a suggestion from Councillor Carlone, as well as a few other people.

That came out of one of our key objectives, which is to encourage up-conversions rather than down-conversions. We wanna make sure we're not giving a density bonus to oversize single family homes, but we are giving a density bonus to buildings that are largely consisted of one bedroom to three bedroom units, that we want to see.

Um, the third condition that the units must be attached, is for a few different reasons. One of them is energy efficiency, as I mentioned. Another is just the quality and the contiguousness of the open space. You get higher quality open space when you don't have backyard infill. But when you have attached units and real--real multi-family buildings.

Um, you know, a key thing about all of these conditions, is basically, if you're trying to build what we want, if you're trying to build multi-family housing on small lots, none of these conditions are burdensome. None



of them would make a project unviable or increase the cost of the resulting housing.

But all of these conditions would ensure that the density bonus only applies to projects that--that we would want to see. Um, so in a nutshell, that's the petition. Obviously, I could talk in much greater detail. Um, if you have questions, I'm happy to answer them.

But I don't--I don't think that's what would be most productive for this meeting. Um, I do wanna talk about one other topic before we close, and that's the question of income restricted, affordable housing. I don't want anyone to think that--that ABC and the Sunrise Movement have not been engaged with this topic.

But the thing I wanna make clear is that, if you want to create affordable housing, that's a pretty substantial subsidy, and that subsidy has to come from somewhere. There are a number of programs that use public money to create affordable housing.

Um, in the category of turning existing housing into affordable housing, we have home bridges and there are mobile vouchers. And creating missing middle-housing will do a lot to help these programs, because it'll bring units onto the market at costs that are within reach for these programs, that don't require as much public subsidy.

Um, and for creating new affordable housing, not from existing housing, we have a new construction financed by the Affordable Housing Trust. The zoning for that is already in place through the affordable housing overlay. And anyone who knows us, knows that we were and are proud of and very passionate about the affordable housing overlay.

But if you just put an affordable housing requirement into MMH, you're basically creating an unfunded mandate. You know, in almost every situation, it would be far cheaper to just keep an existing building the way it is, than to pay that unfunded mandate.

And so you wouldn't get any missing middle-housing, and you wouldn't get any affordable housing either. So there's also issues of implementation and legal challenge, that I think city staff are better positioned to speak to. But I just wanna reiterate, it's--it's not like we're throwing up our hands and saying, "We don't want any capital A affordable housing."

We absolutely do. But we think that is best done through mechanisms outside of base zoning. You know, the affordable housing overlay is outside of base zoning. And what we're talking about here, is a proposal for how to

amend base zoning.

Um, okay. So I--I wanna close with this one last slide. Thank you, again, for allowing us to speak. This slide illustrates the big picture of what we see at stake with this petition, and any efforts that are like this. You know, consider a non-conforming two-family dwelling on an average size lot, which is sold to a new owner who wants to renovate it.

If we do nothing, the likely scenario is that, two units will be combined. This has happened to a lot of two-families, in recent years. I think almost everyone we've talked to, has said, "Oh! Yeah, I know a two-family that's getting down-converted on my street. I hate that."

You know, the non-conforming down-conversion. You know, a basement's finished, you could produce an extremely large unit, sell for something like \$4 million, depending on the neighborhood. The supply of housing would go down with this down-conversion, the price goes up, the neighborhood gets hollowed out.

We all know the story. And one of the main reasons this happens, is that developers can do--do anything they can to avoid the BZA, and it doesn't require BZA review for a down-conversion. But instead, if we passed the missing middle-housing zoning petition, not only would that--would that take away the down-conversion option, but we're putting a much better option on the table.

Um, you know, it doesn't have to be a rebuild. It could be a retrofit, if the developer is clever. But either way, you could see this building become six different two-bedroom units. And I don't wanna get into the math here. But these units are the kinds of units that are within reach for middle income households, people like teachers, and firefighters, and nurses.

Building this housing would allow six different households like that to have the opportunity to live in Cambridge, who might otherwise be driving in from the suburbs, or further gentrifying and displacing people from poorer communities like Chelsea or Everett.

But because this housing exists, they don't end up doing that--any of that. You know, I'm not gonna claim that this is a cure-all, but it's a hell of a lot better than a \$4 million mansion. And we, when we talk about how to reform zoning in neighborhoods, that's what I see as the choice before us.

So thank you, again, for hearing our presentation. On behalf of so many of us who wanna be able to continue to live in this city, we really appreciate your consideration.

Um, yeah, that--that's all from us. Thank you.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, uh, for the update presentation. Councillor Zondervan, did you--you have your hand up?

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you, Mr. Chair. I had, uh, a couple of questions for the petitioners, but first a question for you. Um, 'cause the--the petitioner just now presented, um, some amendments, but I don't believe those are properly before us, so I'm a little bit confused about that.

**COUNCILLOR DENNIS J. CARLONE:** This is ideas, this is principles and approaches. It's--it's just ideas, as I see it, and to stimulate us, uh, so that the city can respond. Um, the whole meeting is dead-ended, as far as zoning goes, even if we wanna move forward. And I don't think we're ready for that.

So this is an idea meeting, as I'm trying to make it something productive to build on. And knowing the petitioners, again, um, had ideals that they were moving forward on, it was worth discussing those.

And I was asked, and Councillor McGovern was asked, "Could we have a little more than that in our presentation?" And I said, "As long as it's ideas, I see nothing wrong with that. The petitioner said it would take about 15 minutes."

Maybe that was 18 minutes, but that's--that's much shorter than most presentations. So we're not voting on anything tonight, except, hopefully we'll start getting to the point of having basic principles that we can buy into. I thought there were a number, that made sense. Um, and--

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank--thank you, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** [inaudible 00:45:02].

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you, Mr. Chair. I just wanted to clarify 'cause it was presented as amendment, but--but I--I understand from you that we're supposed to hear those as ideas that--that we're discussing

**COUNCILLOR DENNIS J. CARLONE:** That--that's my goal, is to make it productive, that we can build on this meeting in the next meeting no matter what committee it is in, um.

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you, Mr. Chair. So I do have a couple of questions for the petitioners, um, through you. So early on in the presentation, uh, Mr. Mascoop said that, "The single most effective thing we can do to reduce--that this is the single most effective thing we can do to reduce carbon emissions."

And I--I would just like him to, uh, explain that a little bit more, because I have a different understanding of carbon emissions in Cambridge. As--as I understand it, 80% of our emissions come from buildings. Most of that is from commercial buildings, most of that's from laboratory buildings. And so by that logic, the most effective thing that we could do to reduce emissions, is to ensure that those buildings are net zero. So I don't quite understand the logic that says--

**COUNCILLOR DENNIS J. CARLONE:** I--I think that the notion was, connecting units to each other so that the party walls are then, uh, not exposed to the elements like many of the two or three family sites that they showed pictures of. And--and, um, again, principles. We can talk about what sustainability means, but let's get to that discussion. We still have to hear from the city. Did you have another question?

**COUNCILLOR QUINTON J. ZONDERVAN:** No, but I--I would like to hear from the petitioner, because that was presented as a kind of principle that--that I'm--I'm just trying to understand better.

**DANIEL MASCOOP:** I'm--I'm happy to answer that question.

**COUNCILLOR DENNIS J. CARLONE:** Okay. I'll let you answer. But the goal tonight is not to beat down one side or the other, it's--it's to move forward with concepts that we all can buy in. And we--we, of course, have talked about sustainability a lot. Go ahead, Daniel.

**DANIEL MASCOOP:** So, I mean, one of the graphs on that, um, slide was based on a study in Berkeley, California. Berkeley, California, for different reasons, could be equivalent to Cambridge, Massachusetts, or not. Um, I don't know if anybody's done that study in Cambridge, Massachusetts alone. Um, this, we are talking about housing, and I think the question of whether or not one is most or less, is--I mean, perhaps it was miswritten, if most or less.

But I don't have the exact math there. Um, I think the main, in principle, um, it is true that some, um, reasons why multi-family housing is more efficient, is because of shared walls and things like that. But mainly in a place like Cambridge, it's transportation, um, it's living close to, uh, jobs and transits that people don't drive. Driving isn't--transportation is a large contributor of emissions.

Um, the question is also, where would these people be living otherwise? Um, so we--if we don't include them in Cambridge, we can say, "Well, they don't exist." But

climate change is a global phenomenon, and they're going to live somewhere. And when they live somewhere, they're probably gonna live somewhere else where they're polluting way more. And so I think the question is, what is the per capita emissions in Cambridge? What is the per job emissions? What is the per square footage emissions in Cambridge? Things like that.

But, um, I think an industry of more people who live here than residential, uses probably will. Well, until we get to, which we need to rapidly be getting to, uh, net zero and everything in all uses. Um, it might be that there's a little bit--one extra person living here will bump up emissions--net emissions in Cambridge by a little, if they do it immediately, um, on the margin.

But, uh, they're producing a lot fewer emissions by living here than living somewhere else, and that's--that's the goal, and that's what that means. Um, and so I'd--we can include all those calculations, and I would love to see that research. This was one report done, one study done in Berkeley, California. But that's--that's in principle, what it's about.

**COUNCILLOR QUINTON J. ZONDERVAN:** And thank you, Mr. Chair, through you to the petitioner, I appreciate that, uh, explanation. I--I certainly, um, agree that there are, um, efficiencies to be gained from urban living. But I think when we're talking about Cambridge, we really have to ground these principles in the reality in Cambridge, where our transportation emissions are--are 17%. And so, you know, to take a study from Berkeley, and to say that, "Based on that, the most efficient thing that we can do is--is reduce, um, our transportation emissions." Doesn't, uh, square with--with the reality in Cambridge,

**ALLAN SADUN:** Uh, if I may, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** All right. I'll--I'll let Allan respond, but then we're going to move on, uh, to the next question by a council, or we'll hear the city. Because as far as I'm concerned, yes, this is important when we're talking about how we're gonna get sustainable, and we have a department, uh, and we have knowledge on the council. I--I mean, I've done green buildings, but I'm not gonna say anything now. I know what it takes. I've done it. Go ahead.

