



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, September 29, 2021

5:30 PM

Remote Meeting

The Ordinance Committee will meet to discuss the Neighborhood Conservation District citizen's petition.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6:44 PM
Jivan Sobrinho-Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Timothy J. Toomey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



CAMBRIDGE CITY COUNCIL ORDINANCE COMMITTEE
COUNCILLOR MARC C. MCGOVERN, CHAIR

COMMITTEE MEETING
TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 29, 2021
5:30 PM, REMOTE MEETING

COUNCILLOR MARC C. MCGOVERN: -- /publiccomment to sign up. We will not allow any additional public comment sign up after 6:00 p.m. All votes will be taken by roll call. Mr. Clerk, please take the roll.

City Clerk Anthony Wilson called the roll:

Councillor Dennis J. Carlone - Present

Vice Mayor Alanna M. Mallon - Present

Councillor Patricia M. Nolan - Present

Councillor E. Denis Simmons - Absent

Councillor Jivan Sobrinho-Wheeler - Present

Councillor Timothy J. Toomey Jr. - Present

Councillor Quinton Y. Zondervan - Present

Mayor Sumbul Siddiqui - Present

Councillor Marc C. McGovern - Present

Present-8, Absent-1.

CITY CLERK ANTHONY WILSON: There are eight members present.

COUNCILLOR MARC C. MCGOVERN: Thank you. Okay, so we will follow the typical format that, that we follow with Ordinance Committee meetings. We will hear from the petitioner who will make a presentation. We will then allow the Council--the Committee to ask clarifying questions. We will then hear from the City, have the Committee ask clarifying questions, go to public comment, and then come back for discussion.

So with that, do we have Mr. Crowe and the others?

CITY CLERK ANTHONY WILSON: The present--the petitioners are in the Zoom. They are prepared, they're saying they are prepared to make their presentation.

COUNCILLOR MARC C. MCGOVERN: Okay, let's kick it to them, please. Welcome, and you have the floor.

MR. LOREN CROWE: Thank you, Mr. Clerk. Would it be okay if I share my screen now?

CITY CLERK ANTHONY WILSON: Yes, you can go ahead and share your screen.

MR. LOREN CROWE: Okay, Mr. Chair, thank you, and thank you to the Committee. I want to thank everyone for being here and for giving us this chance to speak to this petition, which we believe is an opportunity to create some real alignment between this community's civic priorities and to strengthen the institutions that cultivate and preserve our history, namely neighborhood conservation districts and the Historical Commission itself.

I also want to thank all the hundreds of people and families in the neighborhood surrounding Fairweather Street and East Cambridge and across the city, who've worked together to shine light on what they've seen as process

problems and correctable inequities in the way NCDs have been proposed and studied in Cambridge over the last two years.

The NCD Ordinance found in Section 2.78 was enacted over 40 years ago, and a lot has changed since then. Every good law deserves a brush up, and this one deserves to look just as much as our charter does.

Not only did Cambridge not face a housing crisis in 1983, the city had very sensi--very different sensibilities about public engagement and public processes.

Much of what we've, we've proposed here and based on Mr. Sullivan's memo to the Council, we appear to be in agreement on the need to balance preservation with the Council's affordability goals and the need to conduct NCD studies under non-binding conditions. It's taken a couple of years to forge that agreement and I'm grateful for the movement there.

This petition is inspired by and intended to support the Council's published goals, including its Number 1 goal of increasing access to affordable housing for all income groups. Number 2 is ensuring that Cambridge offers economic and educational opportunities for all. Number 4 is expanding and deepening community engagement, and Number 12 is eliminating bias within the City workplace and the wider community. We hope that our work here helps support all of those.

And while this petition promises real change, we think it's incremental change. This petition is not going to affect zoning, historic districts, the Teardown Ordinance the National Register, or other important protections that are already in place.

For folks who are tuning in at home, if you've read somewhere that this petition is going to gut NCDs, I think that you'll be pleasantly surprised. This is mostly about process and representation, who gets to decide? And the few jurisdictional changes we're proposing are, for the Historical Commission directors on memo, almost never used. So we don't think there'll be very much mess.

Enacting them won't change the core work of NCDs, but they will give property owners certainty about the rules and regulations they must adhere to in zoning. Certainly--certainty is always crucial to good government.

And those at home who are worried about losing technical experience on NCD Commissions, we agree with you. We've suggested to the Council a further amendment to our petition that better matches our intent. We want professional experience, and we think that it needs to be

balanced with lived experiences in our neighborhoods so that we have fully representative bodies that can do our neighborhoods' work.

In summary, we believe this petition will strengthen NCDs by making them more democratic, more representative, and more responsive to their communities.

And we submit this petition humbly. Speaking for myself, I've never written anything in my life that couldn't be improved with collaboration. This petition has already come a long ways through collaboration and we are very grateful to the seven councillors who took the active interest and the time during the busy season to meet with us and help us refine these suggestions.

We're not going to present every edit we're suggesting, but we've grouped together the major amendments and seven main themes that we'll start working through now, starting with initiating an NCD study.

Presently, it only takes 10 voter signatures from anywhere in the city to submit a petition to the Historical Commission that it must consider and vote on whether to begin a study.

The East Cambridge NCD petition was signed by 25 residents, mostly from families affiliated with one homeowner's group. The main and secondary goals expressed in writing that, in writing and at a meeting before the petition was passed, included increasing home prices and defending against development.

Last spring in May, in the University Park neighborhood, just 13 voters submitted an NCD petition for consideration. Before the commission even heard the petition, four had retracted their signatures and 113 voters had signed a counter-petition organized in just a couple of weeks, through Herculean efforts before the Commission heard the case.

And despite that overwhelming opposition, the Historical Commission came uncomfortably close to accepting the petition anyways.

NCD studies are work. Participating in them, organizing around them, supporting them, opposing them, just participating, there should be a higher hurdle to clear before petitioners can impose this kind of burden on their neighbors. And petitioners should have time to--or should have to consult with more than just a few families before they commit an entire neighborhood some months or years of effort like this.

As Councillor Nolan has pointed out, just hosting a block party requires 75% of neighbors to agree. In East

Cambridge, the percentage of the original petitioners was probably less than 2%, and maybe even lower.

Further, the decision to initiate a study belongs solely to the Historical Commission which is, through no fault of its own, not designed to balance neighborhood needs or citywide goals.

Its members are selected not for their deep roots in Cambridge's communities but for their technical expertise in preservation-related fields. It's simply not in their remit to have their finger on the pulse of City Council goals around things like affordability, any more than it is the fire department's. And that's probably not a bad thing and it's just simply acknowledging their specialization.

But as an example of how the Historical Commission's vantage point might lead to less than desirable decisions, the East Cambridge NCD study was approved by the Historical Commission on October 3rd, 2019, barely two weeks after the Sullivan courthouse parking vote.

People from the neighborhood begged the Historical Commission to let the neighborhood rest for a minute after what had been a contentious and almost a decade-long process. We were worn out, the Council was worn out. No matter what you might have thought about the merits of that position, I think that all of you that participated in that debate would have thought that introducing another controversy into East Cambridge at that time wasn't in the best interests of the neighborhood.

The Council, and the Council alone, has the ability to make holistic assessments of community needs. Specialist boards simply do not.

Some solutions we're proposing related to this goal, first is to increase community, the community engagement required before a petition is submitted to the Historical Commission by increasing the threshold to 100 instead of 10.

It's been noted here that this number might be too high for smaller NCDs like Avon Hill, which only includes about 200 structures.

