



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	December 3, 2019
Subject:	Harvard Square Overlay District Zoning Petition
Recommendation:	The Planning Board recommends ADOPTION, with modifications.

To the Honorable, the City Council,

On November 19, 2019, the Planning Board (the “Board”) held a public hearing to discuss the zoning petition (the “Petition”) by Suzanne P. Blier, et al. (the “Petitioner”), to amend Section 20.50 Harvard Square Overlay District and Harvard Square Historical Overlay District. The proposed changes include revisions related to development review procedures, parking and loading requirements, density, and retail and other ground-floor commercial establishments. The Board received information and testimony from a representative of the Petitioner, Community Development Department staff, and members of the public. Following deliberation, the Board voted to recommend that the City Council adopt the Petition with the below-mentioned provisions with eight members voting in favor and one member voting in opposition.

The Board was generally supportive of the goals of the petition, particularly the removal of regulatory barriers for small, local, independent retail businesses. Overall, the Board is supportive of measures that ensure the unique character of Harvard Square and its long-term economic viability. There was a consensus among members that action needs to be taken to improve Harvard Square, though zoning is only one tool and cannot singlehandedly overcome larger economic challenges to the success of these businesses. Board members were also encouraged by the support and consensus from diverse stakeholders.

The majority of Board members broadly supported the proposed changes, although some members remarked that it may have been preferable to consider this petition after the completion of the Harvard Square Conservation District Study Committee report. Some members also remarked that some of the issues raised by the petition, such as Fast Order Food Establishment special permits, could be addressed citywide with guidance from the *Envision Cambridge* comprehensive plan instead of amending the zoning only in Harvard Square. Nevertheless, the Board on balance felt comfortable with recommending that City Council enact the proposed amendments for Harvard Square in a timely manner and hopes that such issues could still be addressed at a citywide level in the future.

The Board recommends the following changes to the Petition prior to adoption:

- In Section 20.54.1, Paragraph 2, the language regarding frequency of meetings is unclear. Monthly meetings may be too frequent given the amount of business before the committee, but it is not clear who would determine how many meetings are “deemed required.”
- In Section 20.54.1, Paragraph 4, replace the requirement that one member of the Harvard Square Advisory Committee be affiliated with Harvard University with a more general requirement to be affiliated with an institution in the area. The Board felt it was inappropriate to dedicate a seat to a representative from Harvard University. Also, rather than “appoint a Chair,” the language should read “elect a Chair.”
- Remove Harvard Street from the list of streets identified in Section 20.54.3(1) and add Arrow Street to that list. The Board did not see a rationale for allowing retail uses on Harvard Street as-of-right given that it is primarily residential and there are currently no retail establishments there. The Petitioner testified that they unintentionally omitted Arrow Street from the text of the zoning petition but intended to include it.
- Remove the frontage limitation on Cannabis Retail Stores contained in Section 20.54.9. The Board feels strongly that it is inequitable to selectively limit Cannabis Retail Stores in certain areas of the city and that doing so conflicts with both state legislation and citywide policy. Members agree that the current restrictions on these establishments are sufficient and that new regulation is not necessary.
- Regarding the frontage limitation on banks and financial institutions contained in Section 20.54.9, increase the limit from 20’ to 25’ and allow a waiver by Planning Board special permit provided that the intent of the district is met. These changes would make the provision more consistent with a similar restriction in the Central Square Overlay District and the Board felt that those standards provide adequate protection with necessary flexibility to account for site-by-site circumstances.
- Provide a clearer meaning of “frontage” in Section 20.54.9 and clarify that it applies on the ground floor only.

The Board also asks that the City Council consider the following concerns that were raised by Board members when considering the Petition:

- Board members were unsure about removing the required payment for waiving parking and loading requirements contained in Section 20.54.4 of the current zoning and encouraged more analysis of the rationale for that provision. Some members suggested adjusting the provision rather than removing it, perhaps by calculating the contribution differently, in order to ensure that mobility-based needs are met.
- Some Board members expressed concern about the restrictive treatment of Formula Businesses in the proposed petition. While there is a strong desire for local and independent retailers, Board members noted that Formula Businesses can provide affordable goods and services to a broad range of community members who would otherwise have to purchase them outside of Cambridge. Some Board members supported removing restrictions on Formula Businesses citywide.
- Some members were concerned that the additional FAR that would be allowable by special permit, without limitation, could provide a windfall to property owners that is not tied to any specific requirement to support ground-floor retail. The Board discussed the

possibility of including specific criteria to ensure that there is adequate protection and support for retail businesses where FAR above the zoning limitations is being sought.

- Some Board members expressed concern that these changes might preemptively conflict with the Affordable Housing Overlay proposal, if it is advanced in the future. Board members asked that this issue be analyzed further.

Respectfully submitted for the Planning Board,

Catherine Preston Connolly (SS)

Catherine Preston Connolly, Chair.