**ALLAN SADUN:** I, I was just going to say that, I think--I think the--the number that Councillor Zondervan is talking about, is the number of emissions that are in Cambridge, whereas we're thinking about the number of emissions that are caused by Cambridge. It's, how can we

bring down global emissions through local action?

And we think that by build--that building housing in Cambridge is the most effective thing we can do to reduce global emissions, by bringing down the number of people who are driving in from outside of Cambridge. I, I think it's just a question of what--what--what's the category of number you're talking about? That's all.

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you. Um, Mr. Chair, through you, I think that's fascinating, because a lot of--most of the traffic that we generate in Cambridge, is from our commercial sector. So--so again, that doesn't square with--with what you're proposing.

But--but I'll--I'll move on to my second question. So, um, in--in your presentation, you mentioned that our zoning is--is racist and classist in its, uh, history and its foundations, and I fully agree. But I would like to hear from you, your understanding of how what you are proposing, also perpetuates that racist and classist's history, rather than counteracting it.

Because if--if we are proposing to build more market-rate housing, that's more gentrification, that's more displacement. That means more people who used to live in Cambridge, are now forced out, and that is, in--in its, um, outcome, racist and classist again. So, you know, how, how do you think about that with--with this proposal?

**ALLAN SADUN:** I--I don't think I understand how building more housing and allowing more people to live here, can be seen as pushing people out of Cambridge. We see as the reverse, you know. The fewer people you allow to live in Cambridge, the more people you are pushing out of Cambridge. It's our housing shortage that is causing the gentrification and the displacement.

**COUNCILLOR QUINTON J. ZONDERVAN:** Um, thank you, Mr. Chair. I, I think there--there's a little bit of a misunderstanding there. You know, these are not the same people that we're talking about, right? So that's--that's what it means to talk about race and class. So yes, you could increase the number of people who live in Cambridge, and at the same time, you could push out people who already live here, right?

And that's the--the racist and class impact that I'm talking about. So we can't just, you know, treat people as numbers. We have to think about the actual individuals, and what access they have to the housing that you're proposing.

And--and if you're proposing something that is going to only increase market rate development, then people who make less money, have less access to that housing. And as

the prices of housing overall continue to go up, they are forced out because they don't have access to that additional housing that--that's being billed.

**ALLAN SADUN:** Feel free to cut me off, Mr. Chair, because I know this--this conversation could go on for a while. But--but, you know, just briefly, you know, I--I think, and, you know, I think everyone sees this a little differently. But I see this as, you know, it's almost like a game of musical chairs.

You know, when you build housing, the effects are on the whole ecosystem. You know, if you don't build housing, then the person who might live in that housing is going--if they're--if they're rich, they're going to live in some other housing. It's the shortage. It's the lack of available chairs that is driving people out of the city. It's not just a question of who lives in one particular unit.

**COUNCILLOR DENNIS J. CARLONE:** Okay. I'm going to step in now. Um, so this meeting was advertised, uh, based on this petition, and I wanted to use the petition so that we talk about principles, what's in the petition and what should be added.

Um, we also have to hear from the city. So if the question it relates to what's been said, fine. But, uh, we're in over almost an hour, and we still haven't even gotten to the city's presentation or comments. Councillor Nolan.

**COUNCILLOR PATRICIA M. NOLAN:** Thank you. I have, um, a lot of questions, but I will focus on a couple of things that came up, listening again to this presentation. And some of the questions have to do with, what are amendments, what aren't amendments? Is it properly before us?

Let's, hopefully, we'll hear from the city on that, since we passed, uh, a late order on Monday, asking for a legal opinion about whether we can even discuss, uh, amendments. However, my question is, the option that is in the--um, was, was said that this'll--this is an example, a very specific example of how this will help, which is, you have a two family now, and right now you--some people, we've seen it, right?

We're actually going more towards single families as, uh, Mr. Sadun said, and it would become, maybe under current zoning, a one house of \$4 million, so we've lost a housing unit. And instead, under this petition, it would be six, \$750,000, two bedroom apartments. What--when you add that up, that's only \$4.2 million total, instead of \$4 million.

So the numbers don't seem to work out, that I as a developer, are actually gonna spend that much more money in order to have six units. It's maybe a little bit more. But if there's some risks involved, then it actually costs more than, uh, \$750,000 with carrying costs and everything else. It might not actually be the smartest move, financially, for me.

Uh, the \$2,500 rent is completely not sustainable. If you have a \$550,000 or \$600,000 mortgage on that, you are not gonna charge rent of \$2,500. It's gonna be more in the order of 3,500 to \$4,000. And more importantly, it assumes a tear down, which is, environmentally, one of the most destructive things we can do.

We're looking at our own building code to suggest the embedded energy and buildings are such that we should retain them. And just the petitioner knows, I think Mr. Sadun and Mr. Mascoop, I had actually sent this question earlier to say, "This will probably encourage more tear downs, which are environmentally destructive. There's nothing in it necessary to prevent it."

But, uh, have you done, and I keep asking this, analysis to suggest where will this new be built? And we can be assured that it won't actually be tear downs. Because that is then, uh, probably going counter to the environmental benefit, which I agree with. You know, density is--is often more of an environmentally friendly way to the--the per capita emissions, which is what we should be thinking about, go down. But I am interested in the economics of that, and--and it assumes a tear down, which to me would be quite challenging to, um, be defensible from an environmental perspective.

**ALLAN SADUN:** Yeah, those numbers were all--were all ballpark numbers. So I--I think that--you know, I can--I can go back to where we got those numbers from. But I think--I think you could easily imagine that \$4 million being, like, being \$3 million or \$3.5 million, and then the offset is worth it or something.

But I think the--the question about, where--where is this going to get built, and will it result in net new teardowns? I, I think is worth res--is--is something to--to respond to, that--you know, there are a lot of teardowns happening right now. Uh, I used to live in Cambridgeport, um, near Pleasant Street. There's a--there was a two-family being torn down and replaced with a--with a single family right now.

You know, buildings are constantly churning in Cambridge, and the question is, you know, what--what are



they being replaced with? So I don't think this is going to increase the net new number of teardowns. I think this is going to result of the tear--in the teardowns that are already happening, being put to more productive purposes. Um, but you're--you know, we could definitely see more analysis in future discussion.

**COUNCILLOR PATRICIA M. NOLAN:** Thanks. I--I understand these may have been examples. But you're presenting a petition to change citywide zoning, that analysis should be before us. You can't just say, "Oh! Well, that's just an example. It doesn't matter." If that is your example in the zoning that we say, "This is what's gonna happen."

I just respectfully suggest that you--it--give us, which I gave to you, like give us 20 different properties that have sold 10 different teardowns, what have happened. We have those numbers. The real estate data is actually really clear. So it--it just would've been better for me to understand how to prevent. If these teardowns are happening, fine, then give us the data so that we could know what was up there.

And again, the numbers don't match up. And the reason that is central, is that, as we talk about affordability, \$750,000 may actually be affordable to the proverbial teacher that we say we care about. But a \$900,000 may not be. So it really matters, um, what the actual numbers are, and they should be based on everything we know about the existing real estate market. And--and the other question--

**COUNCILLOR DENNIS J. CARLONE:** And to add something, and, uh, that's why I want the city, in part, to take over. They have the resources and consultant to analyze it, and we'll learn a lot more about what we can do, and what's going to be difficult, or needing assistance. Please continue.

**COUNCILLOR PATRICIA M. NOLAN:** Right. Yeah, no, I agree, Chair Carlone, and in fact, but I also know the petitioners have remarkable, uh, resources and ability to actually do a lot of these analysis, and I'm just disappointed that I haven't seen them. Because I know they're out there and I know they've spent a lot of time on this, and it doesn't seem that this has been provided in a way that--and yet they're asking the council to do, uh, a--literally, an up-zoning to affect every single lot in the entire city, practically.

My other question follows on partly what Councillor Zondervan said in response to the chart about the environmental, um, uh, sustainability of this, which I agree with all the data shows. I mean, New York City is one

of the most environmentally, um, on a per capita basis, lower greenhouse gas emissions than ever.

I have lived there for a long time, and a lot of it is because of public transportation. It's also very, very small apartments. But the--the chart that was shown, suggested that infill emissions are--is actually the best way to address emissions. Do we have any evidence that that is true for cities like Cambridge, who already have tremendous amount of infill, or was that study based on, uh, a geography?

Berkeley, actually, already is far different than Cambridge. It is not as dense as Cambridge. We are one of the 10 most, I believe, uh, most dense country--uh, cities in the entire country, already on a per capita basis. So does that data actually apply to us in terms of the infill emissions being--um, the infill being the best way to reduce emissions?

**DANIEL MASCOOP:** I think also there was a question of what was, um, what we in Cambridge can do. And so, uh, if there's not a lot of info, then not much will happen under this. But if--whatever new housing is being built, we want it to look like this, because it will look more like what already exists in Cambridge, which we see regionally, which was the map on the left side of the, um, the slide. That, um, housing in Cambridge or people who live in housing in Cambridge, produce far fewer emissions, um, per household.

And so, um, as--I think that's back to the question of, is this the most, or is this the least, or is it the second most, or the third most? Or like, "Where does it go on the order?" Um, maybe the term most was inappropriate. Um, but it's something we can do. And the housing that will be built, will be better than the housing that will be built in the suburbs where people drive into Cambridge or Boston.

**ALLAN SADUN:** I, I think that you're--you're--you're absolutely right, that, that no two cities are identical. But in terms of cities that are analogous to Cambridge, I think you'd be hard pressed to find a city that is better situated than Berkeley, California, nearly identical population, some transit connectivity, but not entire transit connectivity across a body of water from a major jobs market. It's--it's a fair--you know, obviously, we could do more studies, but we can't study this to death.

**COUNCILLOR DENNIS J. CARLONE:** Okay. We're going to direct all comment--

**COUNCILLOR PATRICIA M. NOLAN:** I just wanna reply.

**COUNCILLOR DENNIS J. CARLONE:** --to the Chair, and if

you wish to speak--yeah, you say just the Chair.