The current ordinance language allows the signatures to come from anywhere in the city not limited to signatures from within the proposed district boundaries. If the Council chose to amend the ordinance to limit the signatures to residents inside the boundaries, then we'd suggest that the number should be 100 in proposed districts with over 1,000 registered voters and then 10% in smaller districts.

This would require a bit of due diligence by the

petitioners, but we suggest that that's a good thing and very much the point.

We're also suggesting that the Council become the approval authority to begin NCD studies once a petition has been recommended by the Historical Commission.

Moving on to representation. Currently, there are, currently there are no requirements for actual diversity on NCD commissions. And why is this an issue? Well, it should be self-evident in 2021, and this could be a thesis talk. But we'll be daring and try to break it down into four areas.

The first is community, community diversity. The East Cambridge NCD study commissioners and participants tend to be older white homeowners unrepresentative of their community as a whole. Meetings are not well attended. There were more participants early on in the process when opponents were organizing people to come. We stopped when it became clear that we wouldn't be allowed input into the process.

And from everything that you read in study committee member Ron Kramer's letter that he sent to the Council last night, that letter has been public for a while I believe, and it's available on the Historic Commission's ECNCD websites. If there's one thing you can read that perfectly summarizes that process, it's been his letter.

And there's been no sit--there's been no effort to really make the situation any better. It was pointed out in an early meeting that working people and people with families have trouble committing themselves to years of evening meetings. And the response to that from the Historical Commission director was "That's life."

The way we structure meetings influences who can attend, just as the way we structure elections determines who can vote. Doing something that way, or something that doesn't work and justifying it because it's the way it's always been done, is not a legitimate way to run a community process. It's not life. It's a choice.

And gathering the same kind of people with the privilege to participate and calling it a community meeting isn't a community meeting at all. It's an interest group meeting. Better to not hold a meeting at all than to hold a meeting that allows the powerful and privileged to pass themselves off as the community as a whole, conferring unto themselves additional unearned power and privilege.

Another layer to the same problem is the language in the ordinance that requires committee members and study committee members to be selected based on professional

qualifications, which introduces obvious class and professional viewpoint biases.

These commissions, especially study committees, should be gatherings of community stakeholders that can balance the technical aspects of their committee's work and lived experiences. as well as the needs of the community. Professional experience isn't the only experience relative to the decisions made by an NCD Commission. NCDs touch housing, and housing touches everything.

Experience with housing insecurity, affordable housing waitlists, struggling to afford repairs, struggling to operate a low-margin retail establishment, are all relevant experiences and indeed, I'd say qualifications that could bring a great deal of value in order to inform the work of the NCDs.

And I apologize for my slides. And then, I apologize. I'm working on two screens here.

On viewpoint diversity, anyone who applied to the EC-- to serve on the East Cambridge NCD Committee who'd publicly expressed skepticism about it before the committee was selected was rejected. Skeptic participants have been largely excluded from meaningfully influencing the study process, despite often representing a majority of voices at these meetings. What good is a study if you only solicit one viewpoint?

In terms of housing status diversity, there's no requirement that renters be included in the study process. And at first they weren't, which is why the Council had to get involved. This wouldn't have happened without public outcry and Council intervention. And as we'll see in a moment, renters may have an opposite economic interest in NCDs than owners, so there needs to be a balance provided for on commissions.

And when affected, businesses aren't guaranteed a seat on study committees either, even when significant numbers of small businesses are included inside NCD boundaries. The East Cambridge Business Association begged for Cambridge Street to be excluded from the study area and the Historical Commission ignored them and was able to.

So our goals through the petition are to increase representation, diversity and diversity on NCD committees. By making, we think we can make them more legitimate by making them more representative.

We propose giving renters a seat at the table along with businesses. We acknowledge that some districts may not have significant numbers of businesses within them and so in the further suggestions that we've made to the Council

following the petition, we suggest that businesses be included where practicable.

We understand and we've read Mr. Sullivan's amendments that he sent to the Council last night, and we are open to a lot of different configurations, I think. We're not so much concerned with the number of commissioners on these commissions, but who gets a seat at the table.

So our goals here are to see different types of people provided for. To the extent that his petition or his suggestions do that and include renters, we support them. To the extent that they give homeowners more power than they already have, we would oppose that.

Going on, we propose a requirement that commissions reflect the diversity of the neighborhoods they govern. It's simply not okay in 2021 to have all White or nearly all-White boards and commissions, especially in neighborhoods that are nearly half POC.

It's not okay to reserve seats for homeowners and then not reserve seats for renters. We also suggest that study committees balance professional experience with relevant lived experience, and experiences with a variety of different housing situations in Cambridge.

We recognize that these are, at best, partial solutions to systemic problems that are much larger and more widespread than just NCD committees, and we continue to suggest the Council examine ways to make civic participation more inclusive, up to and including perhaps paying stipends to committee members.

And we suggest that any privilege afforded to owners in the ordinance be afforded to renters as well, such as meeting notifications, because renters matter too, and every resident in the city should have an equal voice in their government.

We believe that the changes that we've made simply write into the ordinance the spirit of the policy order that the Council passed on this topic last year.

In all things our goal is not to exclude anyone, but to balance, balance all the characteristics that we need to have, to have a truly functional and representative body guiding our NCDs' work.

Next, we're going to move to estimating cost impacts on the housing crisis. Something that's changed since the ordinance was put in place four years ago is that Cambridge now faces a housing crisis. And there's currently no requirement in the ordinance to study what effect, if any, a proposed NCD might have on housing costs.

To date, there hasn't been much interest in exploring

this topic from the Historical Commission or the East Cambridge NCD Commission.

There is actually widespread agreement in Cambridge among opponents and proponents of the ECNCD that research shows NCDs tend to raise home prices. The original East Cambridge NCD proponents even cited a well-regarded study that showed the increase, which they touted as a benefit to their proposal on a pitch made to homeowners.

Of course, we know that homeowner price, or that home price increases don't benefit all residents--residents equally, but can harm renters and future owners.

The Historical Commission approves the ECNCD petition on assurance from the director that no research existed that showed that NCDs tended to raise home values, despite the commissioner, or rather the director, being provided with the research.

Notable that many, actually every Historical Commission that I've spoken with who's taking a position on this topic takes the opposite position of our own Historical Commission. And they too, in fact, tend to tout, tout the same economic benefits to homeowners that the East Cambridge NCD petitioners did, in order to actually promote NCDs to their residents, including Wellesley, Nashville and Tucson. If you follow those links, for those of you who have hard or a digital copy of the presentation, you will go straight to materials on their websites that present that position.

For reference, here's a slide that the East Cambridge NCD proponents submitted citing a study. The emphasis in red is my own. So that study says that, or the slide says that one of the two main goals of the original petition was economic in the context of increased home prices.

Some folks have insisted that this slide doesn't exist or doesn't say what it actually says, and I present it here so that we can show that those people are asking you to ignore the evidence of your own eyes. This is the origin story of the East Cambridge Neighborhood Conservation District.

And, and here's what that study says, which I encourage everyone to read at the link. It shows that there's a positive and statistically significant relationship between residential sale prices and properties located within conservation districts. It also shows that this is consistent with the majority of historic district papers.

Frankly, they nailed it. This paper is well regarded, it continues to be cited to this day. It's considered

pretty foundational research in this topic area, and folks continue to build on this.

So why is this important? Some folks have rightly pointed out that prices are going up in Cambridge, even without NCDs, and that's absolutely true. But research suggests that NCDs will make them go up more.

I find a climate change analogy really useful here. We know that there are many factors that contribute to climate change. But as bad as the situation is, we know that we could make it worse if we added say another million cars to the road. And that's what an NCD would like to do, per the research consensus. It would add to an already bad situation.

It's also been suggested that NCDs and historical districts are different and non-comparable when it comes to this economics question. Now, there are many, many, many more studies on historic districts and conservation districts, but I've yet to come across a study that finds a meaningful distinction between the two of them when it comes to prices. They both have similar effects and a similar range, typically causing or demonstrating 5% to 25% premiums.

And this shouldn't really be a surprise since there, just by definition, doesn't need to be a lot of difference between historic district and NCDs. In Cambridge, for instance, a NCD can do everything a historic district can do, except regulate paint color.

Now, most are less onerous than that but researchers aren't exactly sure why historic districts and NCDs increase prices, with some suggesting that it may not be the actual rules at all. It may just be the signal about who gets to live in these areas, maybe signals that the neighborhood is going to remain largely unchanged in the future. It may be something else. It may not entirely be based on whether a district can regulate paint color or not.

So regardless, historic districts and conservation districts all exist under an economic umbrella of preservation zoning or historic preservation districts. They're just two species of the same genus. And there really isn't any, there really isn't very much, if anything, that one can glean from current research that distinguishes their economic effects.

One year ago, or about a year ago, the Council asked for an analysis of the potential effects of housing--housing affordability based on current research. Now about a year hence, the East Cambridge NCD draft report is

nearing completion and it doesn't really respond to your request at all.

Instead of summarizing the research, the Historical Commission asks EDD to conduct its own study, with heavy emphasis on the study and scare quotes. And again, I'd have the reference study committee member Ron Kramer's letter which reports on this incident rather well.

But essentially what happens is that CDD scraped rental data from Craigslist and did some simple analysis with long division to compare average rental prices in and out of existing Cambridge NCDs

At the presentation, to their credit, CDD was super careful to say that their findings were of limited usefulness because of the limitations of their dataset and the rudimentary methodology that they used, which is not what you might find in a peer-reviewed paper.

All of those caveats have been omitted by the East Cambridge NCD draft report put together by the Historical Commission staff.

Now, we have decades of peer-reviewed research on this topic. And while it's complicated, it's not impenetrable. And while these studies that we have, I don't know of one that's looked at Cambridge specifically. But as with vaccine studies, we can trust peer-reviewed research from other cities. We don't need to do our own research here and we shouldn't. And I don't believe that's what the Council asked for in this policy order.

This process has been frustrating to say the least, because the research is out there, and great lengths have been gone to pretend that it doesn't exist. I've offered to summarize it myself for the EC NCD Commission and present it to the study committee, and I was rebuffed.

So now, in terms of changes that we're suggesting, a good start would be writing into the ordinance the desire to balance historic preservation with housing affordability. We've proposed an amendment that does that. But we see that Mr. Sullivan has proposed one too, and we actually support it. It's his first amendment of the four that he submitted. We see this as a supplement, not an or but an and, and we feel that it would fit within the spirit of what we've proposed.

But we would also like to see a study requirement on the economic impacts of the new NCD, something like an ordinance version of the policy order put forward by the Council last year.

Given the sub--the Historical Commission's subsequent unwillingness to look at this seriously, we've proposed

more specific language than what we had in the original petition, and we've even suggested the idea that an outside expert might be brought in to answer this question. And we leave both of those options in front of the council.

Another further suggestion that we might have and that we hope you're going to hear about tonight in public comment are examples from folks who have gone before the East Cambridge NCD Study Committee to present permits.

We've had folks tell us that at the low end, preparing for these hearings costs about \$5,000 when you have to get your lawyer and architect involved, which the NCD rules call for. And these are not insignificant costs that we're adding up, and we suggest that that should be part of any report that comes before the City Council as well.

Next, we're going to hear from Justin.

COUNCILLOR MARC C. MCGOVERN: Before you continue, Mr. Crowe, I just want to make sure that we're keeping an eye on, on the time too. So if folks can try to get through these slides quickly. Thank you.

JUSTIN SAIF: Sure, no problem. Hi, everyone. Good evening. My name is Justin Saif. I live on Hurley Street in East Cambridge, not far from the beautiful new Toomey Park that my two young daughters already love.

One quick note as I get started. While I'm an attorney, I'm speaking to you today solely in my personal capacity as a Cambridge resident.

I'm going to present on some exemptions and priorities in our proposed amendments. I think these exemptions are, as Loren has addressed, helpful to make sure that the NCD ordinance is consistent with our broadly shared goals, goals of the Council and Cambridge residents alike.

First, we've proposed to exempt affordable housing from the NCD Ordinance. The entire affordable housing overlay process taught us that a million things need to come together to make the creation of affordable housing possible, but only a few things need to happen to make it impossible.

Thus, we've proposed to remove affordable housing from the jurisdiction of NCD commissions, and that way we help to avoid placing additional hurdles on the creation of affordable housing, which I think we all agree is desperately needed in Cambridge.

And this prevents unnecessary delays, cost increases, and avoids litigation threats or legal uncertainty by removing the need for NCD commissions to make any determinations with regard to affordable housing. And that's consistent with the removal of other barriers to

affordable housing in the overlay, in order to permit housing as of right.

And of course, other protections such as landmarking of individual buildings would remain.

Next, we have similarly limited the applicability of the NCD Ordinance to dimensional and setback restrictions. Such considerations are already the focus of the Zoning Ordinance, and the Historical Commission has additionally indicated that such considerations are rarely invoked.

And then next and finally, consistent with our shared environmental goals, we have exempted climate resiliency and renewable energy features. Of course, we want to encourage the broadest possible adoption of such features, given the climate crisis. And one way to streamline that process is to remove NCD review from the list of potential barriers to adoption.

And we'll turn on the agenda to proposed amendments addressing the conduct of the study.

First, while the study to create an NCD is ongoing, the proposed amendments provide that the Historical Commission should only exercise non-binding review. The purpose of the study is to determine the need for a conservation district.

Imposing rules from other conservation districts at the outset gets this backward. It presumes the need for the district prior to the study.

Non-binding review balances providing feedback to property owners in the proposed district on their proposed renovations or what have you, while avoiding unnecessary burden before the need for that burden has been analyzed and before the extensive neighborhood process has been undertaken.

Finally, the proposed amendments clarify that an NCD study may not be extended beyond one year, except in the case of a declared state of emergency. Some questions have arisen in the past and additionally with regard to the East Cambridge NCD study, which extended for two years with binding jurisdiction and the prospect, at least, for indefinite extension. And that study, as you know, is still ongoing after more than two years. So this proposed amendment simply provides certainty on this point.

And now I'll turn it over to my wonderful neighbor, Mary Ellen Doran. Take it away, Mary Ellen.

MS. MARY ELLEN DORAN: Hi, thank you. Thank you, Chairs and McGovern and Carlone, Councillors and members of the public for your time this evening.

My name is Mary Ellen Doran. I live at 48 Spring

Street in East Cambridge. This is within the current East Cambridge NCD study area. We've lived here for about 10 years. We were actually renters first for two years, before having the opportunity to buy, and I have a kid who's in public high school.

I just have a couple of slides, so it should be really quick. Renewing consent. It's really important that documents be put on a regular reaffirmation process. Our suggestion is once per decade. The review is meant to keep everything in check. These documents should reflect new definitions or substantive changes in other City documents that need to remain aligned with these documents.