**COUNCILLOR PATRICIA M. NOLAN:** Just let me--can I reply to that, Councillor Carlone? Just--we are more like Berkeley in many other ways. They are one of the very few districts that have a school choice based on income. However, what is the density of Berkeley? I've been there.

They, uh, it seems to me it's far less dense than we are. And if that's the one we're talking about, then it actually is a--is not an appropriate thing. And I thank you Mr. Mascoop, about the infill that--again, it's your charts that I'm responding to. You were saying that this is based on research, why you're--we're going for infill, and I--I just then wanna push and say, "Well, then where's the data for Cambridge and how it applies?" And it doesn't seem to be in that analysis. Thank you, Mr. Chair. I yield.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. So unless I see another hand up. Go ahead, Councillor Zondervan.

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you, Mr. Chair. I--I did have another question about the presentation, with regards to, um, why it doesn't make sense according to the petitioners, to require an affordability component? Um, and--and the premise of that logic, seems to be that the--that it would require subsidies.

But--but that's exactly what is--is proposed, um, in--in my amendment. So, uh, I--I guess if--if--if you would accept that premise, that--that the city, through its existing subsidies, would in fact, um, assist in the purchase of any affordable units that are produced by this, um, petition or--or something like it, um, do you still have the same objections?

**ALLAN SADUN:** I think if--if you can guarantee that the city funding will always be there and it's a predictable process, that the--the--and the--that the city will always be there to fill in that subsidy, I think with that program design, I think, sure. But I think that--I think we would wanna be very confident that that program would exist.

And I think there would be other questions of, "Can you incorporate such a thing into zoning?" And I--I don't--my understanding as the answer, is that it would be pretty difficult. You know, there's--there's always room for more creative thinking. But my understanding is it would be pretty difficult to design that program. I would love to see it.

**COUNCILLOR QUINTON J. ZONDERVAN:** Uh, thank you. Mr. Chair, through you to the petitioner. In fact, we already

have Inclusionary Zoning that requires the delivery of affordable units when the building is 10,000 square feet, or--or 10 or more units. So that already exists in our zoning.

What we would say, in this case, is that the units have to be home ownership, which is also already defined in our zoning. And in terms of the guarantee, the units would be sold, right? So--so if for some reason, like, let's say that the city says, "Oops! We don't have the money to buy this unit." Then it can still be sold on the market.

So--so the developer is never leveraging. All, all we're saying is that, you have to, um, make a certain number of units available to the city to buy through its affordable housing book, uh, programs. And then if, for whatever reason, the city says, "Nope, we're not buying those units." Then you just sell them on the market. So there's no--there's really no risk to the developer, um, under that--under that scheme.

**ALLAN SADUN:** Am I understanding correctly, that this is--this is almost like--like a right of first refusal for the city?

**COUNCILLOR DENNIS J. CARLONE:** If just putting-- putting money into the unit, the city has--can say what the--how they wanna handle it. It's like a bank. It says, "Here are the conditions." So the city will be involved in the selection of the person, probably with the owner. And, uh, but that is a detail that we can get to another time. But city gives money, they'll say, 'Have a say in how it will be done.'

**COUNCILLOR QUINTON J. ZONDERVAN:** Right.

**ALLAN SADUN:** I would definitely--sorry.

**COUNCILLOR QUINTON J. ZONDERVAN:** To, to the petitioner, it is like a right for first refusal, um, but it--it's effectively, you know, as Councillor Carlone said, um, it--it comes with conditions. But if the city, for whatever reason, doesn't purchase the unit, then it would be sold on the market.

**ALLAN SADUN:** I, I would definitely defer to city staff. Um, and I think if--if Becka were here, she might have some things to say about whether that program would be--whether such a program would be feasible. But I would not at all say that we're opposed to that. If the city wants to come up with the financing to encourage these units to be affordable, that's great.

**COUNCILLOR QUINTON J. ZONDERVAN:** Wonderful. Thank you, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Vice mayor.

**VICE MAYOR ALANNA M. MALLON:** Thank you, Mr. Chair. I would just, at this point, love to move to the city presentation and hear from them.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Thank you, Madam Vice Mayor. Uh, I would like to do that. Uh, but I--I do want to just follow up a little bit about teardowns. I personally don't want a lot of teardowns. I would see this as additions and renovations, and that's one of the principles that we would discuss.

And, you know, there are some buildings, I admit it, that aren't worth trying to renovate. But there're very few like that. And most of them have character that the existing neighborhood would like to keep. Not all, some are terrible. One building fell down recently. That was terrible.

Okay, so thank you Madam Vice Mayor, again. Uh, I would like to hear--it looks like Chris Carter and Jeff Roberts, and the solicitor. Oh! I thought somebody was on vacation. I guess I'm wrong. And Iram Farooq, um, an overview of your thoughts, the Planning Board meeting, uh, any zoning issues that you wish to bring up? Welcome.

**ASSISTANT CITY MANAGER IRAM FAROOQ:** Thank you, Chair Carlone. Uh, Iram Farooq, Assistant City Manager for Community Development, uh, and I am joined by, as you noted, Jeff Roberts, our, uh, Director of Zoning and Development, and Chris Carter, our Housing Director, uh, and, uh, City Solicitor Nancy Glowa, and, uh, Megan Bayer, uh, who's the First Assistant City Solicitor.

Um, so, um, you know, in the--in the interest of time, I'm not gonna say a whole lot other than, um, we--well, first, we don't really have a presentation, so I think we save time on that.

But, um, I don't believe that we have--uh, I mean, we did convey the Planning Board's recommendation to the council, on the--um, on the--through the council agenda, u, but Jeff Roberts can speak more to it. They--the Planning Board grappled with, uh, many of the issues that, um, are being spoken about today.

Um, and in the end, they, um, not unanimously, but, uh, with some difficulty, made, uh, a negative recommendation, and, um, um, Jeff can speak more to that. And then, uh, I think we are here as a team to respond to any of the questions regarding, um, housing policy, or, um, I think also the legal questions that were brought up.

**COUNCILLOR DENNIS J. CARLONE:** I, I hope you will discuss some of the recommendations, uh, about how to proceed. Thank you. Mr. Roberts.

**JEFF ROBERTS:** Thank you, Mr. Chair, and to the committee. Um, so as Iram said, the, the Planning Board did spend an awful lot of time talking about this, um, in two sessions, uh, and a lot of time talking amongst each other and with--with us and staff.

Um, and the recommendation was not to adopt it, it was--a very much a split decision with, uh, a wide spectrum of viewpoints among planning board members. Um, and I think--I think the important thing to take away from--from that recommendation, is it wasn't--wasn't a recommendation to, um, to sort of dismiss the proposal.

I think the Planning Board as a whole, um, really took the issues raised by this petition seriously, and thought that they were worthy of consideration. Um, so in terms of, uh, just some of the specifics, you know, the, the Planning Board was largely supportive of the--the concept of supporting a diversity of housing types within Cambridge.

Um, they did raise and discuss issues of the history of zoning in Cambridge, and, um, and the implications, uh, for the, uh, for the city. Um, they were in large part, supportive of the concept of allowing multi-family housing throughout the city.

It wasn't entirely unanimous on--on that point. There were still some reservations. But it was something that, that there was a lot of interest in. Um, and there was also a lot of interest among Planning Board members, on--on the issues of, um, reducing or eliminating parking requirements.

Although, again, there were some, um, there were some reservations and--and some--some discussion, and other considerations there. Uh, I would say the issues that--that were raised by members of the Planning Board, fell more into the realm of the specifics of the petition, um, and what some of the--the particular consequences of the petition might be.

Um, some of the concerns and many of the concerns were around, um, impacts on the city's affordable housing stock, um, and the prices of--of housing that might be created. That was something that--that was discussed quite a bit.

Um, in addition to impacts, uh, of--of development within the--the proposed, uh, dimensional requirements and--and what impacts that might have on reduction of open space, um, impacts on--on residential neighbors, uh, impacts on--you know, uh, on street parking availability, public parking availability, and so forth.

Um, so some Planning Board members did suggest that these were, uh, issues that could be addressed, or--uh, and

in ways that the proposal could be improved through, um, some further study.

Although, there were Planning Board members who cautioned that this is a serious issue and, uh, an immediate issue in the city; um, the issue of housing, and that action shouldn't necessarily be, uh, delayed, and that, that can sometimes be the--the effect of--of additional study.

Um, some board members suggested, uh, you know, ways that study could be done in a--in a more limited period of time, and there were some suggestions and thoughts about, um, interim actions that--that, uh, the City Council could take while a broader study is underway, that would--would maybe have a little bit more, uh, predictability in--in terms of what it would do in the short term.

So that's a--just a quick summary of the--the Planning Board's points. You know, we--we did, you know, spend a lot of time looking at this petition, and--and provided some--some background, you know, to the Planning Board and the council, way, way back. So we can always, um, dig back into that and--and provide some information, uh, as you would like. Thank you.

**COUNCILLOR DENNIS J. CARLONE:** Mr. Roberts and Ms. Farooq, didn't the board--a number of board members recommend that we do what I had outlined at the beginning of the meeting, of what are the principles, and then put it in the hands--once principles are established, put it in the hands of the public sector to work on this? Um, you didn't mention that and I thought, a--a good number of people thought that made sense.

**JEFF ROBERTS:** Um, to the Chair, yes. There--there were some of those suggestions made among Planning Board members, and--and we had a little bit of discussion about, you know, how to break down some of the issues that--that were raised around the petition, and how to think about sort of different, um, facets of it and what, you know, opinions the, uh, different, uh, Planning Board members, community members, uh, might have on those points.

Um, and of course, that was--the--the counterpoint, as--as I noted, was, uh, the point made by some board members, that, you know, this--if--if it's--if it is the case then, um, that there are issues with the zoning that we have now. And if you know, the city, like has identified, you know, significant, um, concerns about the zoning we have in place now.

That, um, you know, delaying action to change that, um, zoning, can--can have, um, detrimental effects. So--so

there--there was some, um, some tension and--and kind of back and forth discussion on this issue of, how much further study is needed versus what could be done more immediately?

**COUNCILLOR DENNIS J. CARLONE:** Okay. And were there spec--I don't recall specifics being stated on what needs to change. Were there specifics, areas that were discussed? I don't recall that. The general--the general comment, yes, I do remember that, but not--perhaps you remember.

**JEFF ROBERTS:** Well, through the Chair, I think may--maybe just to clarify what I was saying. The point conveyed by some Planning Board members was that this--the--the issues raised by this petition, are issues about the current state of--of the city's zoning and--and the ways in which the zoning is--is more restrictive in some areas than in others.

And that, I think that was the issue that some board members were pointing out as something that, um, if--if the city is not happy with that, um, state of the current zoning ordinance, then, um, then that might warrant some action to correct it.

**COUNCILLOR DENNIS J. CARLONE:** Okay. Thank you. Uh, I don't know if, um--I think the solicitor is here for question--to respond to questions, and not, uh, have a presentation as such. Is that correct, Madam Solicitor?

**CITY SOLICITOR NANCY GLOWA:** Uh, through you, Mr. Chair. Uh, I am prepared, uh, to answer questions. I also, uh, we have looked at the questions raised in the two council orders.

**COUNCILLOR DENNIS J. CARLONE:** Thank you.

**CITY SOLICITOR NANCY GLOWA:** And I am prepared to, um, answer some of those questions, if the council would like. I don't know whether that's what you wanted to pursue, if you're talking about not proceeding with a vote on the petition.

**COUNCILLOR DENNIS J. CARLONE:** Uh, but I think we can learn from that--uh, at least, one of the questions I recall, we can learn from that. Um, so yes, please--if you don't mind, please do share us--share with us what you're--what you've figured out or analyzed. Thank you.

**CITY SOLICITOR NANCY GLOWA:** Certainly. And through you, Mr. Chair, to the committee. Um, so the first thing I would say is that, with respect to both, uh, what amendments to this petition, um, would be permitted to be made without re-advertising and rehearing, really depends on the details of the specific amendment.

And in addition, the new Housing Choice Law, the



amendments to Chapter 40A, also have a lot of specificity in terms of, um, analyzing whether, uh, such amendments would require only a simple majority of the council to enact or a super majority.

So I will go through some of those factors now. Um, so with respect to the--um, I guess I'll start with the, uh, the petitioner's proposed amendments, if--if that's, uh, what you make sense, Mr. Chair?

**COUNCILLOR DENNIS J. CARLONE:** Sure, please. Thank you.

**CITY SOLICITOR NANCY GLOWA:** Okay. So the--the petitioners have made several amendments that fall into the category of either major amendments or minor amendments. The first proposed amendment, uh, would reduce the minimum-maximum FAR in this new proposed residence and district to 0.5, with a bonus to 1.25, if certain conditions are met.

This would reduce the allowed FAR from what's allowed right now in some districts, when what was proposed in the petition was an increase from what is allowed right now. Therefore, um, having analyzed the factors, uh, laid out in, "For how you look at whether it's a fundamental--uh, whether there's a change to the fundamental character of the petition."

We believe that change would be, um, would alter the fundamental character of this petition and would require rehearing and re-advertisement. The second issue that the petition proposes is to decrease the minimum private open space allowed in the residence and district to 25%, where currently the minimum private open space was 40%, 36 or 30, depending upon the district. The second major amendment proposed would increase the minimum private open space in the res and district to 33%.

And again, this is something that we believe would alter the fundamental character of the petition, because it's increasing the required minimum private open space from what's allowed right now in some districts, when what is--was proposed in the petition, was a decrease from what is allowed right now.

Um, the third and fourth proposed major amendments, um, relate to Article 8 of the Zoning Ordinance. The petition does not contain any proposed amendments to Article 8, therefore, that clearly, uh, would alter the fundamental character because it's addressing a whole section of the Zoning Ordinance that wasn't even in the original petition.

The, uh, that--that takes care of the major amendments that are proposed by the petitioners. And in some, each of

those major amendments, we believe would require, uh, re-advertisement and rehearing. With respect to the, um, minor amendments proposed by the petitioner, the first one, uh, we--we--does not change the requirement that structures in the new res and district are limited to three stories above grade.

But what it does do, is remove the ability of the Planning Board to waive that story limit; to increase the height, um, on an application for a special permit. So although this one is a little bit of a closer call, again, we believe here that this would require re-advertising and rehearing, because, um, part of the analysis looks at whether a citizen or person, you know, considering a proposed amendment to the Zoning Ordinance, would look at something and see whether it might affect their property or a property they have interest in.

And if, if it doesn't have an impact that might matter to them, they might not participate. But if it's something that could affect their property in some particular way, um, and they would have participated had it been advertised that way, that's one of the ways that one can tell whether, uh, it has the kind of change that would necessitate re-advertising and rehearing. So the next two minor amendments, um, are listed, uh, as--are--are--excuse me. Concerned townhouse height limits and minimum lot sizes in widths.

These proposed changes would basically be restoring what's allowed currently. And so by simply taking something off the table, that does not constitute an--an, um, any alteration of the fundamental character, because it's just reducing the petition with respect to certain proposals being removed.

The fourth minor amendment, um, would--this one's a little trickier. It would impose a delayed effective date to the petition while the city solicitor affirms that Massachusetts General Court Legislation authorizes the City of Cambridge to regulate institutional uses in a residence and district.

Although one can have a specified later date, that's an effective date for any ordinance or law. To not have a specified date, creates, um, uncertainty and, uh, possibly even could be subject to a claim of being void for vagueness, that it just doesn't say when it will be going into effect, um, so we think that's problematic.

I'm not sure that it's technically exactly an alteration of the fundamental character, but it certainly creates the possibility that it's not a viable petition,

legally, for it--for it to not have a firm effective date in mind. In addition, at this point, I would note that while this is not one of the questions that was raised, um, the fact that, uh, the petition seeks to alter some of the regulations in the city's, um, institutional use regulations, is a--a very significant issue, which we think should be brought to everyone's attention, and for the council to be aware of.

The institutional use regulations are allowed in Cambridge by virtue of, uh, special acts. Two versions of which were passed by the legislature at the request of Cambridge, because of the impact the institutions, particularly the universities, but also it applies to, uh, religious organizations and other nonprofit organizations.

In other municipalities in Massachusetts, uh, such uses have certain benefits that protect them from zoning restrictions under the so-called Dover Amendment, which, uh, protects those, um, institutional uses from being able to be, uh, treated differently or discriminatorily, uh, by municipalities, so as to preclude those uses.

So those uses are considered protective uses that need to be able to be established, and, um, employed by municipalities. The fact that we received, uh, legislation that removes the City of Cambridge from the, um, effect of the Dover Amendment, I believe would likely be lost, if the particular changes that are proposed here to the institutional use regulations, went into effect.

Because the legislation specifically says that the city is allowed to have these institutional use regulations on residential parcels of 1200 square feet or more, with a minimum lot size. And this petition proposes to make, um, property in the res and district have a minimum lot size of 500 square feet.

So I think that it--what that might mean is that, if this particular change were adopted and there's a new res and a district, and the minimum lot size is 500 square feet, that would probably result in an invalidation of the institutional use right to claim the exemption from the Dover Amendment under that statute.

And I think that, that is a very significant issue for the city to consider, because the institutional use regulations are the result of many, many years of study, and analysis, and discussion at the community level, on what impact in particular the universities have on residential neighborhoods, particularly those residential neighborhoods that are close to the universities and have significant impact.

So the fact that, uh, we would have less ability to regulate the institutions differently than what we're currently allowed to do under the special legislation, I think is something that needs some additional study and is--is important for the city to, uh, to look at carefully. Um, the--also the, uh, the final so-called minor amendment, uh, really is--is insignificant.

It's, it's just to, um, replace references throughout the Zoning Ordinance to these various res A, res B, et cetera, districts that are going to become part of the proposed res and district to be changed accordingly throughout the ordinance.

And, um, I believe that that's really a--essentially, a clerical error--error. Excuse me. Clerical, um, amendment that does not alter the fundamental character of the petition, and would not, um, require any kind of re-advertising or rehearing.

So that's the summon, uh, of the petitioner's proposed amendments. With respect to Councillor Zondervan's proposed amendments, um, quite simply, uh, these amendments proposed to add an affordable housing component to the petition where there has not been any such, um, component in the original petition as filed.

And that, uh, quite definitely, in my opinion, um, would alter the fundamental character of the petition by adding a whole new component related to affordability, that's not present in the petition. So I believe that, that would require re-advertisement and rehearing, in order to be able to be considered by the council.

So with--that's with respect to the, uh, petitioner and Councillor Zondervan's proposed amendments. The other question that the council requested our opinion on, is what impact the recently enacted State Housing Choice Law has on the, uh, Missing Middle Housing Zoning Petition, and with res--and also, just what the effect of that is on Cambridge generally.

The--with respect to this petition first--um, well, actually, overall, with respect to this--this new, um, amendment to the Zoning Act, there are very detailed and specific components identified in the new amendment to the law, that only require a simple majority vote of the council to be enacted. And for things that are not listed in--in those specific areas, that would require a super majority. So in addition, if there's a petition here where one component, let's say, is to make dimensional changes to residential districts, which would require only a simple majority vote, but another component as previously

advertised.

So there's no question of, uh, whether it alters the fundamental character, but just that it was part of the original petition, was affordable housing. That component would not be, um, would--would not require only the simple majority vote to be enacted. It would require the super majority vote of the council, meaning two thirds vote to be enacted.

The legislation provides that if there is one petition that involves some components that only require a simple majority vote, and other components that require a super majority vote, then the whole petition has to have a super majority to be passed.

So the only way to ensure that you are only going to be needing a simple majority, is to look carefully at the act, and to make sure that all of the components that are being proposed in any particular petition, um, are limited to things that would only require a simple majority vote of the council.

With respect to this petition, the--all of the amendments that are proposed as to the, uh, the--the dimensional requirements such as height, and open space, and setbacks, um, reduction of required parking, all of those things would, um, mean that the--those portions only would require a simple majority. What's a little bit more complicated is that, the--the statute says that you only need a simple majority vote if you're going to be allowing multi-family housing as of right in an eligible location, as that is defined in the Zoning Act.