Also, current City Councils should be able to make sure that everything across the city is balanced and aligns with the current priorities. And they need to reflect different needs and different risks that may arise as we move from decade to decade.

Next, we have one final point that we want to talk about, and that is changing language. The final point is to make some simple updates to language used in the Ordinance. Here, we are simply asking to update the language in this 40-year-old document. I feel very strongly about the removal of the dominant "he" from everything that has been used in our past quite often. Our recommendation is to make edits to use gender-neutral language throughout the Ordinance. This has been done by civic and religious organizations across the country for the last 40 years, so we just want to move that, this document to that place.

And that's it.

COUNCILLOR MARC C. MCGOVERN: Great, thank you. Oh, sorry, did you have?

MS. MARY ELLEN DORAN: No, that's it. Thank you very much for your time.

COUNCILLOR MARC C. MCGOVERN: Okay, thank--thank you very much. So I'm just going to throw this out to my colleagues. Let me know sort of what you think. I was informed by the Clerk that, are we over 30 now or still at 30?

CITY CLERK ANTHONY WILSON: We're over 30.

COUNCILLOR MARC C. MCGOVERN: We have over 30 speakers. Unlike the City Council meeting, where we have a rule that says if there's more than 20, that it's two minutes per person, that rule actually does not apply to Committee meetings. So we would have to vote, if we wanted to, to reduce the amount of time that people had to speak.

Or, we could hold our question--my guess is that we're not getting to the end of this tonight, right? This is too

complicated and--and there's a lot of questions. We haven't even dug into the ordinance itself.

The other way to go is that we forego clarifying questions and comments now, hear from the City, go to public comment and then we can come back to our clarifying questions and comments if we still have time. I just want to make sure we have enough time to get public comment in tonight, as opposed to asking people to come back. We can all come back in another date. But if people have signed up and are here tonight, I really want to make sure they have their time to speak.

So, thoughts? Are folks fine with getting rid of the, or not going forward with clarifying questions and comments now and hearing from the City and then going to public comment? I'm seeing nods. I can't see the folks on Zoom. But, okay, so I think that's what we're going to do.

So let's move straight to the City at this point for their comment, their presentation or comments. We will then go to public comment. If there is time after public comment for us to come back, we will do that. And then we will see where we are at the end of our scheduled time.

So Mr. Sullivan is here in person. Again, I can't see the Zoom screen. Are there others from the City with us?

CITY CLERK ANTHONY WILSON: I don't believe anyone else.

COUNCILLOR MARC C. MCGOVERN: No one else is here? The City Solicitor is not here? Others aren't here?

CITY CLERK ANTHONY WILSON: They are, they are.

COUNCILLOR MARC C. MCGOVERN: Oh, they are. They're just not in person. Right.

Okay. So, Mr. Sullivan, do you want to, you want to kick us off?

CITY MANAGER JAMES SULLIVAN: Thank you, Mr. Chair.

COUNCILLOR MARC C. MCGOVERN: Your mic might not be on, sir.

CITY MANAGER JAMES SULLIVAN: It is on.

COUNCILLOR MARC C. MCGOVERN: It is?

CITY CLERK ANTHONY WILSON: Try now.

CITY MANAGER JAMES SULLIVAN: Good evening, Mr. Chair.

COUNCILLOR MARC C. MCGOVERN: Hey, much better. Thank you.

CITY MANAGER JAMES SULLIVAN: I'm sure you'll appreciate it's difficult to follow such a detailed presentation. These are issues that have concerned me during the, throughout my career with the City of Cambridge.

I participated with Councillor David Sullivan in the

1980s in drafting this ordinance. It's far from perfect and it is long overdue for an upgrade and--for an upgrade and for amendments.

So rather than take the petitioner's presentation point by point, I would just like to make a couple of points in response and then review my major concerns with--with the petition and the amendments that I've proposed.

There's been a major concern about the number of petitioners required to start a neighborhood study. Ten is a term of art. It's the number of petitioners required to get an article on the town meeting. It's the number of petitioners required to initiate a zoning amendment. And so for whatever reason, that was what was chosen. We all know we can all fill a petition on almost any topic at any time.

There was a point made about whether commissioners were qualified to balance the goals of the City Council by reason of their professional expertise.

Well, all of our commissioners are neighborhood residents. They all live in this community and they've all participated in it. And by definition of the ordinance, they all have demonstrated concern for the quality of life in their neighborhoods.

There was a comment made the commissioners are all White. Well, neighborhood conservation district commissioners represent their neighborhoods and so obviously, we pursue diverse--diversity goals to the extent we can. The City Manager has to make these appointments. He's always concerned with diversity but there's a pool in each neighborhood from which to pick.

There are multiple members of the Historical Commission who would probably take issue with being called members of an all-White commission.

There's a question about a housing crisis. Well, since I've been with the City, initially the population of Cambridge was decreasing. Since 1980, we've added 23,000 people to the population of Cambridge. Cambridge has just been undergoing one of the strongest growth periods in its history since the 19th century.

During that period, the City Council has acted more--nine times to initiate or expand conservation districts or historic districts, and has adopted legislation regulating demolition permit reviews and neighborhood conservation districts that have been copied by multiple cities and towns across the Commonwealth.

The impetus for this was the deterioration of the quality of life in Cambridge in the 1970s. And in fact, going back to the 1930s, as the city lost population. As

the City administration became desperate for, to reverse the declining tax rolls and to encourage development.

As the, our universities became increasingly focused on expansion at the expense of residential neighborhoods, the City Council repeatedly listened to neighborhood residents who were concerned about the diminution of the quality of life and the built environment around them, and enabled the--the initiation of conservation districts, historic districts and landmarks that would counteract these trends and allow these commissions to pursue measures that would mitigate the adverse effects of development.

And that has been accomplished all of the while that the city has had a 23,000 increase in population over the last 40 years.

So, you know, I would leave it at that. You've heard any number of allegations. You've heard allegations that a Texas study should be definitive in evaluating the effect of conservation districts. You've said--heard that--that we shouldn't do our own research on housing costs, but we should allow, rely on studies of, in other jurisdictions.

Well, we made our best effort and the assessors and the Cambridge Community Development partners made their best efforts to study the actual effect of conservation districts in Avon Hill and Half Crown Marsh, in mid-Cambridge, on housing prices and rents, or housing prices and rents and could not find a significant correlation. Certainly not the extraordinary correlation that has been alleged in--in other, other cities.

So one of my staff members had personal experience with the city involved in the Texas study. And that was Texas. That's a totally different urban environment, so we take that with a grain of salt and we certainly reserve the right to make our own studies and our own judgment, and to make our own recommendations to the City Council on--on matters such as that.

Just briefly, to go through some of the high points of the petition. The membership requirements, the petitioners have had the benefit of reading my critique that I distributed to you last night, and I apologize again for getting that to you so late, but the wheels turn slowly here sometimes.

I would just repeat that the City Manager, when he makes his appointments, is highly aware of community conditions and the need for diversity. And so while we certainly do support diversity and there are certainly opportunities to increase the requirements for diversity, it's highly important that we retain expertise on the

commissioner--on commissions.

NCD commissions and the historical commissions are quasi, quasi-judicial bodies that are making important judgments about properties and property values. So it's essential that we have an architect, that we have attorneys if possible, if they're available, so that--so that the decisions are made, are made intelligently and within the bounds of knowledge of codes and facts and elements of design.

Limiting review by, limiting jurisdiction by preventing review of affordable housing. I would certainly say that we all support affordable housing. The Historical Commission itself has approved over \$3.5 million of preservation grants to affordable housing projects since 2013, over 100 different projects.