And, uh, because the residents and district is--as--as it would combine many other, uh, zoning districts under the current ordinance, is quite large and quite varied over a larger geographic area, it would take very close analysis to look at whether it meets the criteria for being cons-- for whether all of those areas would meet the criteria for being an eligible location.

So the statute defines eligible location as areas that, by virtue of their infrastructure, transportation accessed, existing underutilized facilities or location, make highly suitable locations for residential or mixed use Smart Growth Zoning Districts, including without limitation areas near transit stations, including rapid transit, commuter, rail and bus, and ferry terminals, or areas of concentrated development, including town and city centers, other existing commercial districts, et cetera.

While much of our city, being very dense, as some of the councillors have noted, in prior parts of this

conversation, is extremely because the city's extremely dense and small, likely, most parts of the new res and district would fall under what could clearly be characterized as an eligible location.

However, there may well be parts of the new res and district, that are a little further afield, going further away from our transit centers and, um, city center type areas, and may, in fact, not be considered an eligible location. And the guidance that has been, um, promulgated by the State's, um, Department of--um, sorry. Well, the Housing Development--sorry. Um, I don't have it right in front of me.

Um, but the--the guidance that's provided by the state, uh, notes that there are a number of questions like this that will arise with respect to the applicability of the new Housing Choice Law, and with respect, um, to whether something meets the criteria to be considered an eligible location, they recommend, uh, that a municipalities seek, um, advice--advice from that, uh, Department of the State, and, um, that it would--I think that there's an expectation that you should ordinarily be able to receive that guidance within 30 days.

So clearly, that would not be optional for this petition at this time, but I think it would be recommended if this advert--if this petition was going to be refiled and re-advertised, at some point in the future, and it were to be, um, taking advantage of the ability to have that part of the petition that relates to new multi-family housing being allowed as of right in eligible locations, that--that we staff, should assist in analyzing whether all of the proposed new areas would, in fact, be in eligible locations.

Although, the council could proceed anyway, if it didn't matter so much whether the petition would require only a simple majority or a super majority. That would be for the council to decide as a body, uh, uh, as to the significance of--of needing the extra vote. Um, the amendments proposed by Councillor Zondervan would require a super majority or two-thirds vote, because housing affordability is not one of the elements listed in the, um, Housing Choice Law for components that receive the protection of only requiring a simple majority.

So, uh, in--in summary, I would say that there's--there's a lot here to analyze. We've spent a lot of time working on this over the past several days, and, um, I'm confident of the information I've just provided, and I'm happy to answer some additional questions. Um, and we might

be able to do more analysis and provide, um, a written opinion, if that would please the council. But we don't have a written opinion prepared today because of the amount of material and issues to go through in preparing this oral opinion for the council.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, Madam Solicitor. That was, um, an enormous amount of material. Um, and is it in a 40 page memo? Um, uh, whenever you're-- you finalize that, I think some of us would like a copy to just learn.

Um, you know, I know that new law is complex, but it's even more complex than I thought, and I appreciate that. Members of the council, are there any questions for the solicitor comments? Councillor Zondervan, you're up.

**COUNCILLOR QUINTON J. ZONDERVAN:** Thank you. Mr. Chair, through you, my thanks to the solicitor for that very, uh, detailed analysis and explanation. That was very helpful. Um, I--I guess my question, I--I'm still--and--and I've read the law many times, but I--I still don't understand it. Um, and I guess my question is really around this all or nothing aspect of it.

It sounds like if--if there's any part of the petition that doesn't qualify for a simple majority, then the whole thing doesn't qualify. So in this case, the parking-- removing the parking minimums, presumably, does not qualify for simple majority, so would that cause the petition to require a super majority?

**CITY SOLICITOR NANCY GLOWA:** Through you, Mr. Chair, the--the production of required parking is one of the, um, elements that only requires a simple majority, so that would not cause the petition to require a super majority.

**COUNCILLOR QUINTON J. ZONDERVAN:** I see. I--I misheard that. Okay. Um, and--and then, so if for example, we--we were to refile this petition or something like it, and it included an affordability component, would that then cause it to need a super majority?

**CITY SOLICITOR NANCY GLOWA:** Through you, Mr. Chair. Yes, it would. Because that is not, um, included in the Zoning Act, um, amended portions that identify only a super--excuse me. Only a simple majority as being required.

**COUNCILLOR QUINTON J. ZONDERVAN:** That's quite ironic. All right. Very good. Thank you so much.

**COUNCILLOR DENNIS J. CARLONE:** Uh, thank you, Councillor. I think that's because the state also has the 40B process and other vehicles to build wherever they can. Vice Mayor, you're next.

**VICE MAYOR ALANNA M. MALLON:** Uh, thank you, Mr.

Chair. And I think, um, that was a lot of information. Thank you for preparing it for this meeting. I know it was, um, a tight timeframe from when we asked for it, to, um, press--presentation, so thank you. And I believe we are, um, planning to have another meeting on Housing Choice, to hear a more expanded, um, conversation and actually have a memo in front of us, so I look forward to that conversation.

Um, I did have a question for city staff, uh, and Mr. Roberts, through you, Mr. Chair. One of the things that he mentioned that the Planning Board suggested, was some shorter term interim actions that the council could take, um, as we are studying and thinking about this larger petition and I--you know, the idea around eliminating single-family zoning and dimensional standards. Um, so Mr. Roberts, can you ex--did they explain anything further, were there any specifics on what those interim actions were that they suggested?

**JEFF ROBERTS:** Yeah, through the Chair, I--I sort of hesitated to point out any specifics, because I--I would wanna--I'd wanna qualify it heavily by saying that this--there--there wasn't any specific suggestion that had really, you know, majority support, uh, you know, among the Planning Board members.

So--so I wouldn't--so I would--I would qualify it with that. But, you know, some of the things that were discussed included, you know, if--if some of these, um, you know, proposed new requirements might be, um, put forward by--uh, basically, become a special permit provision so that it would still be subject to, you know, allow, you know, additional density and--and kind of relaxation of requirements, but with a special permit process.

That, you know, that did get some--some counterpoints in terms of, you know, "Would it really be effective if--if it requires a, you know, going through the lengthy special permit process which we talked about, that as sort of the context of--of retail quite a bit? Um, that, that--that could, you know, counteract the--the intention of--of the--the proposal.

And, you know, I think another thought, sort of general thought was, could, you know, could it be--could the areas that are more restrictive just be rezoned to be like the areas that are less restrictive, so that, you know, specifically, you know, could you take the residency one zoning, which is the kind of high end of that, that, and--and just make that more uniform in districts across the city? And, um, it was just floated out there.



I don't think--I think that many of the same issues about, you know, what--what would the particular impacts be? Um, you know, weren't--weren't really fully discussed. So--so it wasn't--it wasn't something that had necessarily any consensus on the board, but it was--it was put out there as, I think, just as an option that would be--um, uh, I think the--the purpose of that suggestion was to--to say, "What if a change were made that had fewer changes involved in it, basically?" Something, you know, change it to something that we already know, um, a little about how it works, because it already exists and is in place in different parts of the city.

**VICE MAYOR ALANNA M. MALLON:** Oh! Okay. Thank you. Mr. Chair, through you, um, I mean, I, I think I did watch the Planning Board and I do remember some members saying that, you know, "We should just take the more restrictive, um, zoned neighborhood areas and--and make them less restrictive, um, and zone them for multifamily."

Um, but unless we change those dimensional requirements to allow for that, it just becomes sort of a symbolic gesture. And I've often said, you can't live in a symbolic gesture. So it's kind of up to us to try to figure out how to both--um, you know, I think where--where this petition is coming from and where it started from, is, um, you know, similar to Councillor Nolan putting forward her policy order, what do we do about single-family zoning here in Cambridge, and how do we, um, redress and--and understand where zoning came from, and the history of zoning, and how do we now participate in--in undoing that?

I think that's where, you know, my heart is on this. I think that's where the heart of the--the petitioners is on this. Um, I think there's wide and broad consensus on the Planning Board and on the City Council. I don't wanna speak for all of my colleagues. But I, I do think that we have a responsibility to think about the restrictive, um, zoning here in Cambridge, and how to redress it at this point.

And especially, you know, we are coming out of a pandemic right now, which, um, you know, opened our eyes in a lot of ways, um, to the ways in which zoning has impacted, uh, generational wealth, which has impacted, um, mobility. And it's up to us to try to figure out how we can, within zoning, um, make amends, and--and move forward, and be, uh, an anti-racist city, as--as Councillor Zondervan said earlier.

I think, you know, that's really at the heart of this petition. And so, um, I want us to keep that really at the forefront of our work in having this conversation, and

around the principles, right? That is the baseline of our principles in having this conversation about how to move forward with this. So I just--I really wanted to go on record and--and--and say that that's where the forefront. I think we're all saying the same thing.

I think we're all saying it in a different way. And I do like the idea of coming together around, what are those principles where we can build off of? Um, you know, we had a conversation last night about, you know, Neighborhood Association meetings and having these--how do we have these conversations so we can get to, um, a consensus, right? How do we have them together?

So, um, in terms of other principles that I agree with on this petition, I think, you know, we have talked about many, many times in the City Council, around eliminating parking minimums, and it being one of the things that we really can as a city, and should as a city be moving towards, um, to--to really reduce carbon emissions and create a more walkable city.

We've had, uh, an incredible amount of outdoor activities in our squares, that we are all walking to and biking to. Um, how do we do more of that? It's a--it's around eliminating parking minimum. So I think that's something that we all, um, could take from this, maybe even un--uncouple it from this petition and really think about how to move forward, uh, on that, maybe more quickly, as, you know, the Planning Board has suggested some interim steps.

Maybe that's an interim step we could take outside of this actual petition, um, and, and uncouple that. Um, the one last thing I wanted to say was, when I was looking through the committee reports that have not been presented to the council, um, one of the ones that has not--the notes have not brought--been brought forward, is the one that we had on real estate transfer tax fees.

And when we think about how we can create a right of first refusal, um, to use a term that was used earlier. How do we create a--a right of first refusal program and actually fund it, and not have it be an unfunded mandate? I, I think one of those places could be the real estate transfer tax fee. Um, so I would really like to see us--um, I know the clerk's office has been very, uh, bogged down. We've had a lot of committee hearings.

But, um, nothing can move forward on that until we get those committee notes, uh, on the agenda. And so I'd like to put a plea into the clerk's office to put those forward. 'Cause I do think, you know, that's a conversation to have

either tonight or--or moving forward, like, "What--with the real estate transfer tax funding, is there a way for us to create more home ownership opportunities and close that racial wealth gap that we're all talking about here tonight, um, in--in different ways?" So, um, like that's all, uh, for me. Uh, Chair, I--uh, Chair Carlone, I will yield back at this time. Thanks.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, Vice Mayor. Um, Co-chair McGovern is next, followed by Councillor Sobrinho-Wheeler. Co-chair.

**COUNCILLOR PATRICIA M. NOLAN:** Thank you, Mr. Chair. Um, just sort of some general things in terms of, into follow up on the Vice Mayor's comments, um, in thinking about principles, that I want us to kind of continue to consider as we move forward, um, and discuss this.

One is certainly, you know, as everyone has said, the ending of exclusionary zoning in the city. And, you know, we--um, it's pretty unconscionable that, you know, there are still places in the city where multi-family housing can't be built, um, and only very expensive single-family housing can be built.

So that needs to be rectified, uh, sooner rather than later. Um, I also think--one of the things I think is--is a good concept in this petition, is, uh, also bringing more of our housing into compliance.

I mean, we know that--I forget what the number is, but it's well over 80% of our housing, is--is non-compliant with current zoning, and that creates all kinds of issues and problems. So that's another thing I think we need to sort of tackle and--and work on. Um, Vice Mayor Mallon just talked about the parking and I'm in full agreement.

**COUNCILLOR DENNIS J. CARLONE:** Councillor, you said that [inaudible 01:49:30].

**COUNCILLOR PATRICIA M. NOLAN:** On that as well.

**COUNCILLOR DENNIS J. CARLONE:** We missed part of that.

**COUNCILLOR PATRICIA M. NOLAN:** I'm sorry.

**COUNCILLOR DENNIS J. CARLONE:** We missed part of that. You--you froze when you said--

**COUNCILLOR PATRICIA M. NOLAN:** Oh! Sorry, I'm gonna turn off my camera. I'm in upstate New York, and I might as well--I might as well be--I don't know. Never mind. Anyway.

So I think--I think my internet is being run by a couple of gerbils on a wheel. Um, and so, um, the parking, uh, I agree with the Vice Mayor, uh, on that. And I wanna--you know, around the affordability of this petition and what kind of housing this is going to produce, um, you know, I think that's--that's tough to say.

I mean, there's certainly a--I think it's reasonable to say that if you build housing that is less square feet or--and it's smaller, that, that housing is going to sell for less money than a larger, uh, a larger home.

Um, we also know the flip side of that, is that we also know that everything in Cambridge goes for well above asking, and you get into bidding wars, and so it's hard. I don't know how you--I don't know how you--you know, that, that's a hard thing to figure out, right?

But, you know, as we talk about the, how do--how do we deal with some of the--the--the housing, um, the lack of housing in, uh, for some of our lower income residents, um, you know, there's a lot going on around that now and not enough. But certainly there are a lot of projects in the works.

But we do also, I think--I think--I think this, it's an end-conversation, because there is also a need to talk about, how do we produce housing for folks who earn too much money to--to--earn too much money to qualify for inclusionary or those other programs, but not enough money to afford to stay here? And that is really--that is a huge number of people that are leaving our city.

Um, and so--and--and that's kind of a--you know, that's a missing--that's a missing piece in this. So I--I really wanna see this as an end-conversation, but I don't want those people to be left out of this conversation, because that's an important group of people too, who we are losing.

Um, and so those are sort of some of the big things around, you know, ending exclusionary zoning, bringing more housing into compliance, dealing with parking, providing, you know, some homes for folks who really are falling through the cracks 'cause they don't--they aren't too much, but not enough.

Um, those are all serious things that I think we can move forward in discussing. And my guess is, there's a lot of agreement on the council and in the community about those issues. So I'm hopeful that, um, we can pull some folks together and--and--and rethink this a little bit. Um, so thank you for that, Mr. Chair.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Before we move on, the clerk has notified me that we're down to 12 minutes. And to give everybody enough time to speak, I, uh, move that we add 20 minutes to the meeting, Mr. Clerk

**CITY CLERK ANTHONY WILSON:** On that motion.

**City Clerk Anthony Wilson called the roll:**

Vice Mayor Alanna M. Mallon - Yes

Councillor Marc C. McGovern - Yes  
Councillor Patricia M. Nolan - Yes.  
Councillor E. Denis Simmons - Absent  
Councillor Jivan Sobrinho-Wheeler - Yes  
Councillor Toomey Jr. Timothy J. - Absent  
Councillor Quinton Y. Zondervan - Yes  
Mayor Sumbul Siddiqui - Absent  
Councillor Dennis J. Carlone - Yes

**Yes-6, No-0, Absent-3. Motion Passed.**

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Councillor Sobrinho-Wheeler, you have the floor.

**COUNCILLOR JIVAN SOBRINHO-WHEELER:** Thank you, Mr. Chair. Through you, I was gonna, uh, share some thoughts on it as well. I feel like I've had a lot of conversations with residents about this petition, and it's--I believe that's the second time we've talked about it as a council somehow.

Um, uh, I would frame it, um, remarks, and in terms of how Councillor Carlone had framed it, um, with, uh, in terms of principles, with, you know, what we'd like to do and how that compares or--or differs from the petition. Um, I think a big piece that, to--to figure out, and it's probably the most complicated piece, is not actually even the policy.

It's, how--how do we, um, center the--the people, uh, to paraphrase, you know, our Congresswoman Ayanna Pressley, "How do we center the people who are closest to the pain, uh, on the affordable housing crisis, um, and have them be closest to the power?"

Um, I think that should be true on any issue we work with on the, uh, council, but especially on--on urban planning. Because that just hasn't been the history of how urban planning has been done in this country.

When you think about, uh, urban renewal and displacement, and--and so really trying to--to have that be accorded this. Um, in terms of the--the policy, um, I think, uh, you know, really starting from the principle that the status quo is not working in Cambridge. Um, the median one bedroom costs \$2,300 to rent, the median condo costs more than \$760,000 to buy, uh, the median single family home costs more than \$1.5 million to buy.

Um, and particularly that last one, um, because if we're only allowing single-family homes or if we're only allowing duplexes, um, and those costs \$1.5 million, we're just excluding a lot--a lot of people, um, both people, you know, who don't live here yet in our own residence, right? Um, if you can't afford a \$1.5 million home, and that's all

you can build in a neighborhood, you're excluding vast numbers of people.

Um, and it's--it's not a surprise that the most diverse parts of our city, are also the parts of the city that have, um, the most diversity of housing and apartments. Uh, and the least diverse parts of our city, are the parts where you can only have a--a single-family home or only have a two family home. Um, those things go together.

Um, I do think that the other thing that the city and that the council needs to think about, is how we exclude people even in neighborhoods that are not technically single-family only, or two-family only. Um, and just as an example of that, um, I live in an apartment, uh, that's part of an old triple decker.

You know, perfectly nice building, um, but, uh, you couldn't build it right now. Uh, and it's not in a single-family or two-family only area. Um, but because of the--the setbacks and the--the, uh, other, you know, restrictions we have in our zoning right now, it's--it's impossible to build. Um, I think the triple decker I used to live in, is probably the same case.

And so thinking about how our--how our zoning is--interacts on those pieces that are--are not, you know, technically single-family only or two-family only, is--is, uh, an important part of this. Um, in terms of, you know, what an alternative to this petition would--would look like, that--that I'd be interested in?

Um, I think, um, the petition focused on, you know, allowing developments with a--a certain number of units, you know, a certain size, citywide. Um, I'm gonna get the number wrong, but I wanna say, you know, four to eight unit buildings, you know, of a certain size, allowing all of them citywide with a--with a new end zone.

Um, I--you know, if I were developing something, um, would be more ambitious in undoing the exclusionary zoning in parts of the city, than--than even this petition was, uh, that have historically been most exclusive. Uh, and if we do that, I think we could actually trigger the Inclusionary Zoning Ordinance, that would require affordability by, uh, by allowing buildings that would--would require that, and the most exclusion--exclusive parts of the city, historically.

Um, and then because, uh, the history of zoning, because of, you know, Massachusetts bans a lot of tenant protection statewide, uh, and too often development has meant displacement being more cautious, uh, in

neighborhoods with more lower income residents, more people of color in non-affordable housing, um, to--to make sure that, you know, new development doesn't mean displacement, uh, until we have more tenant protections.

Um, uh, one thing that I think we should probably do citywide is, uh, stopping the conversion of buildings like tripledeckers into single-family homes, um, which folks have talked about. Um, not just because it's--it's fewer units, but because our current zoning encourages teardowns. Uh, and when you in--when you tear down a rental building, you displace all of the people in that building, and you replace it with a single-family home that those folks can't afford to buy.

So we should--should figure out how to stop that. Um, and then I think as--as just about every councillor has said, um, we should also eliminate parking minimum in city, citywide, um, whether, um, you know, in a petition that's on this or something else. Um, I did just wanna touch, I--I bring it up every time we talk about development, um, that zoning is one piece of this. It's not the only piece.

Um, the council, uh, we talk about it a lot because I think the council has the most direct power over. Um, but we should be thinking about linkage fee, tenant protections. Um, I've been working on a--a piece with Mayor Siddiqui, that I'm hopeful we'll have introduced, um, you know, in the next week or so.

Uh, and then state level legislation and--and how we can push for it as a council on rent control, and just cause eviction and tenant opportunity to purchase. And that really ties to this piece around development, um, because the history of development has too often been the history of displacement, when we talk about things like urban renewal.