We are committed. We have been since, since I started in the 1970s, in our support of affordable housing agencies. Commissioners have never turned down a affordable housing project, not that any have been presented to them yet under the Affordable Housing Overlay. But there is the possibility that they, that projects might have adverse effects on communities. And these communities that have been previously designated by the City Council as having special, areas of special concern, should retain the ability to--to address the effects of projects of all sorts.

The removal of the provision that conservation district commissions can make provisions--make decisions that are stricter than zoning, while it's rarely used, is an important authority for conservation district commissions to have. That's the hammer. That's, that's why, that's how developers know that we have authority. We have the ability to make hard decisions.

The fact that we've rarely used it I think reflects that on the restraint shown by historic commissions or district commissions. I can't remember the last time it was explicitly used, although many projects have been, have been reduced in scope in the course of a public hearing process that's generally been in reaction to public participation rather than an explicit exercise of that authority.

Expanding the time limit for appeal to 60 days would be an extraordinary burden on applicants who would have two months before they could be sure that the permit issued by the commission had been, was valid.

Preventing enforcement of decisions. How can a commission function if it can't seek enforcement of its

decisions?

Among the newer amendments recently submitted by the petitioners was a provision that all decisions be non-binding. We have that provision in the Mid-Cambridge Neighborhood Conservation District and it is useful in some circumstances, but in--it's not applied in that case to properties that are on the National Register of Historic Places, that are nationally recognized as architecturally or historically significant. Those are binding decisions. That's an authority that's--that's necessary to retain.

The amendments I propose would seek to alleviate some of the concerns about the district, meet some of the goals that I share with the petitioners, and--and do it in a, in a way that I think is efficient and straightforward.

Obviously, district commissions should be directed to be mindful of the City Council's goals on affordable housing and climate resiliency, among other things. So I'd suggest adding a new Paragraph B to 2.78.220.

Membership in NCD commissions, I think those should be expanded. I think the requirements for an historical commissioner after three years should be eliminated, and--and that professional qualification should be, should be retained.

Tenants, absolutely. They have important interests in conservation districts, but our experience with tenants in the Mid-Cambridge District over 35 years has been that the provision in the Mid-Cambridge order, that a tenant should be a member of the NCD commission has been very difficult to fulfill. That's a neighborhood with 2,300 buildings, 2,200 buildings, thousands of tenants. And despite our best efforts, when we've tried to recruit tenants for that commission, we've more often than not come up short.

So by all means, let's provide for tenants where tenants are a major group of the population in the neighborhood, but as a requirement in every district, it simply doesn't make sense.

I think NCD study committees should be enlarged. They're simply too small to be representative, and I think we probably agree with the petitioners on that. But my most important request to the council is to eliminate the interim authority of the Historical Commission over the issuance of building permits in conservation districts, districts that are under study.

The NCD ordinance provides for one year of interim jurisdiction, during which the Historical Commission administers the proposed district as though it were already designated. In East Cambridge, we adopted guidelines for

other existing conservation districts that allowed us to do that.

We--but one year has never been enough time to conduct a conservation district study. No study has ever taken less than two years, some of them have taken three years. And in one previous case, we did extend the study by a year, in about 2000. And then when the, the study committee simply couldn't generate public support, we terminated that study.

Most recently in East Cambridge, the effect of the pandemic and the shutdown was to eliminate the ability to have meetings for a year. And so the one-year extension that we were allowed to give, that has now expired, simply allowed the study to continue for one year.

And we've struggled. We recognize that the interim jurisdiction is confusing and aggravating to property owners. It's an authority that does not exist in Chapter 40(c), the State Historic District Statute for Historic District Studies.

And while it can, we think it's had a good effect in East Cambridge, during our, with our interim jurisdiction, it's simply not worth the trouble that it causes the study committee. It means that it's very difficult to have a measured, logical, comfortable study process in which all points of view are represented.

So I would absolutely want to retain that interim jurisdiction for a landmark designation. Individual buildings can be taken down in an instant. And so once they're gone, they're gone. And if we can't have interim protection while we're studying a landmark, we're likely to lose any building that we're studying.

But in a neighborhood, neighborhoods are large enough and diverse enough to absorb change, even if it's adverse change, while a study is being made and recommendations being made to the City Council.

And finally I'd say that, you know, studies are studies. We've had as many studies rejected or terminated by the Historical Commission over the 38 years of this ordinance as districts have been established. The Commission has shown no hesitation in shutting down a study if there has not been demonstrable community support. We've never sent a study to you that you have not approved and accepted because we want to make sure that there is the consensus in the neighborhood in favor of the proposed district before we send it to you.

So what that means for East Cambridge? It's too soon to tell. You've heard a lot about the deficiencies of the East Cambridge study and I would simply say that it is

still a draft. It's still a draft. It's not complete. It's not complete. It's not measured, it's not fully fleshed out. And when it is, there'll be, it'll come to the Historical Commission first for a public hearing. And then when it's finally approved, it will come to you in fully fleshed out form, and then it will be something that can be discussed as an actual proposal.

So to some extent, I think the petitioners are reacting to hypotheticals in that we've never turned down on affordable housing project. We've, working with a diverse group in the neighborhood, we don't have a final proposal for consideration yet by either the neighborhood or, or the City Council. But when you do, I think you can be assured that the Historical Commission, as it has in the past, will be recommending something that we sincerely believe has firm public support. And if it doesn't have that, it won't be recommended to you.

So, I'll leave it at that. Thank you Mr. Chair and Members of the Council.

COUNCILLOR MARC C. MCGOVERN: Great. Thank you, Mr. Sullivan. Again, I cannot see the, I can see who's in the queue but I can't see the folks who are on the Zoom. Is there anyone else from the City that has a comment? No? Okay.

All right. So with that, we are at 6:30. We have, at three minutes apiece, we have at least, at least another hour-and-a-half of public comment, which will, we will need to extend the meeting in order to do that.

So I'm going to recommend that we go right to public comment. If there is a motion to reduce to two minutes, we can entertain that. If not, we will keep it at three.

I did get a, a mention from the Clerk that there are two people in public comment who, on the Zoom who have raised their hands, but did not prior to six o'clock did not actually log in to sign up for public comment.

So I'm going to, I'd like to entertain a motion that we allow those folks to, to comment, you know, at the end of public comment, even though they have not officially signed in. On that motion by Councillor Carlone, roll call.

CITY CLERK ANTHONY WILSON: on the motion to suspend the rules to allow individuals in the Zoom who have not signed up before 6:00 p.m. to provide public comment.

City Clerk Anthony Wilson called the roll:

Councillor Dennis J. Carlone - Yes

Vice Mayor Alanna M. Mallon - Yes

Councillor Patricia M. Nolan - Yes

Councillor E. Denis Simmons - Absent

Councillor Jivan Sobrinho-Wheeler - Yes
Councillor Timothy J. Toomey Jr. - Yes
Councillor Quinton Y. Zondervan - Yes
Mayor Sumbul Siddiqui - Absent
Councillor Marc C. McGovern - Yes

Yes-7, No-0, Absent-2. Motion Passed.

COUNCILLOR MARC C. MCGOVERN: All right. We are now going to go to public comments. You will have three minutes. Please state your address. You don't need to state what you're here to speak on because we only have one item on the agenda. But please state your address.

Let's try to speak obviously just to the petition that is in front of us. Let's refrain as best we can from personalities and keep it focused on, on the issue at hand and not any specific individual and direct all your comments to the Chair.