And if we can unlink development and displacement, then those are separate conversations, and we can--can have new development in the city in a way that doesn't displace people. But we're not there yet, and the State of Massachusetts explicitly bans us from doing it, so we've gotta figure out how to undo that.

Um, so all of that, um, to say, you know, this petition and the--the conversations the city has been doing on ending exclusionary zoning have been moving in parallel, um, Councillor Nolan and I did a--a joint committee meeting, um, for Housing and--and NTLP, uh, on--on the policy order. Um, I think we're gonna do another one. Uh, I'm really excited about that, um, and I think that can--can help push this conversation forward.

And then I'm, I'm really excited to--to work with community members, um, councillors, city staff, to figure out how to--how to end exclusionary zoning in Cambridge, 'cause we, you know, can't just keep kicking the cone down the road. Um, this is something we--we should have done a long time ago, uh, in my opinion, so that those are my sort of thoughts on the principles of it. And thanks for that, the Co-chairs, Councillors Carlone and--and McGovern, for, um, sort of hosting this conversation.

**COUNCILLOR DENNIS J. CARLONE:** Thank you for your points. Um, well-intentioned. Um, Councillor Nolan. Well, I think it's Councillor--let's see. Yes, Councillor Nolan, you're next.

**COUNCILLOR PATRICIA M. NOLAN:** Thank you, Chair Carlone, thank you everyone who has spoken before. And--and I do wanna thanks Solicitor Glowa. I learned a lot in just listening to you. I'll probably learn even more when I read about it, assuming it ends up in writing.

But it was quite, um, a--a good lesson for me in reviewing some of the zoning changes, so I--I appreciate that. On every amendment, I think I learned a little bit more, plus the, um, Housing Choice, I look forward to understanding how it is that we can move forward.

Um, I will follow up on some of what my colleagues have said. I, I do think as I believe, is the intent of the Co-chairs, both, uh, Chair Carlone and Chair McGovern, to bring this into the council for us to move forward, which I really look forward to, I think that's the appropriate place.

We had started that conversation, I think that's where we should continue it. Uh, it had been in the joint committee of the Housing Committee and the neighboring long-term planning based on that policy order by--filed initially by myself, Councillor Sobrinho-Wheeler, Councillor Simmons and Councillor McGovern. But it was the whole Council who said, "Yes, let's move forward. Let's talk about, uh, ending the Exclusionary Zoning of single and two-family only zones."

I recognize it wasn't the whole Council that had that and yet those joint committees include every single member except the Mayor who was present at it and is often present and Councillor Toomey. So, but I'm happy for it to be the whole Council or an Ordinance or some other. I do think that's the appropriate place. I, um, agree that it's--it's exclusionary zone only of single or two-family only zones. I--I think however, my key--and I'm parking minimums, but my key plea is that we really need to study and understand



as best we possibly can what the impact would be.

We saw with this petition that the petitioners used an example that they say, "Oh, it's just an example." But if their example is that a teardown of an existing two-family home, that instead of being a single family is gonna be six homes and if they're wrong and instead of \$750,000 each, they're actually a million dollars each. Then it actually goes in the exact wrong direction for anything that we actually need. It could be though that it's actually \$500,000 each.

It's just that you can't just throw something out there and say, this is what we hope will stick. Whatever we do and I make a plead all of us and also hopefully we'll be turning this over to the Community Development Department and others to address these principles that we're articulating which is end the exclusionary zoning of single and two-family. Understand how it is that we can make more of the existing homes that we have perhaps legal.

But the real principle is that we have to also ensure that we don't--in doing that, I'm still a believer in some open space and some permeability of the parts of the City that have the least amount of open space have the highest density of folks who are um, low income and it's a public health issue in my view. So what we do, I--I really believe that we have to make sure that we demand and we get as best as possible. Nobody can predict exactly but really look at the existing markets of what has actually happened.

What then would ever could have happened um, in order to make sure that if we do pass something that's magnitude which I am a 100% in favor of, that we don't end up worse off than we were as--as several other of my uh, colleagues have said, if we end up producing something that is simply going to increase the number of housing for folks making two or three times the area median income instead of producing housing for people making maybe just the median income which is actually still pretty high. As Councillor McGovern said, there are some who don't qualify or making a very good income but they still can't qualify for some of our uh, affordable housing or they can't qualify to--to buy uh, an existing home here.

That's the kind of thing we need to make sure that as we enter this we have, again our best guess but based on solid data which is already out there of--of how we can make this happen in a way that--that has us go further in our goals instead of continuing with the Barbell Effect where we have a city increasingly of only people who either bought like, I did 25 years ago a house that I could never

afford now.

Where I inherited a house or I'm in um, affordable housing and--and we really need if this truly is something that we agree with the principles of providing some kind of uh, middle. I think we don't have a missing middle in terms of number of houses, we have a missing middle in terms of I think an income disparity in this City.

And as we go forward I think the principles, this is one petition that has a lot of good ideas in it but the Donovan Petition also had a lot of good ideas at the joint meeting that um, Councillor Sobrinho-Wheeler referenced there were some uh, some of the history that was presented by Mr. Robertson, Assistant City Manager Farook started us on the path.

Let's continue that path, let's really move forward. And it may be there are some elements we can do relatively quickly which I believe the Vice Mayor um, mentioned as well. We already have a policy order that was passed, that we're going to look into parking minimums across the board. We're gonna at least see what we can do so we don't have to wait for a comprehensive zoning review.

On the other hand, we shouldn't just move forward with something because it's on the table and we wanna do something. Let's make sure that we do it well and we do it as best we can with the best information possible because uh, we have seen before that when we move without that hard analysis that we--we can end up having something that we don't actually uh, want as much as we thought we would. Thank you, that those were I think my notes, if that's enough uh, for--for Chair Carlo if the--the principles that I articulated were embedded in there. Thanks.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. Uh, before we go on to Councillor Zondervan, uh, Madam Solicitor has her hand up. Nancy.

**CITY SOLICITOR NANCY GLOWA:** Thank you, Mr. Chair. I just--since we're talking about a lot of broad general goals and concepts, I wanted to, um, add that, um, in order to have Inclusionary Zoning be protected from a legal challenge, uh, it's important if we're going to be making, um, significant changes that there be a nexus study which would demonstrate the nexus between what is being proposed and why it is needed in or--or, as I said we could be subject to a challenge that we're placing an undue burden on private citizens to be paying to subsidize, um, other people's housing.

And, uh, possibly a challenge on the grounds that it's, um, another form of rent control which has been

prohibited by state law when rent control was ended some number of years ago. So I think that it would be very helpful for the Council and staff that you'll be working with to keep in mind that if you do want to make significant changes that do involve the inclusionary ordinance that sometimes should be built in to allow for there to be a nexus study to, um, make sure that we have the appropriate record to be able to, um, defend that.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. That is, uh, a major--major issue and I appreciate you bringing it up. Pardon me. Councillor Zondervan followed by Councillor Sobrinho-Wheeler. Councillor Zondervan.

**COUNCILLOR QUINTON Y. ZONDERVAN:** Thank you, Mr. Chair. And I--I just wanted to follow up on what the Solicitor just said, um, and make sure I understood that correctly because we--we do already have an Inclusionary Zoning .

So, uh, through you Mr. Chair, are--are you saying Madam Solicitor that if we're-- if we're lowering the--the threshold that, that would require new Nexus study? I guess I'm not clear on what the trigger is for--for why this?

**COUNCILLOR DENNIS J. CARLONE:** Madam--Madam Solicitor.

**CITY SOLICITOR NANCY GLOWA:** Uh, thank you, Mr. Chair. Through you, um, so in order to impose that kind of requirement on, uh, a private property owner, it's necessary to show that there is an impact of the development of that property that would, um, have an adverse effect on, uh, resident's ability to live in Cambridge. So, for example, if you're building, um, some new, uh R&D facilities um, and, uh, Well that's--that's not a good example, that's more like incentives only, excuse me.

But if you're building a lot of, uh, market rate housing and it increasingly will make it harder for people to, uh, afford, um, housing at lower rents, then there's a justification for saying that we need to have some additional affordable housing built as part of the project.

What the court has said is that it would be an unlawful exaction and I know that I used the word exaction recently in a way that I think was incorrect. So, um, hopefully people can, um, recall that and--and uh, let me replace that with the right formulation.

Uh, it would be an improper exaction to simply make private property owners bear that cost. But if you are, uh, giving some sort of benefit to the private property owner, um, which compensates them for the additional expense of providing the affordable housing that's considered

permissible.

Um, so we have developed--when we first developed the Inclusionary Ordinance back in 1997 or 98, we had an extensive nexus study which established the need for that.

And we had a rough correlation or a pretty close um, correlation between the amount of the density bonus that we provided, um, a developer and, uh, what that additional housing need was so that the cost to the developer of providing the affordable housing was offset by the additional density bonus that was given to the developer.

So, although that may not be considered as ideal as simply asking developers to give us some housing, that would in all likelihood be unconstitutional. So you need to do the nexus study to show the correlation and then to establish components in the Inclusionary Zoning to be, uh, legal within the constitutional framework.

So that's--that's a rough sketch and I may not have said it exactly perfectly so please, um, understand that this is actually fairly technical and it's a very, um, complex constitutional analysis but it is something that's still considered required now and we have done a nexus study before each of the major changes that we've made to the inclusionary ordinance in the past and it's still the law that that would be required in order to, um, support the imposition of those requirements and withstand illegal challenge.

**COUNCILLOR DENNIS J. CARLONE:** Thank you. I--I actually think you did--you were very clear. Um, it's confusing, but you're--you're very clear. Councillor Zondervan.

**COUNCILLOR QUINTON Y. ZONDERVAN:** Thank you, Mr. Chair. Through you to the Solicitor, thank you, uh, for that explanation. I--I think, and I won't, um, ask you to answer this now 'cause I do recognize the complexity in all this.

Um, but I do wonder about the home ownership aspect of this because we're--we're not asking the developer to give us anything. We're essentially exercising a right of first refusal to purchase a certain number of units that are being produced.

Um, so I--I think you'll probably say we still need, uh, a nexus study of some kind and--and I would agree with that. Um, But I think it--it would be helpful to--to have a more full analysis of the implications of, uh, a home ownership, um, program in this specific case that we're contemplating, um, versus the rental units where it is a different arrangement because the developer is kind of

giving those units to the City, whereas in the home ownership case, we're--we're purchasing those units from the developer.

Um, so I'll move on, um, Mr. Chair and--and I really wanna, you know, in terms of principles really center, um, you know, as--as some of my colleagues have mentioned, their concerns around equity and--and justice.

And you know, by way of example, there was a project, uh, a couple of years ago in the port that--that I got personally involved with because I was helping some of the tenants, um, find housing because they were actively being displaced.

And--and this particular project was a six unit, um, building that had been purchased by a private developer and those six units were vacated and the residents were displaced and then it was turned into two luxury or market rate whatever you want to call it, units instead. And then four new units were added in the back, all little two-story cubes.

So, in theory we went from six units to six units, but in practice, six units of, um, relatively affordable housing were destroyed and--and those tenants were displaced and it was replaced with six units of higher end, um, more expensive housing.

And--and that's the kind of gentrification and --and displacement that--that really concerns me because the petition as it--as it came before us, um, was rejected by the Planning Board.

It's rejected by the Black Response, by the Cambridge NAACP, by the right to housing. The--all the different, um, groups that are concerned with, uh, equity and justice in our city are saying, "If we just boost the market rate development, we're just doing more of that injustice, right?"

We're--we're boosting that gentrification and displacement that's already happening in the port. And so it's really critical that we look at how we do this without doing more injustice.

And, you know, we all agree on the parking minimums. I --I think that's a no-brainer, we should have done it you know, last year. Um, but I--I do feel like we're sort of backing our way again, into a conversation about comprehensive rezoning because it is complicated and every time we try to pick at one piece of it, the whole thing has to be, uh, considered. And--and yet every time we say that and we bring that up, we're told no, we can't do that, you know, it would take too much time, too many resources, et

cetera, et cetera.

But I keep coming back to, we don't have any other choice because the only way for us to get this right is to look at our zoning comprehensively. We can't really do this properly by just looking at one piece of it and saying, "Oh, you know, we should just allow multi-family zoning everywhere."

That doesn't work because we have to change dimensional requirements and then, that doesn't work because now we have to look at our inclusionary and then, that doesn't work because now we need a nexus study.

So the--the whole thing is--is so interrelated and so complex that the only sensible way to do this is to look at it all at once and say, "Okay, we have to make these 10 different adjustments in order to hopefully, uh, achieve--achieve our goals."

So I keep coming back to that, I--I don't know how we get there, you know, I--I look forward to continuing this conversation, but it feels to me like, once again, we're really asking for a comprehensive look at our zoning, particularly our residential zoning, uh, to make sure that we get this right.

**COUNCILLOR DENNIS J. CARLONE:** Okay. That's, that's--that's, um, clearly a multi-year if not more, um, effort. Uh, Councillor--thank you, Councillor. Councillor Sobrinho-Wheeler, did you have a question?

**COUNCILLOR JIVAN SOBRINHO-WHEELER:** I did. I have one question for the--the solicitor on the--the piece there and, uh, well, but I feel like it's important, uh, and understanding how the Inclusionary Zoning Ordinance works and how it would--would interact with this. Um, I know you didn't say exaction, uh, in this part, but if I'm understanding your--your argument right, it's that, uh, inclusionary, uh, is based on impact and so it's, uh, you know, to--to minimize the impact, uh, of new housing construction.

Um, and I just, uh, guess I wanna really make sure I understand this 'cause I don't feel like that could be how it works. Um, new housing shouldn't increase the cost to live in Cambridge? I--I just don't understand how inclusionary, uh, housing could be to offset the cost of new housing.

Are we saying, I mean, 'cause it's--inclusionary isn't based on cost, it's based on the size of the building and the number of units we're saying any new housing in the city is gonna drive up the cost to live in Cambridge?

**COUNCILLOR DENNIS J. CARLONE:** Madam Solicitor, quick

comment.

**CITY SOLICITOR NANCY GLOWA:** Yeah, through you, Mr. Chair. I'm not--I'm not, um, I don't feel comfortable, uh, trying to address that tonight. Councillor, um, it is very complex and I'd be happy to try to, uh, provide some more information when I'm better able to, um, articulate the rationale.

But I wanted to get the issue out on the table to remind the Council that this is something to consider and to consider that there should be some longer range, um, planning in the form of doing--doing the nexus study before, um, embarking upon new changes to the inclusionary ordinance. But I--I can't really provide more--more specific detail without being able to better prepare for that.

**COUNCILLOR DENNIS J. CARLONE:** Perhaps, uh, Councillor that can be part of the next meeting. And I'm very willing to have it, uh, be part of housing and--and neighborhood, uh, committees a joint--another joint meeting. We don't need it in Ordinance if that's going to happen.

So we have just a few minutes left and what I've been thinking is, uh, this is even more complex than the complexity I knew we had. And I think, uh, the Co-chairs, uh--and I'm speaking for Councillor McGovern. The Co-chairs need to get together with Community Development, probably with the Legal Department and talk about a strategy and include the two chairs of Housing and Neighborhood Planning once we get an approach and, um, and then proceed.

We heard a lot of comments tonight, um, we didn't check off, which we all agree and which we don't. Um, we'll get to that. Um, but we have four minutes left and I know at least two people are on vacation, so I don't wanna stay on too long.

Um, any concluding comments? And thank you Madam Solicitor for, um, again the very detailed interesting report. Um, it just reminds us how important, the legality of any zoning is. And the ideas are great, but we gotta play by the rules and appreciate the comments from community development staff as well. Any concluding comments Co-chair McGovern or any other councillor or staff member?

**COUNCILLOR QUINTON Y. ZONDERVAN:** Fine. Mr. Co-chair.

**COUNCILLOR DENNIS J. CARLONE:** Thank you, Councillor. Yes, Councillor Nolan.

**COUNCILLOR PATRICIA M. NOLAN:** I just have a quick question, I echo all your thanks. Through you to, uh, Assistant City Manager for record, Mr. Uh, Jeff Roberts.

The, um--I know at our last meeting you had said you were you--you have so much work on your plate, it's hard to develop you know, this comprehensive zoning and that we talked about as a follow on to the request by the Council to start looking into and exploring the single family and two-family zoning.

But since you have had to review this petition as well as you might have done some other work on the Donovan Petition, is this something that as we move forward you have continued to do work on and will then be able to advise us as we move forward on ways that we might uh, go through and eliminate this exclusionary zoning with in--in an effective way that meets more of our goals?

**ASSISTANT CITY MANAGER IRAM FAROOQ:** Through you, Chair, um, and I--I am gonna, um, I'm gonna let Jeff speak to--to more of the specifics. Um, but I did wanna take the opportunity to say that, um, I don't think that, uh, comprehensive rezoning would actually be the solution to--to this, uh, particular issue because, you know, things like, a study--the justification study for Inclusionary Zoning would still be required and is not going to be dealt with through, um, through a--a comprehensive rezoning.

That's something that we have to update every, um, sequentially every five years or so, um, in the last study we did was in 2016. And, um, at any point, um, even if it was the day after a comprehensive, uh, rezoning that the Council chose to look into, um, modifying the inclusionary requirements, um, that would be something that would be warranted at such time.

Uh, and similarly in terms of the, um, I think the--the note about, um, just modifying to allow multi-family in all districts, um, and the concern regarding dimensional standards, that is absolutely accurate. Um, but actually that--that would be solved by, um, the proposal to or the idea, I wouldn't say that's a Planning Board proposal. It was proposal by a Planning Board member--

**COUNCILLOR DENNIS J. CARLONE:** Ms. Farooq, I'm--I'm sorry. We have to vote on extending--

**ASSISTANT CITY MANAGER IRAM FAROOQ:** --Oh, I apologize.

**COUNCILLOR DENNIS J. CARLONE:** --the meeting. No, no, I want you to continue.

**COUNCILLOR PATRICIA M. NOLAN:** Or--or we can end. It's fine. We can--we can continue this later. I recognize everyone--

**COUNCILLOR DENNIS J. CARLONE:** No. Did I--uh, I don't wanna cut you off. We're at a good point.



**ASSISTANT CITY MANAGER IRAM FAROOQ:** I--I'm fine ending it here in--

**COUNCILLOR DENNIS J. CARLONE:** So as I said, uh, Councillor McGovern and I will meet with the appropriate folks and talk about how to get feedback in a firmer way from everybody. And, uh, and we will be in touch within the week. Um, so I move that we uh, Mr. Clerk. Yes. I move that we, uh, end this meeting. Mr. Clerk.

**CITY CLERK ANTHONY WILSON:** On the motion to adjourn.

**City Clerk Anthony Wilson called the roll:**

Vice Mayor Alanna M. Mallon - Yes  
Councillor Marc C. McGovern - Yes  
Councillor Patricia M. Nolan - Yes  
Councillor E. Denis Simmons - Absent  
Councillor Sobrinho-Wheeler - Yes  
Councillor Toomey Jr. Timothy J - Absent  
Councillor Quinton Y. Zondervan - Yes  
Mayor Sumbul Siddiqui - Absent  
Councillor Dennis J. Carlone -Yes

**Yes-6, No=0, Absent-3. Motion Passed**

**COUNCILLOR JIVAN SOBRINHO-WHEELER:** Thank you, Chair. Mr. Chair, before we all leave, um, the Mayor is not with us because she's at graduation for CRLS. So congratulations to everybody. Sorry we all couldn't be there, um, but I--I saw some of the pictures. It looked pretty awesome having it outside at Denny. .

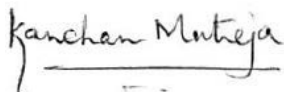
**COUNCILLOR DENNIS J. CARLONE:** So thank you for everybody and the input. Um, we're moving forward. We're not stopping, we're moving forward. And I thought the discussion was excellent all around. So thank you. Have a good night and happy vacation to a few of you. Take care.

**The Cambridge City Council Ordinance Committee adjourned at approximately 8:00 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 17th day of January 2023.

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