PUBLIC COMMENT

Pam Lingell, address not provided, indicated the reason people live in Cambridge is because of its diversity and feels the purpose of an NCD is being twisted to appear inequitable, when it's to protect the texture and fabric of the community, to make structures where they are copacetic to the rest of the community.

Ms. Lingell indicated the process of going in front of the Historic Commission has helped builders with a quick review process which improves the end product, and suggested adding one or two more people to accommodate diversity and renters. She stressed the importance of professionals looking at the facades of buildings.

Daniel Hidalgo, 79 Norfolk Street, broadly supports the reform process, so the issues of representation are addressed and indicated difficulties of recruiting renters is indicative that the goals of these groups don't necessarily align with the priorities and needs of a significant block of Cambridge residents, and that more effort needs to be made to make boards and groups appeal to a larger swath of the Cambridge community and responsive to the democratic process.

Mr. Hidalgo acknowledge City Council's recent effort to reform the charter to give more democratic input into boards was similar in spirit to the current petition. Mr. Hidalgo supports the idea of giving the Council the power to authorize studies as the Council is more responsive to the broader community than a self-selected group.

Alan Sadun, 24 Union Street, spoke of his experience with going to a Historical Commission meeting, noting challenges with the length of the meeting at seven-and-a-

half hours, caused by members of the public interjecting in an obstructionist manner. One Commissioner left the meeting at midnight, and the item of interest to Mr. Sadun did not come up for discussion until 1:00 a.m. This public hearing process is a barrier for citizens to provide input and participate, restricting input on decisions to a few property owners who put their own needs ahead of everyone else. Mr. Sadun spoke to the inequity of this process. Mr. Sadun supports this petition to increase the democratic accountability of the NCD process.

Mr. Sadun suggested the difficulty with tenant recruitment for committees may indicate the committee is not serving a public purpose in the public interest, and perhaps that committee's purpose and structure should be adjusted.

James Zall, 203 Cumberland Street, spoke in favor the proposed amendments to reform the City's process for establishing a neighborhood conservation district. Mr. Zall indicates the current provision that allows all of the restrictions of an NCD to take immediate effect for a year on the request of 10 residents without any oversight by elected officials is a loophole that has been exploited by small groups of homeowners looking to extend the advantages of owning property in Cambridge on the backs of the two-thirds of residents who rent.

Mr. Zall cited the housing crisis and felt that the proposed exemption of affordable housing from the restrictions of any NCD would align the conservation process with the city's housing goals, indicating it to be a moral imperative. Mr. Zall concluded his remarks by asking the Committee remedy this situation as soon as possible.

Carolyn Fuller, 12 Douglas Street, spoke in support of the petition to amend the neighborhood conservation districts ordinance language. Ms. Fuller indicated it only takes 10 registered Cambridge voters to petition the Historical Commission to initiate the process of designating a conservation district, whereas it takes 75% of residents to shut down a street for a short block party. Ms. Fuller is opposed to homeowners' interests holding more sway than tenants in this process.

Jessica Sheehan, 48 Fairmont Street, spoke in support of the petition, focusing on housing affordability. Ms. Sheehan feels the current NCD process threatens the city's goals to increase housing affordability by raising the value of existing homes and by blunting the effectiveness of democratically legitimate policy as 10 people, less than

1/20 of 1% of the 2019 electorate, can file a petition which has the power to undermine the City's goals for affordable housing. Ms. Sheehan wants an increase to the signature requirement for petitions, and spoke in favor of affordable housing to be exempted entirely, as discretionary approval causes uncertainty in the development process, increased costs that can result in delays, loss of funding, or loss of units and can discourage affordable projects from being proposed at all.

Ms. Sheehan asked the petition be passed out of Committee with a favorable recommendation.

Suzanne Blier, 5 Fuller Place, spoke of the difference between the City of Cambridge and Dallas, Texas. Ms. Blier also stated residences closest to transit are valued more highly in terms of property values and disputed the assertions the Petitioner made in his presentation.

Ms. Blier indicated her support for renters and stated that based on studies in Cambridge and elsewhere that conservation districts either are neutral or lower the increasing costs of property values. She emphasized the importance for affordable housing to have good design review, citing problems with Walden Square.

Ms. Blier concluded by stating the petition would relegate Cambridge's rich cultural and architectural history to the sidelines, and disputed the petitioner's assertions with respect to racial justice, diversity and equity.

Susannah Tobin, 3 Arlington Street, Vice Chair of the Historical Commission voiced her support for Mr. Sullivan's proposed amendments, and expressed a desire for points of agreement form the foundation of a continuing conversation between the petitioners, the Commission, and the Councillors to lead to successful improvement of ordinance.

Bruce Irving, 32-C Cushing Street, Chairman of the Historical Commission, echoed the remarks of Susannah Tobin and his desire for the overlap of common goals between the parties to contribute to the revamping and updating of the rules and regulations going forward.

John Whisnant, 61 Otis Street, spoke in opposition to the petition. He indicated it would create an ordinance by which conservation districts can be eliminated, reduced, or redefined by the City Council. As well, he indicated it would result in conservation district commissions being staffed solely on the requirement of diversity, without the requisite expertise.

Mr. Whisnant also indicated it would result in the majority of the neighborhood residents on commissions not

being property owners, and that Historical Commission members would no longer directly participate.

Mr. Whisnant also stated it would result in the ability of 30 registered voters to petition to rescind landmark designations or 100 registered voters could rescind a neighborhood conservation district. Mr. Whisnant mentioned the possibility of 100 voters petitioning to rescind a conservation district as a result of attending a developer's pizza party.

Mr. Whisnant then indicated this approach to governance would result in expertise, civic duty and commitment to long term goals and objectives being replaced by individual whims. Mr. Whisnant urged City Council not to support the petition.

Katiti Kironde, 1111-A Mitcham Road. Ms. Kironde concurred with the comments by Mr. Sullivan and Mr. Whisnant. Ms. Kironde indicated Cambridge as one of the hottest real estate areas, resulting in gentrification and long-term residents being forced out. Ms. Kironde indicated the current system of neighborhood conservation districts has worked well in Cambridge for many years and feels the petition would destroy it. Ms. Kironde indicated there wasn't enough housing supply to address housing affordability, and the petition furthers the interests of real estate investors and developers, would stymie or terminate current conservation processes, leading to the demolition of key examples of our rich and varied architectural history, which gives Cambridge its character and identity. Ms. Kironde highlighted the West End as an example, and indicated the potential for destruction of the tree canopy and open spaces. Ms. Kironde urged the Committee to oppose the petition.

Marilee Meyer, 10 Dana Street, referred to the petition as a political maneuver before an election motivated by interpersonal disputes. It supplements the AHO which recognizes conservation districts and eliminates professional expertise in favor of investment development. Ms. Meyer stated that ordinances cannot enforce participation. She further indicated The East Cambridge study did not stop 200 permits, of which 14 went to full commission meetings and all were approved. She feels the petition muddles the line between CHC, zoning and CDD. She spoke of the challenges with getting renters involved, and indicated City Council is far from qualified to make decisions on board makeup for historical values and that such a process would be ripe for favoritism.

Ms. Meyer indicated emotional arguments and ideology

were being pitted against concrete legislation and city planning, and indicated volume is an issue, as well as complex. Ms. Meyer also questioned what the 40(c) regulations of the Massachusetts State House have to do with the proposed amendments.

Keya Tannenbaum, 93 Alpine Street, spoke of the importance of historical conservation. She commended the work of the Historical Commission and the service of its commissioner and staff and thanked them for their expertise and guidance.

Ms. Tannenbaum supports the NCD ordinance changes before the committee, and indicated her neighborhood was recently the subject of a citizen's petition to start an NCD and the need for community engagement. She indicated NCDs bring a host of regulations to bear on every property owner in a district, so there should be a high bar for community engagement in order to forward a proposal like this. She echoed Councillor Nolan's comment that it takes 75% of a city block to sign a petition to hold a block party, yet it takes only 10 signatures to put in motion a regime that will affect hundreds of families in a financially impactful way.

Ms. Tannenbaum, upon her neighborhood receiving notice that an NCD proposal would be heard, 113 neighbors signed a petition saying they did not want such a proposal to move forward, indicating that the 100-signature proposed threshold is not too high a bar to require for citizen engagement in the conservation process.

Ms. Tannenbaum stated the current NCD rules do not encourage community education. In her neighborhood, a requesting petition was submitted with 13 signatures and a hearing was held with insufficient notification to other residents of the hearing.

Bryan Mclaughlin, address not provided, thanked the Historic Commission for their help on a recent project and spoke about notification, and the challenge of participation. He felt broader consensus of residents over more meetings might be helpful. Mr. Mclaughlin also raised the importance of considering costs to homeowners and the interest of the public good. Mr. Mclaughlin feels there should be a standard deviation and a mean of what these measures impose on projects and those be transparent to the neighborhoods, allowing residents to vote on what's an acceptable amount for their economic ability of the neighborhood.

Mr. Mclaughlin also indicated the developers are the ones that have the money to keep after the Historic

Commission, not the residents, as residents move out when they can't afford to renovate their property to these technical standards.

Audrey Cunningham, 49 Gore Street, stated conservation districts have nothing to do with affordable housing or increasing home values. Ms. Cunningham took exception to the petitioner's use of the phrase "older White homeowners." Ms. Cunningham was opposed to limiting the number of resident homeowners from two to one homeowner, and stated that renters are more transient and people who don't own property should not be telling homeowners what to do with their property. Ms. Cunningham indicated other conservation districts in the city have been deceived by developers, with the exception of East Cambridge and feels this petition is being promoted by a developer. Ms. Cunningham indicated the importance of designating East Cambridge a conservation district and asked the Committee to reject the petition.

Bryan Doran, 48 Spring Street, spoke in favor of the petition, supporting the provision of increasing the number of residents who can initiate a study to 100. Given 73% of the East Cambridge electorate voted in the last election, Mr. Doran did not feel engagement would be an issue.

Mr. Doran also supported City Council review prior to study groups go into place, as well as the sunset provision and renewal, to ensure it reflects the desire of the electorate.

Carole Perrault, 29 Lewis Road, Belmont, felt the Neighborhood Conservation District Ordinance was a highly effective planning tool as it is structured and should not be amended as proposed. Ms. Perrault spoke of her time as a 13-year member of the Mid-Cambridge NCD as a renter and architectural conservator, indicating she was displaced out Cambridge when her landlord of four decades sold to a developer who renovated it into luxury rentals.

Ms. Perrault values Cambridge's historic and architectural character, open space and tree canopy and the need for NDCs to protect neighborhoods from detrimental environmental forces.

Marie Saccoccio, 5502 Otis Street, indicated her breadth of interest in preservation of Cambridge's history. Ms. Saccoccio expressed her concern with unbridled development and outlined her efforts to establish a conservation district in East Cambridge and the challenges brought by opposition to her efforts.

Ms. Saccoccio stated Mass General Law Chapter 40(c) provides standing to homeowners and finds this petition to

be devoid of foundation in law, as it is based on equity and diversity. Ms. Saccoccio also indicated there was political intervention in the process of establishing an NCD in East Cambridge.

Dan Eisner, address not provided, expressed strong support for the NCD petition and spoke about the historical context of various neighborhoods in Cambridge where historically builders built what they could, where they could, because people needed places to live and neighborhoods weren't prevented from adapting to the needs of the time.

Mr. Eisner highlighted the present-day need for housing Cambridge's workforce and lower-income residents, and feels that the current NCD ordinance fails to take these needs into account, and it prioritizes aesthetics over affordability.

Mr. Eisner stated striking architecture should be historically preserved, but the focus should be on adapting to the present-day needs of residents.

Catherine Zusy, address not provided, urged the Committee to reject the Crowe petition, and to instead support neighborhood conservation districts as a tool to safeguard the neighborhood integrity of four communities.

Ms. Zusy indicated the importance of Cambridge's historic fabric and that the Petition, in the name equity, inclusion and access, aspires to weaken neighborhood conservation districts and encourage insensitive and rampant development. Ms. Zusy stated NCDs promote the cultural, economic and general welfare of the residents and why such designations are needed to protect and preserve community character.

Elizabeth Gombosi, 42 Irving Street, spoke in opposition of the petition, as she feels it would undermine the very core of what makes people want to visit and live in Cambridge, and that NCDs protect what makes Cambridge unique.

Ms. Gombosi spoke of the damage done between 1962 and the adoption of the Mid-Cambridge Neighborhood Conservation District in 1983, and feels this petition seeks to undo what others have worked so hard to protect. The petition would only benefit developers and investors at the expense of all Cambridge citizens. Ms. Gombosi was opposed to the petition as it relates to professional qualifications of commission members. Ms. Gombosi also opposes removing affordable housing from review in NCDs and historical districts.

Doug Brown, 35 Standard Street, spoke in opposition to

the petition, and indicated the petition to be inherently illegitimate under Massachusetts law, and would set a troubling precedent for future governance, and referenced Massachusetts General Law Chapter 43 as the only one mechanism provided for city-sponsored changes to municipal ordinances. Mr. Brown also stated the State Statute governing non-binding public opinion advisory questions was not applicable to this matter, as the petition would result in rewriting a binding municipal ordinance.

Fritz Donovan, 42 Irving Street, was opposed to the petition, indicating it would eliminate expertise to the benefit of developers. Mr. Donovan emphasized the importance of expertise on the Cambridge Historical Commission. Mr. Donovan also claimed the petition was contrary to Massachusetts law, and that the petition should be tabled and allowed to die.

COUNCILLOR MARC C. MCGOVERN: Before we go, Mr. Whelans, if you could just hold on one second. We have about maybe 9 or 10 more speakers. At three minutes apiece, if they take their time, that's another 30 minutes.

So I'm going to recommend that we extend the meeting. I assume that after the speakers, there'll be some summary comments or, you know, but we can recess at that point. So let's extend the meeting to eight o'clock and see where we are, because it's supposed to end at 7:30. So we'll extend the meeting to 8:00, that gives us the 30 minutes to get all the public comment in and we'll go from there.

So do I, on a motion by my Co-Chair, Councillor Carlone, to extend the meeting to 8:00 p.m. Roll call.

City Clerk Anthony Wilson called the roll:

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

Yes-8, No-0, Absent-1. Motion Passed.

PUBLIC COMMENT

Phillip Whelans, 651 Green Street, opposes the petition and indicated he would like to see the Commission strengthened, following the process for revision suggested by the City Manager. Mr. Whelans spoke to Cambridge's rich history and the need to preserve it. Mr. Whelans spoke to the need to preserve the tree canopy, and felt the petition

was based on personal feelings, and indicated it fails to comply with Chapter 40(c), mentioning Hancock Village and Brookline, a case decided in 2019. He feels the petition does not meet the procedural and substantive requirements of 40(c).

Saul Tannenbaum, address not provided, President of the Society for Industrial Archaeology, provided background of his organization and historic preservation focus on the industrial history of America. He indicated the cycle of industrial renewal has led to Cambridge's housing crisis, driving up the cost of housing, making the neighborhood unobtainable for today's working class.

The preservation process that privileges landowners creates a class and indicated it was the responsibility of the council to recognize the larger context in which preservation happens, and recognize that preservation competes with other equally important community values.

He stated the Crowe petition seeks to democratize the neighborhood preservation process, providing greater legitimacy. Council oversight ensures that the preservation process reflects the overall values of the community, and periodic review acknowledges Cambridge is a dynamic, changing city.

Patrick Magee, 877 Cambridge, President of the East Cambridge Business Association spoke in support of the proposed amendments to Chapter 2.78 of the Municipal Code, highlighting the need to better incorporate the voice of the small business community.

Mr. Magee is opposed to Cambridge Street being included in the EC NCD study and was dissatisfied with the public outreach and inclusion of the business community's viewpoints in the study, and the unwillingness of commissioners to include the opinions of all residents or interested parties.

Mr. Magee emphasized the need to bring historically ignored voices to the table to collectively strive to create the best version of Cambridge today.

Heather Hoffman, 213 Hurley Street, spoke of the excessive noise from construction in East Cambridge, and that this petition would only result in increased construction. Ms. Hoffman stated neighborhood conservation districts exist to make Cambridge better, and spoke in support of the City Manager's comments.

Christopher Schmidt, 17 Laurel Street, spoke to NCDs being used to affect what can be built in size and scale is subverting zoning requirements and that City Council should be controlling that process. Mr. Schmidt spoke to the lack

of representation and diversity on neighborhood conservation districts, stating it was indicative of problems with the broader process.

Mr. Schmidt expressed appreciation that recent City Councils have realized the conflicts that many zoning requirements had negative effects on other goals of City Council, and that passing the Affordable Housing Overlay speaks to that. Mr. Schmidt hoped the NCD Ordinance could be evaluated taking into account a more modern view of the goals and needs of Cambridge moving forward.

James Williamson, address not provided, found the petition to be disingenuous and lacking merit, and lacking a mention of renters living in affordable housing. Mr. Williamson states that commercial real estate development is the cause for rendering housing unaffordable.

Mr. Williamson suggested the Historical Commission be strengthened and have more resolve in fighting for architectural preservation.

Patrick Barrett, 41 Pleasant Street, spoke in support of the Crowe petition and the importance of representation and working together in the process. Mr. Barrett feels the Historical Commission is being used as a sword and not the shield that it should be. Mr. Barrett expressed the importance of City Council recognizing their part in the discussion and contribute going forward in a more collaborative manner. Mr. Barrett asked the Committee to provide a favorable recommendation to the petition.

Francesca Gardini, address not provided, spoke as a renter, immigrant and member of the study committee for the neighborhood conservation district of East Cambridge. Ms. Gardini indicated homeowners end up selling because the cost of the land has reached sky high value, and it's easier to sell a derelict property for millions instead of renovating. Ms. Gardini highlighted East Cambridge's affordability, indicating it is affordable because it's been preserved.

Ms. Gardini also emphasised that the supply system for utilities and infrastructure would not support high density. Ms. Gardini strongly opposes the petition.

COUNCILLOR MARC C. MCGOVERN: Thank you. So that concludes our public--public comment signups. We have a few minutes before the--the meeting adjourns. My suggestion, I'll go to you, Mr. Co-Chair, here in a second.

My suggestion is that we recess to another date so that we can come back and actually get into the discussion. Mr. Co-Chair.

COUNCILLOR DENNIS J. CARLONE: Thank you, Mr. Chair. I

think in the time between this meeting and the next meeting, we should ask for each side, the petitioners, the Historic Commission, to talk about where there's commonality. You know, and what I mean by that is Mr. Sullivan has proposed some amendments. Maybe it doesn't go far enough for the petitioners.

But this is so complex that we need the experts, which is the petitioner and Mr. Sullivan, to look at this and say yes, no, yes, no, and why?

I think there is a middle ground. Mr. Sullivan has said that there are things that do need to be updated. People who love preservation have said things to the same extent.

So I think we can follow your suggestion but lead it so when we do begin again, we can focus on that instead of starting all over again. Because I'm impressed with the breadth of both presentations.

I think Mr. Sullivan's response coming late, because of the way the City operates, getting us information late. Not Mr. Sullivan, through the other offices that had to review this, has actually hurt the dialogue between the two sides, so we can focus on that.

I have lots of comments like all my colleagues do, but I will hold off until next time.

COUNCILLOR MARC C. MCGOVERN: Thank you. And I will go to Councillor Zondervan in a second, but Councillor Carlone as is--and for the public, as is often the case as Co-Chairs of the Ordinance Committee, we meet consistently with folks who have filed petitions and people from the City to try and figure out things and find common ground, and think about, answer questions and whatnot. So I would certainly think that this would be an appropriate time for us to continue that, so you and I can certainly work on that and get folks to the table.

I have Councillor Zondervan and then I will go, I don't know if there's anyone in the chamber. But again, I'm asking that, you know, if we can try, let's--I don't want to open the door to a bunch of comments, because then everyone's going to want to comment. And I think we need to, unless we're going to extend the meeting again, we're not going to have time for that. So please be brief, Councillor Zondervan.

COUNCILLOR QUINTON Y. ZONDERVAN: Thank you, Mr. Chair. I agree with Councillor Carlone, and you heard from Mr. Sullivan as well that the ordinance deserves some, a review of some updates.

But my question briefly is whether this petition is

properly before us, or whether we should think of it more as a, as an advisory letter to the Council that says maybe we should make this amendment. But it's not a zoning petition, that was pointed out in public comment, so we're not following that process.

So I'm a little bit confused about how the petition is before us. So if we could get some clarification on that and maybe even a legal opinion, I don't know if that's needed, but you know.

COUNCILLOR MARC C. MCGOVERN: Yep, we will do that. And as usual, if Councillors have questions that they want addressed by staff or the petitioner by the next meeting, you can send that, send those to us as Co-Chairs of the Committee.

Again, I know that Ms. Nolan, Councillor Nolan has her hand--again, I just again, let's, we're either going to go down this road of, of all of us commenting or not.

So, we have two minutes. Vice Mayor, did you have your hand up? No? Okay. Councillor Nolan, please be quick.

COUNCILLOR PATRICIA M. NOLAN: 15 seconds. I just agree we need a legal, there has been several legal questions raised about whether this is properly before us. And also particularly whether there's a question of following 43(b) or whatever was mentioned, so I really want to legal position before we come back. Thank you. I yield.

COUNCILLOR MARC C. MCGOVERN: We will get those answers. So I'm going to recommend, move that we recess. Roll call.

City Clerk Anthony Wilson called the roll:

Councillor Dennis J. Carlone - Yes
Vice Mayor Alanna M. Mallon - Yes
Councillor Patricia M. Nolan - Yes
Councillor E. Denis Simmons - Yes
Councillor Jivan Sobrinho-Wheeler - Yes
Councillor Timothy J. Toomey Jr. - Yes
Councillor Quinton Y. Zondervan - Yes
Mayor Sumbul Siddiqui - Yes
Councillor Marc C. McGovern - Yes
Yes-9, No-0, Absent-0. Motion Passed.

COUNCILLOR MARC C. MCGOVERN: Thank you all. Have a wonderful night. Thank you.

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, **Susan Ireland**, 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 10th day of January 2023.

S. Ireland

Signature of Transcriber